



## Driving on sidewalks?

**I**t seems a little silly to have to say this, but driving on public sidewalks is unsafe. Furthermore, in most jurisdictions, it's against the law. Sidewalks are made for pedestrians, not for motor vehicles. This applies where there is no curb, a gradual rolling type curb, or the more traditional squared-off curb.

It has been reported that in some locations, management allows carriers to drive on sidewalks to make mounted deliveries to individual or cluster boxes located where they cannot be reached from the roadway. While not officially instructing that it be done, the local managers are aware that carriers are doing this and say nothing about it. There are some places where managers not only allow it, they *require* carriers to do it. Routes are set up with driving on the sidewalk as the designated delivery method. It seems pretty obvious why local managers allow this: It's faster. Dismounted or park-and-loop deliveries take longer, as carriers have to properly park and secure their vehicle with each dismount. Nevertheless, driving on the sidewalk is inherently unsafe and it should be stopped.

The local union should insist that carriers be instructed not to drive on sidewalks. Instead, they should be directed to dismount to make such deliveries. Where there are many such deliveries in a row, consideration should be given to converting the section to park-and-loop delivery if the boxes cannot be moved to a location where they can safely be serviced from the vehicle. This can be brought up at a labor-management meeting or by filing an Article 14 safety grievance. Even if "that's the way it's always been done," it should be stopped.

**Management may try to claim that it's a past practice.** The response to this argument is that a past practice cannot override clear and unambiguous contract language. For example: *M-41*, Section 812 requires carriers to:

**812.1** Practice safety in the office and on the route.

**812.2** Observe all traffic regulations prescribed by law. Rules applying to the public also apply to operators of postal vehicles.

Clearly, if state or local ordinances prohibit the public from driving on the sidewalk, these rules apply to operators of postal vehicles as well. Most jurisdictions allow sidewalks to be crossed only while leaving or entering a roadway or alleyway. Stewards should check with their local law enforcement agencies to find out the particular ordinance for their town or county. If there is no specific law in place, certainly a case can be made that it is unsafe to drive on sidewalks; after all, this is where children play and people walk.

Stewards should be wary if management claims that the local police department has given permission for letter carriers to drive on the sidewalk to make deliveries, especially if there is a law prohibiting it. To begin with, the *M-41* section cited above states that rules applying to the public also apply to carriers. It doesn't allow for the exception, "unless the police or the mayor says it's OK." Secondly, just because management says some local official told them it was OK doesn't mean that it's so. Often, such statements are just more postal myths that have been passed down word-of-mouth over the years and are not really true. Finally, even if management is telling the truth, stewards should require them to put in writing that no carrier will be disciplined for driving on the sidewalk. The union should also require management to get a letter from the local prosecuting attorney stating that driving on sidewalks is not against the law and carriers will not be cited for doing so. It's not likely that is going to happen. However, as stated above, even if there is no local ordinance against it, that does not make it a safe thing to do.

**It is likely that some carriers will object to dismounting,** claiming that they have done it that way for years and had no safety problems. Others may complain that this will add a lot of unnecessary time to their routes. Stewards should remind them that they are paid by the hour to do their job safely, which means obeying traffic laws. If the added time for dismounting puts them into overtime, they can submit a Form 3996 requesting auxiliary assistance. If they have a lot of dismounted deliveries, they may qualify for a special inspection and a route cut. ☒