

# BRONX RESIDENTS

May 22, 2017

Parks and Recreation Committee  
Bronx Community Board 8  
5676 Riverdale Avenue, Suite 100  
Bronx, New York 10471-2194

Re: Public Safety Issue & Olenick v. NYC / Putnam Trail

Dear Committee Members:

We are bringing to the attention of the Parks & Recreation Committee of Bronx CB8, a court case decided by the Supreme Court of NY which deals with the public safety aspect of multi-user paths. The case directly impacts all multi-use trails in New York City and sets a precedent for municipal liability in accidents and injuries on such trails. In light of this ruling, we hope that there will be renewed attention given to this neglected aspect of public safety within the scope of the Putnam Trail project.

On May 4, 2017, the Supreme Court of NY ruled in the case of Olenick v. NYC that the city failed to do an adequate study on the safety of its multi-user pathway on the Brooklyn Bridge.<sup>1,2</sup> The court stated that the marking of lanes was insufficient to ensure public safety and as a result, the city's claim to immunity was denied by the court.

The case cites specific instances of collisions between pedestrians/cyclists on the Brooklyn Bridge mixed-use path. We feel that the risks of similar collisions would be especially heightened in an area like the Putnam Trail in Van Cortlandt Park.<sup>3</sup> The Trail has historically been used by walkers, joggers, birders, and, with asphalt paving, would have the introduction of highspeed biking.

In a 2016 letter to the Public Design Commission, the Hudson River Audubon Society stated that birding was not possible on the South County Trail (SCT) due to bike traffic.<sup>4</sup> We feel that should the Putnam Trail be paved, the situation would only get

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<sup>1</sup> <http://www.newyorklawjournal.com/id=1202785627244/Olenick-v-NYC-2346611?mcode=1202618855392&curindex=1&slreturn=20170415121031>

<sup>2</sup> <http://law.justia.com/cases/new-york/other-courts/2017/2017-ny-slip-op-27143.html>

<sup>3</sup> "An accident ... occurred on the bridge on August 18, 2008, when a child ran into the bike lane injuring a cyclist; collisions on May 7, October 19, November 3 and November 19, 2009, and June 25, 2010, involving pedestrians and cyclists; an August 21, 2009 accident in which a cyclist ran over a pedestrian's foot; and an accident on November 18, 2009, in which a cyclist fell while swerving to avoid a pedestrian." Olenick vs NYC, May 4, 2017,

<sup>4</sup> see attached letter.

worse for users such as bird watchers and school groups – user groups characterized by stopping-and-starting and relatively irregular movement along the trail. We feel that high-speed users will run the slow-moving users to the fringe of the trail experience – if not drive them off the trail altogether. Most people would rather avoid dangerous trails.

We would like to ask the Parks Commissioner, Mitchell Silver, to do a Public Safety Study that would inform the Putnam Trail design. We feel that the request would have more weight if the Community Board joined us in asking for this Study.

Lastly, we would like to note that there is also an alternate bike path that is already paved and approximately the same length as the Putnam Trail in Van Cortlandt Park. Please see the attached map. This path is rarely, if ever, used by slow-moving users. Maintaining that path and including it more prominently in signage for cyclists, rather than paving a well-used mixed-use nature trail, can lead to a safer, more efficient and more enjoyable use of parkspace by a variety of users.

Thank you for your attention to this matter.

Yours truly,

*Suzanne Corber*  
Suzanne Corber

*Margarita Eremeyev*  
Margarita Eremeyev

*Jennifer Scarlott*  
Jennifer Scarlott

*Sergei Vorobyev*  
Sergei Vorobyev

Attachments