

The background of the cover is a faded, grayscale image of a bus interior. A sign on the wall reads "Truly, The Local Expert!". The text "NEW YORK BUS ACCIDENT GUIDE" is overlaid in a large, dark, serif font.

NEW YORK BUS ACCIDENT GUIDE

*Protecting Your Rights
and Avoiding Legal Pitfalls*

BRIAN J. ELBAUM



Being involved in a bus accident – as a passenger or motorist – is a frightful, traumatic experience. Victims are often scared, unsure of their legal options, and dealing with pain and property damage after an accident. A New York bus accident lawyer can help you fight for the compensation you rightfully deserve.

Millions of New Yorkers rely on bus operators to get them safely from Point A to Point B. And millions more share the roadway each day with commercial and public buses. Bus operators have a responsibility to protect their passengers and safely share the road. When they fail to meet that responsibility, their negligence can have life-altering consequences for victims.

Were you injured in a bus accident in New York? Whether you were a passenger or a motorist that collided with a bus, you may be entitled to compensation for your injuries.

Our New York bus accident lawyers want to help. Our legal team has helped numerous bus accident victims in New York fight for the maximum compensation for their injuries. We bring extensive knowledge of bike safety laws, as well as thorough investigative skills to the table. Let us provide you a strong defense of your rights so that you can focus on your recovery.

WHO CAUSED YOUR ACCIDENT?

Bus operators must take care to protect passengers and other motorists on the road. Failure to adhere to traffic requirements, follow regular maintenance, and adhere to other safety codes can put others in harm's way. Common causes include:

- » Impaired driving
- » Reckless driving
- » Failure to follow traffic safety laws
- » Distracted driving

- » Unsafe equipment
- » Improper maintenance

This type of accident can involve you in several ways, including as a passenger, a motorist, or a pedestrian. No matter how you were involved, you may be entitled to financial compensation for any injuries and property damage that you incur. A few common scenarios include:

- » **Bus Passengers** – Passengers can be injured when riding a bus that’s involved in an accident. Operators have a responsibility to protect you. If the driver or bus company failed to follow proper safety protocol, you may be entitled to compensation.
- » **Motorists** – For motorists, colliding with a bus is one of the scariest types of accidents. Your sedan, truck, or van doesn’t stand a chance against a 30-ton bus. Unfortunately, this type of accident often results in severe injuries for motorists. If you were struck by a bus while driving, you may have a strong case for compensation.
- » **Pedestrians** – Cyclists and pedestrians can be struck by buses, and often this type of accident can be life-threatening. If a bus operator acted negligently, you may be entitled to compensation.

DO I NEED TO HIRE A NEW YORK BUS ACCIDENT LAWYER?

Bus accident cases are often complex, and require in-depth knowledge of local bus laws and regulations. The best bus accident lawyers specialize in this type of case, and have a deep understanding of the legal requirements of bus operators.

In other words, if you have been involved in a bus accident, it’s important to contact a personal injury attorney with experience in this type of case. Your lawyer will help you manage the entire process and will thoroughly investigate

your accident to determine who was at fault. When you hire an attorney, your lawyer will help:

- » Investigate your accident and collect evidence
- » Investigate the bus company and their safety record
- » File claims on your behalf
- » File lawsuits on your behalf, if you choose to
- » Reconstruct the accident with expert help

Similarly, a qualified attorney helps protect you against the bus company. Bus operators in New York are protected by aggressive legal departments and insurance companies. They do not care about your safety; they're focused on the bottom line. Therefore, it's not uncommon for victims to have claims ignored or denied. A lawyer helps you recover the maximum compensation quickly and protects you against bullying behavior.

WHAT TYPE OF COMPENSATION IS AVAILABLE?

After a bus accident, you might be left with mounting medical bills, rehabilitation costs, and be experiencing financial strain because you had to spend time away from work. You may have lingering pain, and your vehicle may be damaged or inoperable. Compensation is available to repay you for any costs directly related to your accident.

There are two main types of compensation available for victims. They include compensatory damages and punitive damages.

Compensatory damages cover your financial and non-financial costs related to your accident. They can be used to help you pay for:

- » Medical bills, rehabilitation costs



- » Recoup lost wages or lost earning capacity
- » Pain and suffering
- » Emotional distress
- » Long-term disability

Punitive damages is reserved for cases of gross negligence and malice. If a bus operator did not take proper safety steps, they can be financially punished by the court. This type of damage is awarded on top of any compensatory damages, and the amount is determined by a jury if your case goes to court.

STEPS TO TAKE IF YOU WERE INVOLVED IN A BUS ACCIDENT

In the immediate aftermath of an accident, you may be in shock, suffering from serious injury, and unsure of your legal rights. There are steps you can take to stay safe and protect your case. We recommend following these steps:

- » **Seek Medical Care** – Call 911 and receive medical treatment for any injuries that you have.
- » **File a Police Report** – Even if you were uninjured, it's important to call 911 and talk with investigators. Filing a report will help protect your case. Share any details you have with investigators, but DO NOT admit fault.
- » **Collect Evidence from the Scene** – Take photos of any injuries that you have, as well as photos and videos of the accident scene. Also, collect name and contact information for any witnesses.
- » **Do Not Admit Fault** – Investigators and insurance companies will want to know who caused the accident. DO NOT admit fault. This will hurt your case. If you admit fault, and later it's determined you did not cause the accident, your case can become more difficult to pursue.

- » **Seek Legal Advice** – Contact a New York bus accident lawyer as soon as possible. Victims have a short timeframe for filing claims. The sooner you contact an attorney, the stronger the case you can build.

AVOID TALKING WITH INSURANCE COMPANIES

You may feel compelled to contact your own insurer to inquire about medical benefits or for vehicle repairs and you may hear from the bus operator’s insurance company.

In both cases, we recommend that you seek legal counsel prior to talking with insurers. Insurance companies, even your own, care much more about the bottom line than your safety or financial concerns. They’re notorious for fighting, denying, or ignoring claims.

Your lawyer will protect you from aggressive behavior and fight rigorously for the compensation that you deserve.



FREQUENTLY ASKED QUESTIONS | NEW YORK BUS ACCIDENT GUIDE

How Do I Pick the Right Attorney?

You want an attorney that is experienced in handling bus accident type cases. You want a personal injury attorney with that experience. You want an attorney that is experienced in litigating bus accident cases. That’s number one. You want to sit down with that attorney and when you sit down with that attorney,

you want to ask that attorney questions. You want to find out more about that attorney. You want to find out more about the cases that that attorney has litigated in the past.

You want to feel comfortable with that attorney; that's very important. I often tell people that there's a marriage between the attorney and the client, and you have to work together from the beginning up through the resolution of the case. These are important factors to consider when making a determination as to who you want to represent you in your bus accident case.

Will the Insurance Companies Help Me?

You may get a phone call from the bus company asking you questions about what happened, wanting you to make a statement, wanting to discuss your injuries. My advice to them is to seek competent counsel. Sit down with an attorney; the attorney will advise you as to what you should or shouldn't be doing. You certainly should not be dealing directly with the bus company, and you should not be dealing directly with the bus company's insurance carrier.

What Mistakes Can I Avoid?

Number one, they don't advise that they suffered an injury. When the police get to the scene, you must tell the police officer that you suffered an injury. People often leave the scene of an accident before the police arrive. They go home, they go to the doctor or hospital. You want to make sure you stay on that bus so that it's documented that you were on the bus at the time of the accident; that's very important.

Another mistake that's made is the retention of the wrong type of attorney. Very often, attorneys will accept a case, but it's not their area of practice. You want to make sure that you get advice from a personal injury attorney with experience in bus accident type cases; that's very important.

What Do I Do Right After the Bus Accident?

First thing you need to do is call 911. You want to make sure that the police come to the scene to document the accident, and you want to make sure you

advise the police exactly what happened. If the bus operator went through a red light, you need to make sure that the police officer knows that the bus operator went through the red light; that's very, very important.

You need to seek medical attention if you suffered an injury, and you don't want to wait on that. If you're feeling pain at the scene, you need to tell the police officer that you're in pain and that you want an ambulance; that's very important. I can't tell you how many calls I get from clients who call me a month after the accident and I ask them, "Did you go to the hospital from the scene?" and the answer is no, not because they weren't injured, and they just wanted to deal with the injury and get home. You need to seek medical attention as soon as possible.

Are Bus Accident Claims Different from Car Claims?

One of the issues that comes up is if it was a bus owned by the municipality. Was it a New York City transit? Is it a private bus company? That's important because if it's a city bus, there are certain requirements that we need to follow. If it's a transit authority bus, or a city bus, we need to file what's called a notice of claim and we have to do that within 90 days. You don't have to deal with that if it's a private operator of a car.

Other issues that come up is that you're dealing with corporations, or corporate entities very often. You may have the owner of the bus, and then you have a different company that's running the bus service, so you have different entities; that's also a distinction that needs to be made when comparing it to an auto accident where you're dealing with just a private car owner.

How Much is My Case Worth?

There's no easy answer because I don't know all of the factors yet. An important factor is where the injury is going. It could be a broken arm. It could be a broken leg. It could be a neck or back injury. These things take time to go through a healing process. After that healing process, I need to know what the residual is. Is there permanency? If there's a broken wrist, is that going to lead to some sort of degenerative change to the wrist? Is it going to lead to an arthritic change?

Is it going to lead to a restriction of motion that could be permanent in nature. You're not going to know that the week after the accident. That may take a year, if not longer, to know. That's an important factor in determining value.

Another important factor is how the accident happened. Whose fault was it? You may be the operator of a vehicle who was involved in an accident with a bus and the bus driver may be saying you went through a red light, and you're saying no, I didn't, I had a green light; you went through the red light, and it's on the police report that both sides are saying they were in the right. Those issues have to be ironed out, and that could play into the value of the case.

Should I Take the First Settlement Offer?

I just got a call from a client the other day who was in a bus accident about a week earlier. She said to me, "I was on the phone with the insurance carrier for the bus company and they offered me a couple of bucks. Should I take the offer?" I first asked her, "Well, tell me about the case. What happened?" She told me that she was on a bus, that the bus operator went through a red light, and they were hit by a car heading across the intersection. She told me that she immediately had pain in her shoulder, her knees, her neck and her back, and that she went to the hospital and she's begun the course of treatment with a medical facility. I told her, "You need to come to the office right away and don't take that offer."

What often happens is that the insurance carriers, they want to get the case resolved as cheaply as possible and as fast as possible before the individual seeks the advice of counsel. They want to do it because they know if the individual takes the offer, they're going to sign documents and they'll never be able to file a claim down the road regarding the accident. The answer to the question is no. You want to seek the advice of counsel. Let an attorney get involved. Let an attorney communicate with the insurance carrier to make sure that you get the compensation that you're entitled to.



How Long Will My Bus Accident Case Last?

There's no real easy answer to that. A lot of it depends on how the accident occurs, who the defendants are, and what kind of an injury you have. Injuries can take quite a while to reach recovery. At that point, we need to know if it's permanent in nature because that's very important in determining the value of the case, and that could take a year; it could take longer depending on what type of injury. What we do is we try to push these cases along as quickly as possible so that we can get you the best possible results as early as possible.

How Long Do I Have to File My Claim in New York?

The answer can be complicated. It depends on who the bus company is. Are they a city-run company, like the transit authority, New York City Transit Authority, or are they privately owned?

If it's the city, you need to file a notice of claim as quickly as possible, but it must be done within a 90-day period. When I say the city, I'm talking about the New York City Transit Authority type of a case. If it's a privately owned bus company, then you have a longer period. You also have to be aware that there are other guidelines. There are no fault benefits that you might be entitled to, and you want to make sure that you get a no fault application to the proper party. No fault covers you for your economic loss, your medical expenses, and your lost wages.



Can I Sue If My Child Was Hurt on the School Bus?

The answer is potentially, yes, you do. You also have a case against the bus company because typically what happens is the school will enter into a contract, or the municipality will enter into a contract, with a bus company to ensure the safe transportation of students to the school.

Now, there are some claim issues you have to be aware of. If it's a municipality, you have to file what's called a notice of claim. Typically that has to be done within 90 days, but it really depends on the municipality. It's very important that you hire competent council who can guide you through that process and make sure that the notice of claim, and whatever other documents that have to be filed, are filed timely.

CALL NOW FOR A FREE CASE REVIEW

If you were involved in a bus accident in New York, our legal team wants to help. We offer extensive experience in this type of case and have helped hundreds successful fight for the compensation they deserve.

Call now for a free, no-obligation case review. We'll provide you with legal options, and determine if you have a case. You can choose to hire us after we talk.



ABOUT THE AUTHOR

Brian J. Elbaum was only a few years out of law school when he decided to go out on his own in 1996.

Twenty years later, he still holds fast to the same two winning principles:

- » Making sure clients are comfortable throughout the litigation process.
- » Achieving great results by being aggressive and making the responsible party constantly uncomfortable.

1996

Brian graduated from Rutgers University in 1991 and earned his law degree from Brooklyn Law School in 1994. While he had a great job at a good firm after

graduating, he quickly realized that he could serve clients better on his own, unburdened by the constraints of the law firm model and approach.

Brian felt so strongly in what he was doing that for his first year he was willing to work out of his apartment – a sixth floor walkup on East 37th Street & 3rd Avenue. Getting dressed every day in a full suit and tie to work from the desk in the corner of a modest one-bedroom, Brian took the cases no other attorney wanted. He quickly developed a reputation for making “lemons into lemonade,” helping those personal injury clients who other attorneys couldn’t.

2016

The Law Offices of Brian J. Elbaum have come a long way in 20 years. We’ve represented over 800 personal injury clients in Queens, Brooklyn, the Bronx, New York, Staten Island, Long Island, Upstate New York and New Jersey in cases involving construction accidents, auto accidents, slip & falls, medical/dental malpractice, bar and nightclub assaults, product liability, and much, much more.

We’ve stayed small by design, continuing to believe as we did 20 years ago that, more lawyers means more internal politics and reduced focus on the client. At our office, you know that every case will be handled personally by Brian. And we’ve stayed true to our philosophy, demonstrating in case after case that being tough with the adversary and compassionate with our clients is a winning combination.

Brian is licensed to practice law in New York and New Jersey as well as the federal courts. He is active in New York’s legal community as a Certified Member of the New York Trial Lawyers Association, Brooklyn Bar Association, and New York County Bar Association.

Our Office

The story of our office mirrors the story of New York’s past twenty years. We were located in 150 Broadway on 9/11, and moved to 708 3rd Avenue until downtown was ready for business again. As soon as it was, we moved to 111 John Street – until Superstorm Sandy hit and relocated us to our current location.

Today, our office is inside the historic 11 Broadway building, just outside Bowling Green. Built 120 years ago in 1896, the Western Union branch office inside our building became a focus in the investigation into the Titanic disaster in 1912 as Senator Alden Smith sought to determine whether a message from the doomed ship had been transmitted to New York's White Star Line office next door.

Mr. Elbaum has broad experience in the areas of law practiced by the Firm and manages a team dedicated to meeting client needs. Prior to establishing the Firm, Mr. Elbaum worked for several New York law firms representing clients in cases ranging from workers' compensation to commercial litigation. He also served as a judicial intern to a New York Supreme Court Justice, investigated exchange violations as an intern at the New York Stock Exchange, and worked at an entertainment firm representing musicians. His extensive legal and business background has instilled in Mr. Elbaum a solid understanding of how to get things done in a variety of environments.

Mr. Elbaum once held the position of Vice President at an insurance company, for which he provided advisory services. This position has enabled him to gain an insider's view of the insurance industry. He translates that insight into solid advice for his clients on insurance-related matters.

In establishing the Firm, Mr. Elbaum received guidance and inspiration from his father, the late David Elbaum, Esq. David Elbaum served as Of Counsel to the Firm in its early years and provided key insights into several cases.

