Who Is at Fault in a New York City Double-Parked Car Accident?

A Common Sight, an Uncommon Legal Question

Double-parked cars and delivery vans are part of daily life on New York City streets. Trucks stop in travel lanes, and drivers wait outside delis with their hazards flashing. When someone gets hurt in a car accident near one of them, the injuries can be as severe as in any other crash.

Many injured New Yorkers assume the illegally parked vehicle is automatically to blame. New York law doesn't work that way. The New York City car accident attorneys at Giampa Law look at where the vehicle stopped, how much warning other drivers had, and what the double-parked driver was doing.

Those details often decide whether a parking violation was a legal cause of the crash, which shapes every claim that follows.

Key Findings

- **Parking Violations Don't Settle Fault** – Double parking breaks state law, but the owner is liable only if the vehicle's position helped cause the crash.
- **Courts Often Send the Question to a Jury** – New York appeals courts have repeatedly left it to juries to decide whether a double-parked vehicle caused a collision.
- **Rear-End Crashes Can Involve Shared Fault** – A driver who hits a double-parked vehicle from behind may carry much of the blame, but the double-parked driver can still share it.
- **A 2026 Rule Raises the Stakes** – In motor vehicle personal injury lawsuits covered by New York's no-fault law and started on or after May 26, 2026, an injured person whose fault exceeds the combined fault of the defendants they sue cannot recover damages.
- **Evidence Disappears Fast** – Video, delivery records, and witness accounts can show how long the vehicle sat there and whether it blocked anyone's view.

Why Double Parking Doesn't Automatically Mean Fault

State law generally prohibits double parking. Vehicle and Traffic Law Section 1202 bars stopping or parking on the roadway side of a vehicle already at the curb.

Breaking that rule can be evidence of negligence, but it doesn't make the owner automatically liable. Courts require proof that the vehicle's position helped cause the crash. Being present isn't enough.

The law separates a vehicle that merely set the scene from one that was a proximate cause, meaning a legal cause, of the crash. A car double-parked on a quiet block, visible from a distance, may have broken a rule without causing anything.

A car that hides a crosswalk, or forces traffic into the oncoming lane, is a different story. The difference between those two situations is often what a case comes down to.

This distinction shapes how adjusters weigh fault in a New York car accident from the first phone call. It also shapes how a jury weighs the evidence at trial. A victim who assumes fault is obvious can be caught off guard when the insurance company disputes it.

When Can a Double-Parked Vehicle Be Held Liable?

A double-parked vehicle can be held liable when it does more than sit where it shouldn't. The common thread is that the vehicle's position or the driver's conduct helped set the crash in motion. Fact patterns that can support liability include:

- **Blocks an Active Travel Lane** – A car or truck forces approaching drivers to stop suddenly, cross the center line, or enter an occupied lane.
- **Obstructs a Driver's View** – The vehicle conceals an intersection, traffic signal, stop sign, cyclist, pedestrian, or approaching car.
- **Creates an Unsafe Merge** – Drivers have too little space to pass without sideswiping another vehicle or moving into oncoming traffic.
- **Is Difficult to Detect** – Darkness, weather, poor lighting, the vehicle's position, or missing warning lights keep approaching drivers from spotting it in time.
- **Creates a Loading Hazard** – Cargo, hand trucks, delivery workers, passengers, or open doors extend into the roadway or bike lane.
- **Moves Without Warning** – The driver suddenly reverses, pulls forward, opens a door, or enters traffic without checking for vehicles and cyclists.
- **Occupies a Particularly Dangerous Location** – Double parking near an intersection, crosswalk, curve, hill, school, bus stop, or busy commercial strip can make a collision more foreseeable.

New York appeals courts have applied this reasoning to a range of street situations. In *White v. Diaz*, the Appellate Division, First Department, pointed to several earlier cases.

Those cases involved an illegally parked bus that blocked views at a crossing, a double-parked ice cream truck, and a double-parked utility truck.

In each one, whether the parked vehicle helped cause the crash was a question for a jury. A judge couldn't simply decide it on paper. Knowing how these cases have played out shapes what evidence gets gathered and how the argument is framed.

The Second Department reached a similar result in *Adams v. Lemberg Enterprises, Inc.*, where a man standing behind a double-parked truck was pinned against it by another vehicle. The court ruled that a jury should decide whether the double parking caused the accident.

Can the Double-Parked Driver Share Fault in a Rear-End Crash?

Yes, in some cases. New York generally presumes that a driver who rear-ends a stopped or stopping vehicle was negligent.

That presumption ties back to Vehicle and Traffic Law Section 1129. It bars following another vehicle more closely than is reasonable and prudent.

In most rear-end crashes, that presumption puts the rear driver on the defensive from the start. Double parking can complicate the picture.

The rear driver may still carry most of the blame. But the presumption doesn't automatically clear a vehicle stopped where it had no right to be.

The *White* case involved an Access-A-Ride van double-parked on First Avenue in Manhattan to pick up a passenger. A driver who had fallen asleep hit it from behind, injuring the passenger who had just climbed in.

The court held that a jury could find a rear-end crash was a foreseeable result of double parking there. In other words, the van's operator could not escape the case simply because another driver struck it from behind.

For an injured passenger, cyclist, or driver, that can open more than one source of recovery. The police report rarely settles these claims on its own. The vehicle's exact position, how long it sat there, and how much warning other drivers had all become central.

Proof That Can Make or Break a Double-Parking Claim

Because these cases turn on timing and sight lines, evidence matters even more than usual. Surveillance and dashcam footage can show how long the vehicle sat and whether its hazard lights were on. It can also show whether the vehicle hid a pedestrian or cyclist.

That footage can be lost quickly, so it should be requested right away. When the vehicle is a commercial truck or van, delivery logs, location data, and dispatch records can show where it stopped. Witness names, scene photos, and the vehicle's distance from the curb round out the picture.

How New York's Shared Fault Rules Affect These Cases

Under New York's comparative negligence rules, more than one party can share fault for a crash. An injured person's award is reduced by their own share of fault. For decades, that reduction applied no matter how large their share was.

That changed for many car crash lawsuits in 2026. Under Civil Practice Law and Rules Section 1411(b), an injured person in a motor vehicle injury case can now recover nothing.

That happens when their fault is greater than the combined fault of the people they're suing. A 50/50 split still allows a reduced recovery.

The rule applies to actions started on or after May 26, 2026, according to the New York State Department of Financial Services. In a double-parked vehicle case, that makes identifying every responsible party even more important.

Imagine a driver swerves around a double-parked delivery van and hits a cyclist in the next lane. The van's owner may bear some responsibility for creating the hazard. The driver who swerved may bear responsibility for how the move was made.

The insurance companies may also try to blame the cyclist's position or visibility. When the 2026 rule applies, the injured person's share is compared with the combined share of everyone they sue. Leaving a responsible party out of the case can cost them their recovery.

Ownership matters too. Under Vehicle and Traffic Law Section 388, an owner is generally liable for a permitted driver's negligence. If a city or other public agency owns the vehicle, a notice of claim generally must be served within 90 days.

Here's how responsibility can spread across the people and companies involved, and the evidence that can test each one:

Party	How They May Share Fault	Evidence That Can Test It
The Double-Parked Driver	Blocked a travel lane, hid a crosswalk, opened a door, or pulled out without looking	Street and dashcam video, photos of the vehicle's position, witness accounts

Party	How They May Share Fault	Evidence That Can Test It
The Vehicle's Owner or Employer	Liable for a permitted driver's negligence, or for an employee working at the time	Registration, rental or lease records, delivery logs, route data
The Approaching Driver	Speeding, following too closely, distraction, or an unsafe pass around the vehicle	Vehicle event data, phone records, skid marks, traffic camera footage
A City or Public Agency	A city-owned truck or bus stopped where it shouldn't have been	Agency records, plus a notice of claim served within 90 days

Cases with several potentially liable parties are where early legal help matters most. Each insurance company will try to push blame toward someone else. A victim without a lawyer can end up caught in the middle.

Don't give a statement to another driver's insurer; refer those calls to your attorney.

What Injured Victims Can Recover

New York's no-fault system pays medical bills and lost wages up to $50,000 per person, no matter who caused the crash. Pain and suffering damages require a serious injury as defined in Insurance Law Section 5102(d).

For lawsuits started on or after May 26, 2026, the old 90/180-day category no longer counts as a serious injury. Economic losses beyond the no-fault limit can also be pursued against the at-fault party. Recoverable damages can include:

- **Medical Expenses** – Emergency treatment, hospitalization, surgery, physical therapy, and ongoing care tied to injuries from the crash.
- **Lost Income** – Wages missed during recovery, along with reduced future earning capacity for victims left with lasting injuries.
- **Pain and Suffering** – Compensation for physical pain, emotional distress, and the disruption a serious injury causes to daily life.
- **Wrongful Death Damages** – When a loved one dies in a crash involving an illegally parked vehicle, families can pursue medical and funeral costs and lost financial support. Estates, Powers and Trusts Law Section 5-4.3 limits these damages to financial losses, so careful proof matters.

Every one of these categories requires documentation, and insurance companies often challenge what a claim is worth when liability is already contested. A victim juggling medical appointments and lost paychecks is rarely in a position to also fight an adjuster over the value of the claim.

Get Serious About a Double-Parked Vehicle Accident Claim

Insurance companies will use every uncertainty in a complicated crash to shift blame and reduce what they pay. Our Bronx car accident lawyers investigate the entire collision, including video, vehicle positions, commercial records, insurance coverage, and the conduct of every driver involved.

Our case results include a $1.5 million settlement for a Bronx rear-end accident that was never reported to police. We also obtained a $1.4 million settlement for a client who suffered a cervical injury in a rear-end crash while driving a company van. Past results don't guarantee a particular outcome.

Did a double-parked car or truck play a role in your New York City crash? Schedule a free consultation to learn more about your legal rights and options. We charge no attorney's fee unless we win.