

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Akhtar v. Fiala

116 A.D.3d 638 (1st Dep't 2014) · Decided April 29, 2014

SUMMARY

The court unanimously confirmed the New York State Department of Motor Vehicles’ 180-day suspension of the petitioner’s driver’s license and dismissed the CPLR article 78 proceeding. It held that substantial evidence supported the finding that the petitioner failed to yield the right of way under 34 RCNY § 4-03(a)(1)(i), causing a pedestrian fatality, and rejected the petitioner’s arguments concerning interpretation of the traffic rule.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Gonzalez, P.J.; Sweeny, J.; Moskowitz, J.; Richter, J.; Clark, J.
JURISDICTION	New York
DECIDED	April 29, 2014
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought CPLR article 78 review of a New York State Department of Motor Vehicles determination suspending the petitioner's driver's license for 180 days. Supreme Court transferred the proceeding to the Appellate Division.
STANDARD OF REVIEW	An administrative determination will be upheld when it is supported by substantial evidence and has a rational basis in the record.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Akhtar v. Fiala

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- statutory interpretation
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Department of Motor Vehicles' determination that petitioner violated 34 RCNY § 4-03(a)(1)(i) was supported by substantial evidence and had a rational basis in the record.
2. Whether 34 RCNY § 4-03(a)(1)(i) conflicted with Vehicle and Traffic Law § 1141.
3. Whether the administrative law judge misconstrued or misapplied the traffic rule.

HOLDINGS

1. The determination suspending petitioner's driver's license was supported by substantial evidence and had a rational basis in the record.
2. The traffic rule requiring a driver facing a green light to yield to vehicles lawfully within the intersection or an adjacent crosswalk does not conflict with Vehicle and Traffic Law § 1141, which addresses the duty of a left-turning driver to yield to approaching vehicles.

KEY QUOTATIONS

“The determination that petitioner violated Traffic Rules and Regulations of the City of New York (34 RCNY) § 4-03 (a) (1) (i) by failing to yield the right of way at an intersection, which led to a pedestrian fatality, is supported by substantial evidence and has a rational basis in the record” (638)

“It does not conflict with Vehicle and Traffic Law § 1141, which requires left-turning drivers to “yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.”” (638-639)

FACTUAL BACKGROUND

Petitioner was found to have failed to yield the right of way at an intersection, in violation of 34 RCNY § 4-03(a)(1)(i), and the violation led to a pedestrian fatality. The New York State Department of Motor Vehicles suspended petitioner's driver's license for 180 days. Petitioner argued that the administrative law judge misconstrued and misapplied the traffic rule.

PROCEDURAL HISTORY

The New York State Department of Motor Vehicles determined that petitioner violated 34 RCNY § 4-03(a)(1)(i) by failing to yield the right of way at an intersection, resulting in a pedestrian fatality, and suspended petitioner's driver's license for 180 days. Supreme Court, New York County, transferred the CPLR article 78 proceeding to the Appellate Division. The Appellate Division unanimously confirmed the agency determination, denied the petition, and dismissed the proceeding.

DISPOSITION

dismissed

CASES CITED

- 300 Gramatan Ave. Assoc. v. State Div. of Human Rights, 45 N.Y.2d 176, 181 (1978)

OPINION

PER CURIAM.

Determination of respondent New York State Department of Motor Vehicles, dated December 24, 2012, suspending petitioner's driver's license for 180 days, unanimously confirmed, the petition denied, and the proceeding brought pursuant to CPLR article 78 (transferred to this Court by order of Supreme Court, New York County [Carol E. Huff, J.], entered August 9, 2013), dismissed, without costs.

The determination that petitioner violated Traffic Rules and Regulations of the City of New York (34 RCNY) § 4-03 (a) (1) (i) by failing to yield the right of way at an intersection, which led to a pedestrian fatality, is supported by substantial evidence and has a rational basis in the record (see 300 Gramatan Ave. Assoc. v State Div. of Human Rights, 45 NY2d 176, 181 [1978]).

Petitioner's contention that the administrative law judge misconstrued and misapplied the traffic rule is without merit. The rule provides that a driver facing a green light "shall yield the right of way to other vehicles... lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited" (34 RCNY 4-03 [a] [1] [i]). It does not conflict with *639Vehicle and Traffic Law § 1141, which requires left-turning drivers to "yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard." We have considered petitioner's remaining contentions and find them without merit.

Concur — Gonzalez, P.J., Sweeny, Moskowitz, Richter and Clark, JJ.