

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION JOINTLY
WITH COMMITTEE ON PUBLIC SAFETY

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October 24, 2019
Start: 10:16 a.m.
Recess: 1:17 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS RODRIGUEZ
Chairperson

DONOVAN RICHARDS
Chairperson

COUNCIL MEMBERS:
Keith Powers
Andrew Cohen
Fernando Cabrera
Vanessa L. Gibson
Paul Vallone
Rory I. Lancman
I. Daneek Miller
Adrienne E. Adams
Carlos Menchaca
Justin Brannan
Chaim M. Deutsch
Mark Levine
Ruben Diaz, Sr.

Peter Koo
Antonio Reynoso
Deborah Rose
Rafael Espinal Jr.

A P P E A R A N C E S (CONTINUED)

Polly Trottenberg, Commissioner
Department of Transportation

Eric Beaton, Deputy Commissioner for
Transportation Planning and Management
Department of Transportation

Rebecca Zack, Assistant Commissioner for
Intergovernmental Affairs
Department of Transportation

Thomas Chan, Chief of Transportation Bureau
New York City Police Department

Michael Pilecki, Deputy Chief
New York City Police Department

Michael Clark, Attorney of Legislative Affairs
New York City Police Department

Amir Zemolberg [sp?]

Amanda Hannah McClear [sp?]
Families for Safe Streets

Marco Connor, Deputy Director
Transportation Alternatives

Eric McClure, Executive Director
Streets Pack

Lauren Pine
Families for Safe Streets

Unidentified

Melissa Icahn, Senior Staff Attorney
New York for the Public Interest

Kendall Christiansen
New York for Responsible Waste Management

Lauren Paterno [sp?]
AAA

Stephen Leavy
Trucking Association of New York

2 SERGEANT-AT-ARMS: Sound check. Sound
3 check. This is a sound check for the Committee on
4 Public Safety and Transportation. Today's date is
5 October 24th, 2019. Located in the chamber.
6 Recording done by Pedro Lugo.

7 [Background comments]

8 [gavel]

9 CHAIRPERSON RODRIGUEZ: Good morning,
10 everyone. I'm Council member Ydanis Rodriguez, the
11 chair of the committee on transportation. Today we
12 are old so joined by the Committee on Public Safety
13 Chair by my good friend Council member Donovan
14 Richards. The oversight topic for today's hearing is
15 vision [inaudible 00:01:05] cyclists safety and
16 policy. And safety and how the police department are
17 enforcing. But, also, we will be discussing also
18 some bills that are related to mandating all private
19 sector who does business with the [inaudible
20 00:01:24] the city of New York to install side guards
21 in the trucks, alone establishing the three feet as a
22 distance between drivers and cyclists. We will
23 specifically talk about the recent increases in
24 pedestrian and cyclist deaths that we have seen in
25 the city. So far this year, 25 cyclists have been

2 killed on the road making 2009 team the deadliest
3 year over the last two decades. Losing one cyclist
4 or one pedestrian is too much, but this number is out
5 of control and we mean that, you know, do whatever we
6 have to do in order to address and tackle this
7 problem. This increase is not unique to New York
8 City. The national Highway traffic safety
9 administration had recently reported that the country
10 is seen a spike on pedestrian and cyclist deaths
11 nationwide. Since 2009, pedestrian death have gone
12 69 percent and cyclist deaths have gone up to 48
13 percent. This is completely unacceptable and we need
14 to continue as a city with the leadership that we
15 have here with individual institutions that we've
16 been working together and continue living and setting
17 an example for the rest of the country on how we
18 would like to be a more walkable and friendly for
19 pedestrians and cyclists city. As transportation
20 chairman, as everyone knows, working together with
21 Families for Safe Streets, Transportation
22 Alternative, and all the advocates. I have made it a
23 priority to ensure that we keep our pedestrians and
24 cyclists safe across the city. And we are behind
25 those policy initiatives not because we are

2 councilmembers, but also we have children. We have
3 daughters. We have family. And we want them to know
4 that they are safe when they ride their bike or when
5 they walk in our streets. We must expand and
6 increased protected bike lanes in all boroughs,
7 starting in the most underserved immigrant and
8 working-class community. You have seen this study,
9 the report that most of the infrastructure on bikes
10 is, basically, established in the middle and upper-
11 class community. We have let the working class,
12 mainly immigrants, black and Latino, behind and I
13 know that this is something that we are not shy to
14 address this situation. We know that we are trying
15 to do the best we can. That's what we inherit as a
16 city. And we are working to expand, you know, the
17 infrastructure. But that is what we are asked today.
18 We have, again, failed to-- areas such as Northern
19 Manhattan, the South Bronx, and many areas in
20 Brooklyn which saw the most cyclist deaths. We must
21 double down on enforcement of bills because of misuse
22 and not respect the designated lane for buses and
23 cyclists and we have to make all intersections safe.
24 That's one of the areas where most cyclists have been
25 killed. Today, we will hear from a recent

2 representative of the police departments and the
3 Department of Transportation on what the city is
4 doing to ensure that bike riders in all five boroughs
5 can get where they want to go in a quick, efficient
6 [inaudible 00:05:06] and, most importantly, a safe
7 manner. And this also includes the large numbers of
8 men and women who rely on a bike to work to deliver
9 their food who also are part of that universe of
10 cyclists being killed in our city.

11 Also, on today's agenda are five bills
12 that focus on bike rider safety. So far, and 2019,
13 26 people on bikes have been killed on New York City
14 streets. This is the highest number and over 20
15 years and the year isn't even done yet. Last year,
16 the number of cyclists killed was 10, which is 10
17 people too many and this year we are approaching
18 three times that many. Because of this sharp and
19 worrying increase, we wanted to hold a hearing, joint
20 hearing, that focuses on safety enforcement related
21 to the cyclists. Pedestrian deaths and injuries are
22 also, of course, far too high and even higher than
23 cyclist deaths and injuries. New York City needs to
24 do better and expand on its vision and goals and if
25 we want our streets to be safer for all street users.

2 The street doesn't belong to car owners. And I can
3 say I am one of those car owners-- one of the 1.4
4 million New Yorkers who own a vehicle, so this is not
5 preaching to the choir. It's including any one
6 of those who own a vehicle. We can turn the city of
7 New York, the city that, by 2030, we should reduce
8 the numbers of individuals that own vehicles from 1.4
9 million to 1 million, but we need to invest in the
10 infrastructure and, at the same time, we need to be
11 sure that we enforce. We need more street redesigns,
12 more protected bike lanes. Hundred per year. That
13 is my goal. Share of the street, red light, speed
14 cameras, pedestrian safety island, borders, and much
15 more. We need better enforcements of assisting laws
16 five Police Department and we need traffic
17 enforcement that recognize the multi-time cars and
18 trucks and not bicycles are the real danger to the
19 safety on our roads. We were also considering five
20 bills today. The first bill is Intros 769, sponsored
21 by Council member Menchaca. The bill will allow
22 bicyclists who receive violation for missing
23 equipment such as [inaudible 00:07:49] or reflectors
24 to fix the issue in 48 hours and have the tickets

2 dismissed, just like drivers are allowed to make
3 certain quick repairs after getting a ticket.

4 The second bill, Intro 1354 is sponsored
5 by Council member Holden, will require concrete
6 mixing trucks to be equipped [inaudible 00:08:12] or
7 similar devices to prevent the spillage of concrete
8 or each component. Each component concrete spillage
9 damages our street. And, while for some, it may seem
10 like a minor inconvenience for cyclists, it can
11 easily result in a crash, serious injury, or worse.

12 We are also hearing a bill that I
13 introduced by request of the mayor. This bill, Intro
14 1435 would supplement state law by requiring vehicle
15 passengers 16 or older to wear seat belts in the back
16 seat of private vehicles and vehicles licensed by the
17 taxi and limousine commission. The passenger and
18 driver of a private vehicle will receive a 50 dollar
19 fine if the backseat passenger wasn't wearing a seat
20 belt and, for [inaudible 00:09:08], only the
21 passengers, not the driver, will receive the penalty.

22 Finally, we are hearing two bills that I introduced.
23 The first, Intro 1763 will clarify the law around
24 drivers passing cyclists. Currently, state law says
25 that drivers cannot pass a cyclist unless the driver

2 can do so safe distance. This bill would clarify
3 that in New York City where, of course, space is more
4 of a premium than the rest of the state. The minimum
5 safe distance would be three feet. This bill would
6 praying the city's standards in line with the
7 majority of the state nationwide. It is critically
8 important that drivers give cyclists enough space for
9 the cyclists to be safe and to feel safe. This bill
10 will give both the drivers and the police department
11 and more easier applied rule to follow and enforce.

12 The second bill I have introduced for today's hearing
13 is a pre-considered introduction and relation to side
14 guards. These bill would add to previous legislation
15 passed by this committee in the Council by expanding
16 the city's requirement for side guards. Vehicle base
17 safety device that prevents pedestrians, cyclists,
18 workers, and others from being caught in the
19 otherwise exposed space between the front and rear
20 [inaudible 00:10:50] of larger vehicles. First, this
21 bill will expedite the [inaudible 00:10:57] timeline
22 for side guard implementation in the city fleet and
23 for waste hauling vehicles from 20 and 24 to 2021.

24 Second, this bill would expand side guard
25 requirements to all trucks operated persons pursuing

2 to a contract with the city. Side guards are a
3 proven and inexpensive life-saving piece of equipment
4 and it makes sense for the city to expand their use
5 in any way we can. [Speaking foreign language] I
6 now turn in over to the Council member Donovan
7 Richards, the Chair of the Public Safety Committee to
8 deliver his opening statement.

9 CHAIRPERSON RICHARDS: Thank you, Chair
10 Rodriguez. And before I begin, I just want to ask
11 everybody to stand. For all of those we lost, we
12 will have a quick moment of silence for all those we
13 lost this year.

14 Thank you. You may be seated. Good
15 afternoon. I am Donovan Richards of the 31st
16 district in Queens. And I am the chair of the public
17 safety committee. Today, I want to be clear about
18 what this hearing is not about. This hearing is not
19 about cyclists versus drivers, versus pedestrians.
20 It's not about assigning blame to one group or
21 another. It's not about us versus them. Sorry,
22 Siri. Many people who drive also ride bikes. We all
23 want this city to be safe for everyone. This hearing
24 is about the fact that 26 people have been killed
25 this year while riding their bikes and what the city

2 plans to do to resolve the problem. This hearing is
3 about the NYPD strategy for saving lives through
4 targeted enforcement of the vehicle and traffic Law,
5 what they have done in the past, what has been shown
6 to work, what hasn't worked, and what they plan to do
7 going forward. Let's talk about what hasn't worked.
8 Because I think there is some agreement here. What
9 hasn't worked is that is in the wake of cyclists
10 being killed police officers being sent out to the
11 very same intersections and issuing tickets to
12 cyclists. Sometimes it's got so bad they would issue
13 tickets for things that aren't even illegal like not
14 wearing a helmet. We need to understand that was--
15 why that was happening in the first place because it
16 feels a lot like victim blaming. I appreciate that
17 Cheese Monahan has publicly stated that it was
18 insensitive and it won't happen anymore, but I still
19 need to know a few things. Why was that happening to
20 begin with? Who approved those tactics? Is there
21 any data showing knowing that those efforts reduced
22 fatalities or injuries or was this just a knee-jerk
23 reaction? I'm not going to ask those questions to
24 point fingers. It's important to recognize the
25 thinkings so we can correct it. I want to know how

2 the department instructed its precinct to discontinue
3 that practice so that we can make sure it doesn't
4 happen again. I also want to know what the
5 enforcement strategy is going forward and what that
6 strategy is based on. We have limited resources and
7 we should spend those resources on things that
8 actually work to reduce injuries and fatalities. I'm
9 not saying that cyclists shouldn't have to follow the
10 law, but the data shows that the overwhelming
11 majority of injuries and fatalities are caused by
12 motor vehicles, not cyclists. I want to make sure
13 that the department is focused on the behaviors that
14 are truly responsible for causing those unnecessary
15 deaths. Finally, we need to make sure that the
16 culture of the department is the one that supports
17 cyclist safety and encourages people to bike safely.
18 That means not parking in bike lanes unless there is
19 an emergency. Treating cyclists with respect and
20 conducting a thorough and unbiased investigation when
21 there is a collision. I know we are moving in the
22 right direction, so I'm looking forward to hear what
23 the members of the NYPD and the Department of
24 Transportation have to say today. Thank you,
25 Chairman.

2 CHAIRPERSON RODRIGUEZ: Now I ask the
3 committee counsel to administer the affirmation and
4 invite you to deliver your opening statements.

5 LEGAL COUNSEL: Please raise your right
6 hand. Do you love firm to tell the truth, the whole
7 truth, and nothing but the truth in your testimony
8 before this committee and to respond honestly to
9 Council member questions? Thank you.

10 CHAIRPERSON RODRIGUEZ: Thank you.

11 COMMISSIONER TROTTEBERG: Good morning,
12 Chairman Rodriguez, Chairman Richards, and members of
13 the Transportation and Public Safety Committees. I
14 am Polly Trottenberg, Commissioner of the New York
15 City Department of Transportation. With me today
16 are Eric Beaton, Deputy Commissioner for
17 Transportation Planning and Management and Rebecca
18 Zack, Assistant Commissioner for Intergovernmental
19 and Community Affairs. We are happy to be here
20 together with our colleagues from NYPD on behalf of
21 the DeBlasio administration to testify on cyclist
22 safety, our Greenway plan for cycling in New York
23 City, and some of the legislation before the
24 committee today. Before I begin my testimony, I want
25 to take a moment to note the tragic death this week

2 of fellow DOT employee, and Eduardo Calle Abru, who
3 served on our roadway repair and maintenance
4 division. Tragically, Eduardo was struck and killed
5 by an agency truck while he performed paving work on
6 the Upper East Side earlier this week. Our thoughts
7 and prayers are with Eduardo's family, friends, and
8 coworkers. DOT in the mayor's office are doing
9 everything we can do help Eduardo's family at this
10 heartbreaking time. This is also a painful moment
11 for our entire DOT family. This tragedy reminds us
12 all of the incredibly difficult and sometimes
13 dangerous work the men and women of DOT perform every
14 day to make sure our roads, bridges, sidewalks,
15 ferries, and other infrastructure are safe for all
16 New Yorkers. I'm grateful to all the men and women
17 of DOT for the dedication they bring to these
18 challenging jobs. Now, turning to today's hearing,
19 increasing the number of people cycling makes our
20 city a better place to live and will help keep us at
21 the forefront of sustainability. As the city grows,
22 I want to emphasize that cycling is an efficient,
23 sustainable, and enjoyable, and overall quite safe
24 way of getting around our city. In the DOT, many of
25 us, myself included, are frequent cyclists. We

2 strongly encourage cycling and have made it
3 substantially safer and it has been in the past, but
4 we know we also need to do much more. Too often,
5 cyclist trips and in tragedy, especially from 29
6 teens sharp increase in cyclists fatalities, which
7 have tragically run contrary to our five year trend
8 of improving overall roadway safety citywide. In
9 response this summer, the mayor released our Greenway
10 plan. I think all of you have a copy in front of
11 you. A long-term citywide vision for enhancing
12 cycling safety and then proving the riding experience
13 for cyclists. In this plan, we have committed to
14 building 30 miles of protected bike lanes annually,
15 guided by the vision document that you can see appear
16 on the poster. Install over 80 miles of protected
17 bike lanes by the end of 2021, build 75 miles of
18 bicycle infrastructure in bicycle priority districts,
19 and neighborhoods outside the central core that the
20 Chairman referenced that have high ridership, that
21 lack adequate bicycle infrastructure by 2022, apply
22 innovative intersection designs in at least 50
23 locations in 2019 with a focus on high fatality areas
24 and, where possible, protected intersection designs
25 will be added after streets are resurfaced and

2 reconstructed and pilot green wave progressive signal
3 timing that discourages speeding and encourages
4 steady cycling speeds and identify their corridors
5 for improvement in 2020. And there will be much
6 more, including a targeted truck safety initiative
7 and continued expansion of cyclist outreach and
8 helmet giveaways. For the green wave plan, the city
9 has committed 58.4 million dollars in new funding
10 over the next five years with 80 additional news
11 staff, representing a 75 percent increase in DOT
12 staff who solely support bike lane infrastructure.
13 And we'll be growing many parts of DOT. For 2019, we
14 expect to install between 20 and 25 miles of
15 protected bike lanes and these include a number of
16 projects in the Manhattan core, such as cross town
17 lanes on 52nd and 55th Streets, filling the second
18 avenue gap at the Queensboro Bridge, new lanes on
19 10th Ave and Amsterdam, 11th Ave, Eighth Avenue, and
20 Columbus Circle and phase one of our Central Park
21 protected bike lane. Our projects also include the
22 Fourth Avenue bike lane in Brooklyn from First to
23 60th Streets, Cypress Hills Street in Queens and
24 Brooklyn, and Willis Ave in the Bronx. And yesterday
25 we celebrated our hundreds mile of protected bike

2 lanes under the DeBlasio administration on fountain
3 Avenue in East New York where we have created
4 connection to the beautiful new Shirley Chism State
5 Park. In addition, we have installed off-site
6 crossings on First, Second, and Fifth Aves in
7 Manhattan after resurfacing and we will meet out 2019
8 goal of installing, at least, 20 miles of bike
9 infrastructure in our bicycle priority districts.
10 Implementing the green wave plan will not be easy.
11 The city is committing substantial new resources then
12 we will need to take on new operational and political
13 challenges. The plan will need to continue to evolve
14 over time to reflect public input in how the city is
15 growing and changing. But, under Mayor DeBlasio's
16 leadership, we have created a plan that is realistic,
17 has the necessary resources and personnel, and meets
18 the urgency of this moment. Making cycling safer is
19 our relentless call and one that is not achieved all
20 at once or by any single entity. It will require
21 continual enhancement of cycling infrastructure,
22 targeted enforcement, including holding dangerous
23 drivers accountable, effective public education, and
24 ongoing work to pass and strengthen state and local
25 laws that make our streets safer, including some of

2 the bells we are here to discuss today. And it will
3 require collaboration of city agencies, elected
4 officials, local businesses and institutions,
5 neighborhood residents, advocates, and other
6 stakeholders. But we at DOT look forward to
7 aggressively pursuing this vital work with all our
8 partners.

9 Now, to turn to the legislation before
10 the committee, starting with the bill to require more
11 side guards. Side guards are real or panel style
12 pieces added between the wheels of large vehicles
13 that can reduce serious injuries and deaths by
14 preventing pedestrians and cyclists from rolling or
15 falling underneath. DOT supports the bill with some
16 amendments and we look forward to further discussions
17 with you on the belt, Mr. Chairman. DOT strongly
18 supports the implementation of side guards
19 requirements for the BIC and city fleets currently
20 required by 2024 as soon as feasibly possible.

21 Thanks to DCAS' leadership, New York City deploys the
22 largest number of side guards in North America. Over
23 2700 vehicles represent a name 55 percent of the city
24 fleet with more installations daily. The city now
25 uses tracks with side guards across numerous

2 agencies, including DOT, DASNY, DP, NYPD, FDNY, DOC,
3 DOH, DCAS, NYCHA, and parks. When DCAS started this
4 work, there was only one vendor in North American
5 selling truck guards. The city has helped develop
6 this market and we are working with four suppliers
7 and size installers, all of whom we have certified
8 through our continuing partnership with US DOT. And,
9 as we called for in our safer cycling report and
10 reiterated in green waves, we support expanding this
11 requirement to city vendors and look forward for
12 further discussions with the Council and our city
13 partners on implementation. A new requirement for
14 city vendors could build on DCAS' existing system for
15 determining which makes, models, and configurations
16 of vehicles are suitable for side guards and for
17 those, which products and installers work best. I
18 will say that, as policymakers add more and more
19 layers and requirements on to the city contracting
20 process, each of which are worthy in and of
21 themselves, cumulatively, it makes it harder to do
22 business with the city and, for us to attract capable
23 and affordable vendors, especially MWBE's. So, new
24 requirement should be carefully tailored. We
25 recommend the Council consider applying the

2 requirement to contracts above a certain size. The
3 city of Chicago, for example, includes the
4 requirement on contracts of over 2 million. Another
5 Chairman Rodriguez bill would require drivers to
6 provide at least three feet between their vehicle and
7 a cyclist when passing. The current safe passing law
8 enacted at the state level in 2010 is vague and so,
9 DOT supports a clearer requirement. Currently, 28
10 states, including California, Florida, Illinois, and
11 the District of Columbia require at least three feet
12 of passing distance. Doing the same under New York
13 City local law would provide specific and easily
14 understandable guidance to motorists and a stronger
15 educational tool. And we support Intro 1354 by
16 Council member Holden with minor amendments. DOT
17 does identify concrete spillage as having a
18 significant detrimental impact on our roadways and
19 posing a particular hazard to cyclists. And it can
20 be prevented with a simple piece of equipment that
21 costs a few hundred dollars that the proposed law
22 would require for all loaded concrete trucks while
23 traveling in New York City. I will just note in my
24 testimony-- testimony-- I apologize. We have the
25 number for side guards instead of the concrete

2 spillage caps, so we will fix that. But it is just a
3 few hundred dollars for this device. And while the
4 law and powers DOT to inspect for compliance, the
5 bill, we think, would be greatly enhanced if NYPD, as
6 well as DOP-- DOBNDP, with agencies that are
7 responsible for enforcement in construction in
8 aspects of the concrete industry could enforce, as
9 well. We think the bill is noticeably-- notably
10 bipartisan support is a clear testament to the
11 frustration caused by this careless damage to our
12 roads and we look forward to working with the sponsor
13 of the bill to see it passed.

14 Lastly, Intro 1435, by Chairman
15 Rodriguez, at the request of the mayor, while not
16 directly related to cyclists' safety, is a key step
17 this city can take on vision zero. 28 states and the
18 District of Columbia require rear seat belt use by
19 those 16 and above. Since 2012, Hawaii, Illinois,
20 Kansas, Maryland, Minnesota, and Texas have mandated
21 rear seat use for adults. According to the National
22 Highway Transportation Safety Administration and
23 National Occupant Protection use survey data, rear
24 seat passengers are three times more likely to die if
25 unbelted and rear seatbelt use is higher in states

2 with rear seatbelt laws. 83 percent, versus those
3 without at 74 percent. Currently, in New York State,
4 on drivers and front seat passengers are required to
5 wear a seat belt in both private and for-hire
6 vehicles, but in the rear seat, only minors are
7 required to buckle up. In analyzing crash reports,
8 we have found that a significant number of
9 preventable traffic fatalities in New York City
10 involve lack of seat belt use by rear seat
11 passengers. Requiring seatbelt use in all cases is
12 increasingly a best practice nationally, is strongly
13 supported here in New York by AAA Northeast at the
14 state level and is a concrete step we should take to
15 achieve vision zero. Under the VTL New York City
16 made establishment laws to regulate the use of
17 required equipment and vehicles. Pursuant to that
18 authority, the proposed legislation would create a
19 traffic infraction punishable by a fine of up to 50
20 dollars for backseat passengers 16 years or over not
21 using a seatbelt and it would add a violation for
22 drivers who failed to ensure seatbelt use of their
23 rear adult passengers, as well other than those
24 drivers transporting passengers for hire. We believe
25 in additional violation for the driver, similar to

2 the law in California and at least four other states
3 provides the strongest and most enforceable
4 provision. Most importantly, this law would
5 significantly aid in our public education by letting
6 us promote the message that all passengers in all
7 vehicles in all positions must wear their seat belt
8 by law. We appreciate the opportunity for the build
9 to have a hearing in urge its speedy passage.

10 In conclusion, Mayor DeBlasio has pledged
11 to New Yorkers that this administration would do
12 everything we could to and traffic fatalities.
13 Thanks to the mayor's leadership and the effective
14 work of so many in the advocacy community, we are
15 proud to forward the green wave plan and are hard at
16 work and making it a reality with all of our
17 partners, especially many of you here on the Council.
18 We have assembled a long and aggressive to do list
19 that we think can help address this year's tragic
20 increase in cyclist fatalities and encourage even
21 more New Yorkers to get on bicycles. Thank you for
22 inviting us to testify today and we welcome your
23 questions.

24 CHIEF THOMAS CHAN: Good morning, Chair
25 Rodriguez, Chair Richards, and members of the

2 Council. I am Thomas Chan, the Chief of the
3 Transportation Bureau in the New York City Police
4 Department. In addition to my colleagues from the
5 Department of Transportation, I am joined here by
6 Deputy Chief Michael Pilecki and Michael Clark, the
7 managing attorney of legislative affairs unit. On
8 behalf of the police commissioner, James P. O'Neill,
9 I wish to thank the Council for the opportunity to
10 speak today about the department's efforts to ensure
11 the safety of our cyclists on our streets and also to
12 comment on some of the bills being heard today.

13 Before discussing the bills under consideration the
14 day, I would like to speak about what the New York
15 City Police Department is doing to keep our cyclists,
16 pedestrians, drivers safe and on our crowded streets.

17 Last year, the city recorded the fewest traffic
18 fatalities since we began tracking traffic deaths in
19 1910. This year, we are on pace for the second
20 fewest fatalities during the same period. In the
21 previous decade, for more than 300 individuals lost
22 their lives on our streets each year. The vision of
23 this administration and combined efforts of the
24 Department of Transportation and the New York City
25 Police Department has reduced the number of lives lost

2 by approximately 100 persons per year. The standards
3 and goals for safety have rightfully changed and we
4 will not be satisfied on till no family is left
5 grieving for their loved ones because of a traffic
6 fatality. As the Cheese of transportation, I am
7 responsible for ensuring the safety of all New
8 Yorkers as they travel within and also around New
9 York City and, as a cyclist myself, this is a topic
10 that is deeply personal to me. Each fatality on our
11 streets is one fatality too many. Each family that
12 must grieve for their loved one is a family too many.
13 The department is committed to ensuring that our
14 streets are safe for all those who wish to share
15 them. As the city progresses towards a more
16 friendly, bike friendly future, the cyclists remains
17 one of the cornerstones safety-- remains one of the
18 cornerstones of our vision zero. Commissioner
19 Trottenberg already spoke at length about the
20 important innovations in the mayor's green wave
21 bicycle plan, but I would like to highlight the
22 NYPD's role and the enforcement aspects of green wave
23 and also vision zero in general. We have stepped up
24 the enforcement of blocked bike lanes and hazardous
25 driving violations leading to a sharp increase over

2 the last year and summonses for above parking and
3 moving bike lane violations, as well as summonses for
4 failure to yield to our pedestrians and bicyclists.

5 In July, we began a three-week initiative focused on
6 enforcement relative to parking in bike lanes, and
7 operation that has extended at least to the end of
8 the year. Since July, we are up 28.5 percent and
9 bike lanes summonses. We are continuing to focus our
10 enforcement on seven of the other dangerous moving
11 violations. We also refer as vision zero violations.

12 We have written approximately 220,000 more summonses
13 for these categories of violations last year and in
14 2013. 485,178 versus 704,284. The department and
15 the Department of Transportation continually
16 collaborate in studying collision trends, analyzing
17 the conditions that contribute an increase in
18 fatality use which allows us to efficiently and
19 pointedly stare out enforcement efforts to the most
20 at risk locations and on the most dangerous
21 violations. This has led us to decrease in overall
22 collisions and pedestrians over the last year. As an
23 example, I want to highlight the work that we did
24 last month in September. September has presented
25 unique challenges with children going back to school

2 and more school buses on the road and, unfortunately,
3 last year in September, ended with the highest number
4 of pedestrian fatalities in some time. With this in
5 mind, this September, we strategically deployed
6 traffic safety teams to high risk areas in eight
7 separate and targeted initiatives. These efforts,
8 along with overall increased focus on enforcement
9 against drivers who failed to yield to pedestrians
10 and cyclists, help contribute to the decrease of 44
11 percent and pedestrian fatalities over last
12 September. We are always analyzing what works and
13 what is less effective. We take these lessons into
14 the future enforcement initiatives to further hone
15 their effectiveness. While recognizing these gains
16 and improvements, we are all very troubled with the
17 significant increase in cyclist fatalities this year.
18 In addition to the considerable work of DOT in
19 response to these tragedies, the department has also
20 revamped its investigation protocols whenever there
21 is a collision between an automobile and a cyclist.
22 These instances, a supervisor will arrive on the
23 scene to evaluate whether or not the motorist failed
24 to yield to the pedestrian or the cyclists.
25 Additionally, our collision investigations squad

2 continues to vigorously investigate all fatalities,
3 serious injuries where the individual was likely to
4 die, and also critical injuries when called to the
5 scene and we make criminal arrests where appropriate.
6 We will also target areas that are particularly high
7 incidences of collision with outreach campaigns. We
8 attempt to educate drivers, bicyclists, pedestrians
9 on how to operate safely in the shared and also
10 congested spaces. This is certainly on the top of
11 the work that we do along with the Department of
12 Transportation to promote safe driving, bicycling,
13 and walking. Everybody, regardless of their method
14 of transportation, owes a duty to each other to
15 traverse in the shared spaces as safely as possible
16 and we are committed to helping ensure responsible
17 use of our street. We would like to further comment
18 on some of the bills that are under consideration
19 that are of interest to the department.

20 Intro numbers 769 would require the NYPD
21 to cancel summonses issued to the missing bicycle
22 equipment if the cyclist is able to demonstrate to
23 the department within 48 hours that the condition has
24 been cured. The department's ultimate goal is to
25 promote safety. If an individual is able to cure the

2 defect that led to their citation, the department
3 does not oppose canceling the summonses. However,
4 the NYPD is not the correct avenue for canceling such
5 violations. Of core or other independent final
6 arbiter is best suited to adjudicate these issues as
7 it is currently in the case with certain violations
8 such as nonfunctioning taillight.

9 Intro number 1435. 1435 would require
10 backseat passengers who are 16 and over to use safety
11 belts, enforceable against both the unbelted
12 passenger and the driver, except drivers of for-hire
13 vehicles. Requiring rear safety belts will
14 undoubtedly save lives and the department supports
15 this legislation.

16 Intro number 1763 would make it a
17 violation for a motor vehicle operator to fail to
18 maintain a distance of at least three feet from a
19 cyclist when overtaking. As Commissioner Trottenberg
20 noted, this specific three foot requirement would
21 lend clarity to an otherwise vague concept under the
22 state law and would present an opportunity to
23 publicly highlight these dangers.

2 Thank you for this opportunity speak
3 about this critical issue and I look forward to
4 answering any questions that you may have.

5 [background comments]

6 CHAIRPERSON RODRIGUEZ: that I would like
7 to acknowledge Council member Koo, [inaudible 37:07],
8 Deutsch, Reynoso, Holden, Miller, Cabrera, Espinal,
9 Menchaca, Brannan, Rose, Powers, and Levine who are
10 also join us today. How do you feel as, you know,
11 the leader of-- the joint leaders of this initiative
12 to-- you know, to reduce to zero the number of
13 pedestrians and cyclists being killed that-- and
14 this is not about blaming the Mayor, neither of you,
15 but as a city, how do you feel with this big increase
16 of that, you know, numbers of cyclist being killed?
17 You know, when we were able to accomplish that goal--
18 and what do you think are the causes for that
19 increase?

20 COMMISSIONER TROTTEBERG: I'm happy to
21 answer and, maybe, my colleagues from PD will, as
22 well. I mean, look. I've said it many times.
23 Obviously, we're grieving pretty heavily for all the
24 fatalities that we have seen this summer and, you
25 know, I think we think the green wave is a very big

2 commitment to do everything we can think of on the
3 agency side and NYPD and some of our sister agencies
4 to continue to tackle that. You know, I would
5 contextualize in general about vision zero and all of
6 you have the green wave in front of you. If you look
7 at page five, it shows you-- now this was from the
8 summer, obviously. Unfortunately, these numbers have
9 grown, but it shows you the cyclist fatality numbers
10 throughout the years. Those numbers have moved
11 around a lot. Last year we had an extraordinarily
12 safe year for cyclist and it was the safest year on
13 record in New York City on our roadways. This year
14 we have had this terrible spike in cyclist
15 fatalities. The vast majority of them have been in
16 Brooklyn. In the other boroughs have not been nearly
17 so high and, in some cases, they have been even a
18 little better than average. And, you know, our
19 agencies have spent a lot of time trying to take
20 through what we think is happening. We have some
21 theories that we have talked about. One thing we are
22 seeing-- particularly looking at Council member
23 Menchaca and Reynoso. In areas that were formally
24 very industrial. A lot of trucks. A lot of heavy
25 construction activity that are becoming more

2 residential. Where cycling is more popular, we are,
3 unfortunately, seeing the lot of collisions with
4 cyclist and trucks. And, you know, part of what the
5 green wave talks about is ways we can work with the
6 trucking community to make things safer and getting
7 side guards installed which we want to work with you
8 on. You know, that's one case where, unfortunately,
9 we are seeing a growing number of collisions. We are
10 also seeing-- you referenced the national trend, Mr.
11 Chairman. We are seeing this in New York, as well.
12 Increased use of SUVs and, you know, SUVs, when an
13 SUV has a collision, it tends to be going at a faster
14 speed. Harder stopping distance and it is a much
15 weightier vehicle and the center of gravity is
16 higher. When it hits a pedestrian or a cyclist, much
17 more likely to do serious or fatal damage. You know,
18 I think those are a couple of the trends that we are
19 seeing and, you know, we are trying, I think, best we
20 can on the infrastructure side to work, you know, as
21 fast as we can in those areas where we are seeing a
22 huge influx of residents into what were formally
23 industrial areas. And then, I think, PD can speak
24 about what they are seeing on the enforcement side,
25 but I have said this before. We have had five years

2 of declining fatalities in New York City on our
3 roadways. This year, even with the tragic spike in
4 cyclist fatalities, overall, as my colleague, chief
5 Chan said, we are on track to be the second safest
6 year on our roadways. And, you know, we have always
7 said about vision zero, unfortunately, progress is
8 not going to be linear, and, you know, when we see a
9 very bad, you know, trend happening, as we have this
10 summer, we are, you know, pulling together every
11 agency resource in terms of dollar in personnel and
12 mustering, you know, political and community support
13 to take as many steps as we can. And I think PD can
14 speak on the enforcement side.

15 CHIEF THOMAS CHAN: Taking a look at
16 the, during the course of the year, the collisions
17 have occurred and we certainly agreed that the
18 popularity and the use of bicycles as a means of
19 transportation to and from work has certainly
20 increased dramatically in New York City.
21 Unfortunately, as there are more bicyclists on the
22 roadway, the contacts may increase between the
23 vehicles and the bicyclists themselves. We have
24 taken a close look at that and, certainly, as we
25 mentioned previously above for, when we have a

2 collision between a motorist and a cyclist or a
3 pedestrian, we are sending out patrol supervisors out
4 there to oversee to make sure that the individuals
5 who are responsible for the collision are going to be
6 held responsible. If we see that the individual did
7 fail to yield to the pedestrian or the bicyclists, we
8 are going to issue them a summons for that and we
9 have done that and, of race that, we have included--
10 probably in the last six months we have had the
11 patrol supervisor also respond in conjunction for the
12 bicyclist who was injured on the roadway. We see the
13 trend. We identified it. We are sad and I this--
14 especially with the success that we have had in the
15 last five years on vision zero. We will continue to
16 work closely on the education. Our outreach unit,
17 along with the transportation Bureau, has-- DOT, has
18 also continued to do education with our motorists and
19 our bicyclists out there. And we will continue those
20 efforts. But one of the major things for the New
21 York City Police Department is that, we have
22 conducted more initiatives this year than we have in
23 the past specifically targeting behavior of motorists
24 that are failed to yielding to our pedestrians and
25 our cyclists out there and that will certainly have

2 an adverse impact on them on the roadways. So,
3 therefore, it is through precision police same. We
4 are identifying the locations. We focus our
5 enforcement at bicyclists collision prone locations,
6 pedestrian collision prone locations where we
7 identify if there are collisions that and that people
8 are injured, but also that we are proactively looking
9 for additional locations by going to [inaudible
10 00:43:36] where we have injuries and we have done
11 outreach on that during the course of the year. And,
12 ultimately, what we have seen this year, for the
13 bicycle injuries, we saw that, from the start of the
14 year, the bicycle injuries had gone up during the
15 course of the year. And, at one point, close to the
16 summer itself, we saw that it was-- we were probably
17 over 100 more injuries than there were last year. As
18 of this past Sunday, that decreased. We've been able
19 to target violations and we've actually have one
20 additional injury compared to last year. But, at one
21 point during the year, we were up 13 percent in
22 juries of bicyclists and things of that nature.
23 Right now we aren't targeting the right-of-way
24 infraction to motorists when they failed to yield to
25 our pedestrians and also our bicyclists and we feel

2 that we are now focused in the right area and we are
3 seeing the results lawyer, at this point, are
4 collisions are down 17 percent for the year. Our
5 pedestrian injuries are down five percent for the
6 year, and finally, as I said, during the course of
7 the year, the bicycle injuries are up pretty much the
8 whole nine months. As of this past Sunday, we have
9 one injury more than we did last year. But if we
10 continue on this trend, my expectation is that, too,
11 will continue to go down because we're targeting the
12 right violation in terms of protecting our bicyclists
13 and our pedestrians.

14 CHAIRPERSON RODRIGUEZ: But we have 30
15 cyclists being killed, right, this year? That's the
16 number?

17 CHIEF THOMAS CHAN: 25 listed.

18 CHAIRPERSON RODRIGUEZ: 25?

19 CHIEF THOMAS CHAN: Yes.

20 CHAIRPERSON RODRIGUEZ: This is the worst
21 year, right, that we have?

22 CHIEF THOMAS CHAN: Yes.

23 CHAIRPERSON RODRIGUEZ: So, in what I would
24 like to see-- and I know that this is what the
25 advocate would like to see is like all enforcement

2 should be towards drivers and not spending the time
3 and resources for the police office to going after
4 giving tickets to the cyclists. And I don't know--
5 I can talk about the local level. I have seen in my
6 district, the 34, police officer has given tickets to
7 [inaudible 00:46:06] cyclists not in the sidewalk.
8 Yes, in the street. Not putting a risk the life of
9 any pedestrian. So, what I-- my, you know, as we
10 have to continue this conversation and, you know,
11 putting forces and ideas together, my [inaudible
12 00:46:21] is that, you know, less ticketing cyclists.
13 Let's focus on the drivers because they are the ones
14 that cause the crashes that we have in our streets.
15 But my other question is on-- first of all, do you
16 know-- what is the estimate of how many New Yorkers
17 or visitors on and use bicycle in our street?
18 Because I think that number is necessary in order to
19 plan, right?

20 COMMISSIONER TROTTENBERG: I have that
21 number. I'm just going to find it here. I
22 apologize. Oh, yes. Here we go. Oh, no. That's
23 buses. Does anyone have that number-- oh, yeah.
24 Here we go. I apologize. I found my numbers. Our
25 estimated numbers-- and we use surveys and bike

2 counters and a bunch of different ways to get at this
3 activity is that about 24 percent of adult New
4 Yorkers, nearly 1.6 million people, ride a bike with
5 some number of frequency. The number of people who
6 bike to work in New York City grew, actually, two
7 times faster than in other major cycling cities over
8 the period from 2012 to 2014 and just we're now-- I
9 think I've given the statistics. We're about half a
10 million daily cycling trips which is 55 percent
11 growth since 2012 and 134 percent growth since 2007.
12 So, look, there's no question that cycling has grown
13 tremendously in the city and has become an
14 increasingly popular mode. Just I'll speak about
15 another piece of the statistics which, you know, we
16 are very excited about. We are continuing right now
17 to expand the city bike system which just, as you all
18 may recall, came into operation at the end of 2013.
19 We are now seeing regular daily ridership of over
20 50,000. We have well over 150,000 members. This
21 summer, we had one of our busiest cycling days on
22 city bike alone was over 90,000 trips. So, you know,
23 there's no question. I think, as Chief Chan alluded
24 to the fact, you know, we believe in the safety of
25 numbers phenomenon. We want to get more New Yorkers

2 on bikes, but it's true, with that extraordinary
3 growth, unfortunately, at times, we are seeing
4 increased collisions between, again, particularly, I
5 think, cyclists and trucks is an area where we've
6 seen, unfortunately, this year in particular, a real
7 uptick.

8 CHAIRPERSON RODRIGUEZ: Commissioner,
9 when-- I just have two more questions and then I'll
10 pass it to my colleagues. One question is
11 intersections like how-- if we look at how the DOT--
12 where the DOT is today, what challenges do we have
13 when it comes to intersections? How much more
14 resources do we need to plug in either funding from
15 the federal government that's in the past. I know
16 like there was some funding coming, you know, from
17 the federal level, especially with the [inaudible
18 00:49:33] intersections safer for cyclists and
19 pedestrians. Can you--

20 COMMISSIONER TROTTEBERG: Yeah. I'll--

21 CHAIRPERSON RODRIGUEZ: pick up there?

22 COMMISSIONER TROTTEBERG: I will speak
23 about that. I will also want Deputy Commissioner
24 Beaton to speak about that. And I know that's also
25 been a big focus for Chief Chan in terms of

2 enforcement. I mean, intersections are particularly
3 the place where cyclists and vehicles collide and,
4 all too often-- and pedestrians, as well, I might
5 add. And it all too often, it's a scenario where a
6 vehicle is turning, a cyclist or a pedestrian is in
7 their blind spot and, you know, a tragedy occurs. We
8 have committed to a very aggressive program of all
9 types of redesign treatments at our intersections and
10 some of you have even seen them. We've piloted them
11 throughout the city. Left turn calming treatments
12 where we put in bollard or sort of raised bumps in
13 the road which slow cars down as they turn. We've
14 embarked on a whole set of new redesigns for places
15 where we have bike lanes and they come into
16 intersections. And actually I'll let Deputy
17 Commissioner Beaton speak a bit more in detail about
18 that.

19 DEPUTY COMMISSIONER BEATON: Sure.

20 Obviously, intersections are where the cars and the
21 pedestrians and the bicyclists come together and they
22 are naturally the place we need to focus on to make
23 sure cycling is safe. We have a series of treatments
24 that we use that include-- we call a mixing zone
25 where cyclists come in and sort of have to merge with

2 cars. While we haven't seen these as being unsafe,
3 we've heard loud and clear from the cycling community
4 that people don't feel safe and that's something that
5 really affects cycling. And so we have really taken
6 a hard look both at our mixing on design to-- we've
7 shortened them and made sure that the markings are
8 clear. We have also been using more different
9 treatments like were people often call a protected
10 intersection, rather than merging, there is sort of a
11 single point where a car is supposed to wait and sort
12 of make eye contact or wear a driver makes eye
13 contact with a cyclist and be able to navigate that
14 intersection while. We had piloted these last year
15 at a couple intersections. Did a very robust set of
16 data collection, including both interviews, but also
17 looking at video to see what types of interactions
18 were happening between cyclists and drivers and found
19 that, at least in certain circumstances, they were
20 increasing safety and, as a result, that is something
21 we have now built into the new protective bike lanes
22 we have been doing going forward. But we are also
23 going back and looking at where are those places
24 where we can make our intersections safer with these
25 turn calming treatments with protected intersections.

2 Certainly, as we read pages streets, as we have
3 repaved quite a number of bike lanes this past year,
4 we are going back and putting those in, but we are
5 not just stopping there. Where it is the right thing
6 to do, we have a whole group that just goes and
7 redesigns intersections to make sure that they are
8 meeting our highest level of safety. So, we have a
9 lot out there and there is more to do, but we really
10 want to keep pushing the envelope on intersection
11 design.

12 CHAIRPERSON RODRIGUEZ: [inaudible
13 00:52:27] making my case in the call for the city to
14 separate the light for pedestrians and cyclists.
15 Have we seen in many of those cyclists that they lost
16 their life after being hit by a vehicle in those
17 intersections were the lights organize in a way that
18 it was separated for pedestrians and drivers?

19 COMMISSIONER TROTTEBERG: So, I'll jump
20 in on that and Eric may want to add. I mean, one
21 thing we have implemented, thanks to Council member
22 Menchaca now, is allowing cyclists-- one thing we
23 are doing throughout the city-- it'd been previously
24 the department had been very conservative on the use
25 of LPI's, leading pedestrian intervals, and we have

2 now really change that policy and embraced it and we
3 are putting them in by the hundreds all over the city
4 and, you know, they are immensely popular. They give
5 pedestrians a head start to start walking before we
6 allow vehicles to go and vehicles to turn. Tickets
7 for pedestrians further out into the intersections.
8 Vehicles can see them and we think they have been
9 tremendous for safety. Thanks to the Council and
10 Council member Menchaca, you all have given us now
11 the authority to also allow bicycles to go when they
12 get that LPI signal and we've worked carefully with
13 our NYPD colleagues to make sure that that was going
14 to be safe for everybody, pedestrians included. It
15 has and so now we are doing that. And we think that
16 is going to be-- you know, we will together, as we
17 put LPI's all over the city, making things safer for
18 cyclists and pedestrians. There are places where we
19 have cyclist only signals. I will let Eric speak
20 about that. It can tend to sometimes make the
21 traffic configuration of an intersection get quite
22 complex.

23 DEPUTY COMMISSIONER BEATON: And one thing
24 that I want to start by saying is that bike lanes and
25 protected bike lanes, in particular, are at an

2 incredible improvement and safety for cyclists. No
3 matter what type of intersection treatment, no matter
4 what type of signal is Asian. Where we have a
5 protected bike lane, even where we have a standard
6 bike lane, that level of infrastructure makes a huge
7 difference in keeping cyclists safe and when--
8 there's been a very, very small number of cyclist
9 fatalities that have happened on our protected
10 bicycle lanes. They have almost always been a case
11 where someone has done something incredibly egregious
12 lay of vehicle turning left from the far right of the
13 street. Something that would not be covered-- you
14 know, it's people that are blatantly violating
15 traffic laws. So, we want to keep everyone safe. We
16 want to make sure everyone follows the rules. There
17 is some limit to how much, you know-- if someone is
18 intentionally not following our traffic rules, they
19 will run a red light. They will do other things. We
20 need to look at what we often call a split phase
21 where a psychologist and pedestrians and traffic go
22 at different times, but what we want to do is create
23 a culture of compliance where we create a street that
24 people don't feel the need to run red lights. And
25 when we look at videos and we look at how cyclists

2 behave, if we do that in the wrong place, of cyclist
3 will get frustrated because they don't see other
4 traffic moving in the will start to go through the
5 light. And the same for vehicles. If they don't
6 feel like there is enough other traffic around, they
7 will start to run the red turn signal. And so, we
8 want to use those up places with a very high volume
9 of cyclists, pedestrians, and turns where it is
10 really needed to keep everyone safe. But we also
11 want to create a place where everyone can keep moving
12 where that is the best thing to do. And so, we need
13 to use different treatments at different types of
14 intersections.

15 CHAIRPERSON RODRIGUEZ: [inaudible
16 00:56:04] where the cyclists lost their lives
17 happened in an intersection where the time for
18 drivers and cyclists and pedestrians was divided,
19 separated?

20 DEPUTY COMMISSIONER BEATON: They varied,
21 but, in general, they happened on streets that didn't
22 have bicycle--

23 CHAIRPERSON RODRIGUEZ: [interposing] But
24 my question is--

2 DEPUTY COMMISSIONER BEATON: [interposing]
3 they-- they--

4 CHAIRPERSON RODRIGUEZ: [interposing] No.
5 No. Sir, my question is if any of the 25 cases, did
6 an intersection and use have device separated the
7 time for the cyclists and pedestrians and drivers?

8 DEPUTY COMMISSIONER BEATON: Most of the
9 streets did not even have a bike lane. Most of these
10 streets did not even have a bike lane on add, let
11 alone a separate signal for cyclists.

12 CHAIRPERSON RODRIGUEZ: So, and none of
13 those intersections, that's my question. We have
14 those intersections with the street lighting
15 separating between drivers and cyclists and
16 pedestrians?

17 DEPUTY COMMISSIONER BEATON: That is
18 correct.

19 CHAIRPERSON RODRIGUEZ: Okay.

20 DEPUTY COMMISSIONER BEATON: Most of them
21 didn't have any bike infrastructure, and all, which
22 we think is incredibly important for cyclist safety.

23 CHAIRPERSON RODRIGUEZ: Okay. I just
24 wanted to see how-- especially how [inaudible
25 00:57:09] that you if you-- and your team being able

2 to look at it. Because, again, I have seen, and many
3 of those intersections-- I will assume that, based
4 on what I have seen, but we need to rely on the data.
5 There is less crashes in those intersections even
6 though it delay the time for drivers so one gets
7 frustrated, but for me it's all about the safety
8 part. And my last question, before I pass it to my
9 colleague is about how many of those 25 cases involve
10 hit-and-run?

11 COMMISSIONER TROTTEBERG: Actually, do
12 you all-- I think PD has the hit-and-run statistics.

13 CHAIRPERSON RODRIGUEZ: If we don't have
14 it, you can share with us like--

15 COMMISSIONER TROTTEBERG: We'll get it
16 to you.

17 CHIEF MICHAEL PILECKI: I don't want to
18 give you-- at the top of my head, I don't believe
19 any of those are headed run from those 25 cases that
20 we have recorded. I'll double check in a second.

21 CHAIRPERSON RODRIGUEZ: Okay. And how many
22 of those resulted in the driver being charged?

23 CHIEF THOMAS CHAN: Councilman, while
24 we are waiting-- he will tally it up and give it to
25

2 you in a minute and/or two, okay? But we can move
3 on, if you'd like.

4 CHAIRPERSON RODRIGUEZ: And before--

5 CHIEF THOMAS CHAN: We'll get you that
6 information specifically.

7 CHAIRPERSON RODRIGUEZ: Okay. Before we
8 end, the colleague has questioned me would like to
9 ask. One of the persons Friends and Family for Safe
10 Streets whose girlfriend was killed and exactly 3
11 years ago to please comment in front of their and
12 just help us to read the name-- you can read the
13 list. That list and then we are going to read the
14 other list.

15 [background comments]

16 AMIR ZEMOLBERG: All right. My name is
17 Amir Zemolberg and I am here for Families for Safe
18 Streets and I also volunteer with the Ghost Bike
19 Project. We put up the white bikes that put on the
20 street as memorials for cyclists who have been killed
21 in New York City. My girlfriend, Lauren Davis, was
22 killed three years ago on Klassen Avenue in Brooklyn.
23 So, I'm here to read the names of the cyclists who
24 were killed in New York. Okay. So, Hector Ayala,
25 age 41. Susan Moses, age 63. Chaim Joseph, age 72.

1 COMMITTEE ON TRANSPORTATION JOINTLY WITH COMMITTEE ON
PUBLIC SAFETY 51

2 Arrillo Lawrence, age 25. Robert Spencer, age 53.

3 Pedro Deposteco, age 26. Robert Summer, age 29.

4 Kenichi Nakagawa, age 22. Israel Schwartz, age 16.

5 Victor Ang, age 74. And Robyn Heightman, age 20.

6 CHAIRPERSON RODRIGUEZ: We're going to be
7 reading the names. We're going to be passing.

8 Earnest-- Stay here. Earnest [inaudible 01:00:54],
9 57.

10 CHAIRPERSON RICHARDS: David-- Deborah
11 Freelander, 28.

12 COUNCIL MEMBER KOO: [inaudible
13 01:01:07], 78.

14 COUNCIL MEMBER MILLER: [inaudible
15 01:01:09]

16 COUNCIL MEMBER ADAMS: [inaudible
17 01:01:13], 30.

18 COUNCIL MEMBER GIBSON: Jose [inaudible
19 01:01:18], 52.

20 COUNCIL MEMBER MENCHACA: Donald Robert,
21 47.

22 COUNCIL MEMBER HOLDEN: Mario Valenzuela,
23 14.

24 COUNCIL MEMBER COHEN: Dalerjon
25 Shahobiddinov, age 10.

2
3 COUNCIL MEMBER LEVIN: Bogdan Darmetko,
4 age 65.

5 COUNCIL MEMBER BRANNAN: Hugo Garcia,
6 age 26.

7 COUNCIL MEMBER CABRERA: Muhammed
8 Abdulla, age 29.

9 CHAIRPERSON RODRIGUEZ: Charles Cheeseboro,
10 43.

11 CHAIRPERSON RICHARDS: Lastly, M.D. Abul
12 Bashar, 62. Thank you.

13 CHAIRPERSON RODRIGUEZ: So this is too
14 much. Too many.

15 CHAIRPERSON RICHARDS: Thank you,
16 Chairman. So, I'm going to get right down to
17 business and my questions will release Center around
18 NYPD and enforcement. Earlier this year, we saw
19 several enforcement actions targeting cyclists after
20 cyclist staff at the very same intersection where the
21 death occurred. I know Chief Monahan said publicly
22 that this practice was discontinued and my question
23 to you, Chief Chan, is can you explain the rationale
24 behind doing enforcement actions after the death of a
25 cyclist?

2 CHIEF MICHAEL PILECKI: I'm just going to
3 follow up very quickly Council member Rodriguez's
4 question in reference to how many arrests. We have
5 four arrests in reference to these 25 cases. In
6 terms of the issuing of summonses to bicyclists at
7 locations where bicycle is word injured or fatalities
8 at those locations, previously, we instituted a post
9 collision analysis and, also, enforcement of those
10 locations for a 72 hour period. And why it happened
11 is that our office serves, men and women will go out
12 there, be deployed and the world to enforcement at
13 those particular intersections or locations and,
14 again, they were not necessarily look at whether a
15 bicyclist or a motorist. They, basically, issued
16 summonses for violations they observed at those
17 locations. And they did not take a look at the
18 cyclists that were-- that are going through that
19 location. Then one of the things that we have spoken
20 to the community, we have listened to the groups, and
21 we understand their concern and, ultimately, working
22 with the Chief Monahan, the decision that was made to
23 make sure that we did not issues summonses to the
24 bicyclists at those particular locations because,
25 again, it appeared that we were being insensitive on

2 that. But, ultimately, our officers-- and when we
3 deploy them, we don't say, well, only give me certain
4 types of cars or don't-- we ask them to do
5 enforcement when we see violations out there. But,
6 again, that was taken into consideration and the
7 decision was made not to--

8 CHAIRPERSON RICHARDS: So, you would agree
9 that was insensitive and that's the--

10 CHIEF MICHAEL PILECKI: Yes. It could be--

11 CHAIRPERSON RICHARDS: department's
12 stance?

13 CHIEF MICHAEL PILECKI: perceived as
14 being--

15 CHAIRPERSON RICHARDS: Perceived. Okay.

16 CHIEF MICHAEL PILECKI: Yes.

17 CHAIRPERSON RICHARDS: And how is that
18 been communicated to precinct commanders?

19 CHIEF MICHAEL PILECKI: What happened is
20 that that certainly was shared to all of the precinct
21 commanders. The borough commanders and executive
22 officers. We have the forum of Traffic Stat where we
23 have one borough each week come into police
24 headquarters where we review there traffic programs.
25 We'd take a look at what they are focusing on to make

2 sure that they are doing the enforcement in the areas
3 that need enforcement, focusing their enforcement on
4 pedestrian injury locations, also bicycle injury
5 locations, to make sure that our program is
6 effective. So, we share this message and it's gone
7 out throughout the department itself that the
8 officers understand. So, we also have our traffic
9 safety teams and where then every precinct, the
10 executive officer is responsible for the traffic
11 safety program. So, the message is out there, but
12 [inaudible 01:05:55] men and women out there.

13 CHAIRPERSON RICHARDS: Thank you. And I
14 think the NYPD for curbing that practice. Let's talk
15 about bike lanes for a second because people parking
16 in bike lanes is a huge problem, obviously, in New
17 York City. Does the NYPD have the ability to clear
18 bike lanes if civilian vehicles are parked in them?

19 CHIEF MICHAEL PILECKI: Yes. We do.

20 CHAIRPERSON RICHARDS: And--

21 CHIEF MICHAEL PILECKI: During the course
22 of the year and-- we've issued this year over 70,000
23 parking lane summonses to those individuals who are
24 blocking our bike lanes out there and it is very
25 important that we keep it clear so that the

2 bicyclists are free so that they don't have to put
3 themselves in danger by going into the lanes of
4 traffic when we have a specific lane for them. So we
5 are doing enforcement in those areas. We--

6 CHAIRPERSON RICHARDS: That's 70,000 this
7 year, you said, correct?

8 CHIEF MICHAEL PILECKI: Yes.

9 CHAIRPERSON RICHARDS: Okay.

10 CHIEF MICHAEL PILECKI: 70,000 summonses
11 and I believe we are-- for bike lane summonses, we
12 have increased that activity by over 6000 for the
13 year, which is a 9.4 percent increase. So that's an
14 area we need to continue to work on. We need to
15 have, in July of this year, so we went out about a
16 three week and sank in it. When we continued to
17 target that particular violation. That is a priority
18 violation throughout traffic enforcement agents out
19 there also to get vehicles that are blocking our bike
20 lanes.

21 CHAIRPERSON RICHARDS: And I want to move
22 to something else because we've got a lot of
23 complaints and there has been no shortage of tweets
24 to me and, I'm sure, to the other Chairmen about
25 police officers parking in bike lanes. Can you talk

2 about what is the policy around police officers
3 parking and bike lanes and is it okay then do that?

4 CHIEF MICHAEL PILECKI: Certainly. We are
5 obligated to follow the same rules out there, with
6 the exception, we would say, of emergency vehicles.
7 If they are taking police action, they respond to the
8 location where they are going to a robbery or
9 burglary in progress, I certainly would take that as
10 consideration that if they park their marked
11 department car there. But other than being in actual
12 police emergency, there is no excuse for our officers
13 to park there because it is convenient. It is not
14 acceptable for them to do so. One of the areas that
15 we spoke about about this particular subject is at
16 our traffic Stat meetings and we also have members
17 from other boroughs who attend. For example, if
18 Manhattan is here today, the message will be shared,
19 whatever lessons we learn, to all the boroughs in
20 terms of what our policy is. The department has also
21 issued what we call a finders message which is sent
22 to every precinct and police facility that advises
23 them that they are obligated to follow the rules of
24 the road and not park in bicycle lanes, bus lanes,
25 and things of that nature. So, again, this is an

2 ongoing effort that we want to make sure that
3 officers are not just leaving their vehicles in those
4 locations.

5 CHAIRPERSON RICHARDS: I want to turn the
6 attention of the video quick. And I don't want this
7 to read as a gotcha' moment because I know the
8 challenges of finding parking in New York City and
9 the challenges of officers, especially as tightly
10 confined we are around police precincts and how the
11 challenges really do increase across the city. But I
12 just want to point to this twitter feed real quick.

13 VIDEO PLAYED

14 CHAIRPERSON RICHARDS: Thank you. So
15 after review that video, Chief, does this not look
16 like an emergency. In fact, it looks like home
17 precinct agreed to park perpendicular to see as many
18 cars as possible. And this is from October 4 of this
19 year and I just wanted to get what is your response
20 to this?

21 CHIEF MICHAEL PILECKI: I think that what
22 we mentioned before previously is that, when we have
23 individuals who do that, but then what we see here is
24 that there is a collective number of vehicles that
25 are parked and they are blocking the bike lane and,

2 therefore, that is an issue for the commander of that
3 particular facility to make sure that those bike
4 lanes are not blocked. We have received complaints
5 in certain locations and we addressed it on a timely
6 basis. We reach out to the commander and we hold
7 them accountable. So, certainly, we will take the
8 information to that location and make sure we follow
9 up so that those vehicles are not blocking the bike
10 lane so the bicyclists can use it.

11 CHAIRPERSON RICHARDS: And this is not the
12 only precinct in New York City that does this. I
13 know some of my colleagues, certainly, from Queens
14 will speak about the same challenges. And, once
15 again, we don't want to-- I don't want you to read
16 this as a gotcha' moment, but it's an opportunity for
17 us to do the work similar to what Council member
18 Menchaca did in his district working with his local
19 CO to ensure that the bike lanes were actually clear.
20 Are there any plans for DOT to work with you to
21 address the issues for all precincts? And I know I'm
22 going to build a new precinct in Queens and we sort
23 of got ahead of it because I was really worried about
24 the parking situation. So, we found an opportunity
25 that, I hope, will suffice to ensuring that we don't

2 have similar situations that are arising with other
3 local precincts. So, can you just speak to what does
4 coordination look like? You know, we don't want to
5 add burdens onto our officers and having to circle
6 the block 20 times, but there, at least, needs to be
7 some more thoughtfulness put into parking around
8 local precincts. And I'm just interested in hearing
9 is there any plan to look at all precincts in New
10 York City to make sure that we can then show our bike
11 lanes are clear?

12 CHIEF MICHAEL PILECKI: Certainly.

13 CHAIRPERSON RICHARDS: And not just bike
14 lanes. Pedestrians being able to walk. So, I know,
15 for us, like I'm not going to go into what my
16 colleagues will speak about, but pedestrians have two
17 walk in the streets in certain precincts in South
18 Queens for this very reason because there are cars
19 parked on the sidewalks. So--

20 CHIEF MICHAEL PILECKI: Again, we've worked
21 very closely with our partners in the Department of
22 Transportation and when we survey and we identified
23 the locations, we will sit down, specifically the
24 command, with people from-- whether borough
25 representatives, from Department of Transportation,

2 to look at the area and identify possible new
3 locations where we could resolve the situation. But,
4 again, our partners, the Department of
5 Transportation, has been working very closely with us
6 on that.

7 COMMISSIONER TROTTENBERG: And I'll just
8 add a lot of you are very familiar with each of our
9 borough commissioners who are the ones who, I think,
10 work really and in glove with local precincts. I
11 think, Mr. Chairman, you pointed out it's a
12 challenging problem. We, obviously, are very keen to
13 make sure that all city vehicles, not just police
14 vehicles, are not parked in bike lanes, are not
15 blocking pedestrian routes. You know, and where we
16 can, we looked to see if we can help with that
17 parking situation. Some parts of the city, you know,
18 as you are saying, in the new precinct you have a
19 chance to create parking, but in a lot of the
20 precincts around the city, it can be a real challenge
21 to accommodate those city vehicles. But I think it
22 is a pretty constant dialogue between our two
23 agencies.

24 CHAIRPERSON RICHARDS: So, is there a
25 comprehensive plan in working collectively into

2 trying to figure out how we can ensure every
3 precinct--

4 COMMISSIONER TROTTEBERG: I mean, I
5 think--

6 CHAIRPERSON RICHARDS: is adhering to--

7 COMMISSIONER TROTTEBERG: You may recall
8 the mayor announced last year it was part of a
9 broader placard initiative that, you know, that was
10 one of the things that he, particularly, wanted to
11 tackle for police precincts and fire departments, a
12 holistic solution on parking. I would say we are
13 still working through it because it is tough, but it
14 has certainly come to us as a mayoral priority.

15 CHAIRPERSON RICHARDS: Okay. And what
16 would be repercussions for participating in activity
17 like that? When an officer be ticketed and/or how
18 does that work?

19 CHIEF MICHAEL PILECKI: Specifically,
20 whether precincts and facilities of that, we hold our
21 commanding officers accountable for those areas in
22 terms of the parking in the safety. We want to keep
23 the fire hydrants clear. The crosswalks and the bike
24 lanes clear for our bicyclists and pedestrians to
25 make sure that they can use it safely. It's the

2 constant area that we harp on and also we ask them to
3 look at it very carefully. We talked to our
4 executive staff. The borrowing that can is to make
5 sure that their personnel and their borough are
6 following the rules and regulations. But on
7 occasions, we do have situations where some people
8 have and those officers will be directed to move.
9 They can also--

10 CHAIRPERSON RICHARDS: So they're given a
11 warning, at least, to move--

12 CHIEF MICHAEL PILECKI: Can be moved or--
13 Right. And, ultimately, if it's on the precinct
14 block itself and we have one-- we have what we call
15 Station House Security. They can walk the block
16 itself just to make sure that we are in proper
17 compliance. But as you mentioned before, on that
18 photo or that video there, that's a situation where
19 the commanding officer has to address it.

20 CHAIRPERSON RICHARDS: Okay. Thank you.
21 I'll go to my other colleagues for questions.

22 CHAIRPERSON RODRIGUEZ: Thank you, Chair.
23 Now, let's go to the colleague, Council member Koo
24 followed by Council member Menchaca.

2 COUNCIL MEMBER KOO: Thank you, Chair
3 Rodriguez and Donovan. Commissioner Trottenberg and
4 Chief Chan, despite all the [inaudible 01:16:15]
5 challenges, I want to thank you for your dedicated
6 public service to our city. Yeah. My question is--
7 I have two questions. We all know that bicycle
8 traffic is going to increase a lot more now, but not
9 too many people talk about the pedestrian safety
10 side. But when a bicycle hit a pedestrian and the
11 pedestrian had to go to the hospital and incur a lot
12 of medical expenses, there is no way he can get paid
13 by the bicyclist who heard the pedestrian. So, have
14 you ever thought about the idea of having-- of
15 registering all bicycles and then make all bicycles
16 have a basic insurance in case they hit somebody?

17 COMMISSIONER TROTTEBERG: I'll take a
18 crack at that, Council member Koo. And thank you for
19 your kind words. You know, in this job, I hear a lot
20 from, you know, as counsel-- as Chairman Richards
21 was saying, all different sides who sometimes feel
22 there is a war amongst them between pedestrians,
23 cyclists, and motors and were talking a lot about
24 cyclist deaths today, but, of course, we are
25 concerned about all deaths on the roadways.

2 Pedestrians, actually, tragically, are dying in
3 proportionately larger numbers than cyclists and we
4 worry about motor occupant vehicles, as well. And,
5 certainly, pedestrians can often have the perception
6 that cyclists are flouting the rules. I'm happy to
7 say, if you look at the actual numbers, it is
8 certainly very rare for a collision between a
9 pedestrian and cyclist to result in a death. There
10 are cases where they result in injuries. You know,
11 we are-- you know, one of the things that we have
12 proposed in this report that we think will help is
13 what we are-- you know, the title of the report is
14 the green wave, but one of the initiatives is in
15 quarters where we see have a cycling traffic, to re-
16 time the signals such that cyclists will get a green
17 wave of lights. We are really hoping and we are
18 seeing with an experiment we have done in Boerum
19 Hill, that that not only makes the ride better for
20 cyclists, but it produces better compliance with the
21 red lights because cyclists are attempted if they've
22 got momentum to go through red lights because it's
23 hard to stop at every single red light. We're hoping
24 we're going to be continuing to expand the signal
25 timing program. We are hoping that will help with

2 compliance. It will reduce the general feelings of
3 conflict between cyclists and pedestrians because,
4 obviously, we want everybody to feel comfortable and
5 safe on our streets. I do think we see, though, that
6 if you look at the statistics, luckily, there are not
7 a lot of terrible collisions between cyclists and
8 pedestrians and, you know, the ideas have been
9 floated for should there be more registrations? So,
10 it doesn't seem a feasible thing. Children start
11 cycling add a young age. That is what we would like
12 to encourage. I know of only one jurisdiction that
13 is ever looked at that. I think San Francisco did
14 and decided it was not a feasible experiment. But, I
15 think both agencies are very committed, particularly,
16 to working with the cycling committee groups like
17 Bike New York, to do everything we can to work with
18 the cycling community and to design our roadways in
19 such a way that we are encouraging safety from all
20 the users--

21 COUNCIL MEMBER KOO: Yeah. But--

22 COMMISSIONER TROTTEBERG: and reducing
23 those conflicts.

24 COUNCIL MEMBER KOO: But, Commissioner,
25 is then how do we-- even though it doesn't happen

2 that much, right? But how do we reimburse the
3 pedestrian if the bicycle is doesn't have insurance
4 to pay for his or her damage?

5 COMMISSIONER TROTTEBERG: Well let me--
6 I think PD can speak about those--

7 COUNCIL MEMBER KOO: I'm talking about
8 the financials side. Not the how many times it
9 happens. No.

10 COMMISSIONER TROTTEBERG: Well, I think
11 PD can-- I mean--

12 COUNCIL MEMBER KOO: They incur a lot of
13 damages to--

14 COMMISSIONER TROTTEBERG: They are on
15 the ground for some of those.

16 COUNCIL MEMBER KOO: So, that's why ask
17 you why don't we make all the bicyclist by a basic
18 insurance in case they hurt somebody?

19 MICHAEL CLARK: I mean, you know, I
20 think bicyclists have-- a bicyclist who is injured
21 on the ground still has legal action that they can
22 institute a lawsuit against the-- the pedestrian can
23 institute a lawsuit against the bicyclist. I mean,
24 and you're right. There is no insurance program for
25 it the way it is for cars and I don't know exactly

2 what that would entail to make that happen. But
3 there is still little remedy, a legal remedy, for a
4 pedestrian injured by a bicyclist in courts.

5 COUNCIL MEMBER KOO: All right. Because
6 I don't think we can solve this now. Mr. Chair, I
7 want to ask a second question. It's a really short
8 question for Chief Chan. So, in my neighborhood, a
9 lot of immigrants use bicycles, right? But there
10 bicycles, when they park their bicycles, their
11 bicycles get stolen and then, more that often, it
12 turns up in another neighborhood to somebody is
13 selling the same bicycle. When they report it to the
14 police station, the precinct, the precinct doesn't
15 take this as a priority for them. You know? So, a
16 lot of times many people get their bicycles stolen
17 two times, three times. So, I want you to answer
18 your opinion to how do you make this a priority for
19 local precincts to take stolen bicycles as a priority
20 and make sure they enforce it? Make sure to go
21 around the neighborhood and see who is selling stolen
22 bicycles and where they have stolen the bicycle from.
23 There are certain spots in every neighborhood the
24 people that their bicycles get stolen.

2 CHIEF THOMAS CHAN: Certainly, I would
3 encourage our bicyclist out there and this is a
4 program that is readily available by community
5 affairs where a group of officers will come out there
6 and actually etch identifying serial numbers and
7 things of that nature and to register their bicycles
8 and in this particular program and thereby goes into
9 our database and, therefore, the bicycle is
10 recovered, we are able to notify the owner and we are
11 also able to hold the individual accountable for it.
12 Any larceny, whether it be a bicycle or whether it be
13 a car, those are important to our citizens because
14 that may be there means of transportation. It may be
15 there means where they are going to utilize it for
16 work and things of that nature. So, it should be
17 taken very seriously. But the identification and
18 these programs are free. They can bring it and
19 schedule it with their community affairs officer to
20 have that information etched into their bicycles at
21 their convenience and set up bay where they stop by
22 the precinct. But what happens is that I encourage
23 everybody to join that program, but, certainly,
24 crimes where theft of property should be seriously
25 dealt with by our officers out there and, again, it's

2 very important that we take care of that because,
3 again, these people, noncitizens, depended as a means
4 of transportation.

5 CHAIRPERSON RICHARDS: All righty. We are
6 going to go to Council member Menchaca.

7 COUNCIL MEMBER MENCHACA: Thank you,
8 Chairs, and thank you both for being here today.
9 Commissioner Trottenberg, I just want to say that I
10 am sorry for your loss and I know this is felt across
11 the city and every time someone dies on our streets,
12 felt by everyone. And so, my condolences to you, the
13 team, the family. Thank you for also chose lifting
14 of the work that we've done together, all three of
15 us, Council, NYPD, and DOT on LPI's. I think we are
16 all looking at the data and it is just good. So,
17 it's just always important to talk a little bit about
18 how a community effort really with people on the
19 ground offered an opportunity to change the law and
20 it happens in the name of safety. Intro 769-- and
21 this is maybe for the NYPD solely-- really kind of
22 offers an opportunity for engagement that I think is
23 positive. And this is another idea that came from
24 bicycle riders in terms of how they would like
25 positive interactions with the NYPD and part of that

2 is so that the summons and the canceling of that
3 summons happens at the police precinct. Then one of
4 the ideas that just came from twitter in the bike
5 hive mind is, if you will, is not only doing Intro
6 769 that allows for a 48 hour response from the
7 person getting the summons to fix their equipment
8 issue, but to allow for and encourage equipment
9 giveaways as part of that relationship building with
10 community and NYPD and the last thing I want to say
11 is that though work that we are doing in Sunset Park,
12 really, I think in the catalyst-- is a catalyst in
13 the new bike lane has really offered an opportunity
14 for discussions between the school and the precinct
15 at the 72nd. Incredible leadership on all sides.
16 The community, the convening that it has been
17 happening at the station and Deputy Inspector
18 Gonzales has been incredible in understanding,
19 listening, and taking appropriate action, and doing
20 that within a quick timeline. And I think that
21 should be praised. That is happening there and I
22 think everyone is taking notice of it, which is why
23 it is a question in this conversation. And that's
24 about relationships. We don't get anywhere without
25 relationships. So this is really in the spirit of

2 that. So, I guess, on Intro 769, do you have the
3 power right now to cancel summonses of this kind?
4 Bike equipment summonses? Is that in your power
5 today?

6 MICHAEL CLARK: So, I think we-- there
7 are times in sort of in the immediate aftermath where
8 we could do it, but when it's improperly prepared or
9 shouldn't have been given at all, we could it, but--

10 COUNCIL MEMBER MENCHACA: Today. Right
11 now.

12 MICHAEL CLARK: Right. But at some
13 point it goes off to the tribunal.

14 COUNCIL MEMBER MENCHACA: Right.

15 MICHAEL CLARK: And then we don't have
16 that ability anymore. So--

17 COUNCIL MEMBER MENCHACA: Right. Which
18 is why we are asking for the 48. And, really, you
19 are currently doing it right now for vehicles, I
20 understand?

21 MICHAEL CLARK: Right. So, for
22 taillights, we currently will do it, but that is the
23 same structure where you come in here to show you
24 have fixed your taillight and we give you a form and
25 then you go to the traffic violations borough and

2 show it to the form-- show it to that court who can
3 then dismiss the case. So, that's the structure that
4 happens as I understand it right now.

5 COUNCIL MEMBER MENCHACA: Okay. So, my
6 time is up, but it sounds like we are aligned here
7 and so I'm just trying to figure out exactly what is
8 happening in terms of the issue with this bill.

9 MICHAEL CLARK: Yeah. I mean, I think
10 we can get to a good place. We can work on it.

11 COUNCIL MEMBER MENCHACA: Okay.

12 MICHAEL CLARK: The goal, we support.
13 You know, the ideas to promote safety and if you are
14 fixing the issue with a bike that promote safety, we
15 are on board with that, so the mechanism we can work
16 on on how to actually do that.

17 COUNCIL MEMBER MENCHACA: Okay. I'm
18 looking forward to doing that swiftly.

19 CHAIRPERSON RICHARDS: Council member
20 Deutsch followed by Deutsch, Miller, Cabrera, Holden.

21 COUNCIL MEMBER DEUTSCH: Thank you,
22 Chair. Good afternoon. Good morning. So, I have
23 been a motorist and a car owner for more than 30
24 years and I just gave up my car, my personal car, a
25 few months ago. So, now I am a proud transit writer

2 and I encourage those who own cars-- I come from a
3 district where everyone relies on vehicles and I go
4 to my meanings. I go to my civic meanings. I had a
5 meeting yesterday, block meaning, and I encourage
6 people that, if they can, leave your car at home at
7 least once a week and use mass transit and this way
8 we can take vehicles and cars off the streets. Now,
9 we have seen an uptick of cyclist crashes and
10 fatalities. Now, do you believe that we should
11 encourage cyclists just as we encourage motorists to
12 take mass transit? That they should get off the bike
13 saying use mass transit?

14 COMMISSIONER TROTTENBERG: No. I guess
15 I'll just say it in a nutshell. I think one of our
16 guiding principles in the transportation system of
17 New York City is, you know, we want to encourage
18 people to use the most sustainable modes. Walking
19 and biking are the most sustainable modes.
20 Certainly, transit is more sustainable than using the
21 car and we applaud you, Council member, for using
22 mass transit more. You know, we have a principle
23 that we believe holds true despite the tragedies we
24 are seeing this year that there is safety in numbers
25 in cycling. That the more cyclists that are out on

2 the roadways, the more drivers the, accustomed to
3 seeing them and looking for them and remembering I
4 don't open my door without checking whether there is
5 a cyclists coming. That builds more support for safe
6 cycling infrastructure, so I don't want to encourage
7 anyone to get off a bike, but, certainly, in the
8 hierarchy of transportation in New York City,
9 everyone who gets out of a car and is walking,
10 biking, or taking mass transit, it's better for the
11 transportation system, better for the environment and
12 more safety.

13 COUNCIL MEMBER DEUTSCH: I appreciate
14 that answer. So my question is on the green wave
15 plan, I represent southern Brooklyn. So, I have seen
16 plans from DOT on Emmons Avenue to have protected
17 bike lanes. I happen to live on a bike lane which is
18 totally unprotected and I have not seen any type of
19 outreach how motor should open the vehicle so they
20 shouldn't have a bicyclist ram into their door, so I
21 always tell people to open it with your right arm, so
22 this way you are forced to look into the side view
23 mirror, but we have 2.5 miles of Coney Island
24 boardwalk where it is totally protected and bikes are
25 restricted from riding in the boardwalk. If we could

2 add a bike lane going across to add that in the green
3 wave, then you are taking-- you are putting cyclists
4 in a protected area where there is no vehicles. And,
5 secondly, about five years ago, I had the
6 commissioner coming to my district on shore Boulevard
7 where we were able to implement a protected bike lane
8 going from Emmons Avenue to Kingsborough College
9 which would totally be on sidewalk-- which there is
10 enough room that is owned by Parks Department where
11 they agreed to have a bike lane on that area. You
12 are not taking any space away from pedestrians or
13 anyone else. And it's five years later and nothing
14 has been done. That plan has not been implemented or
15 even spoken about since then. And that on another
16 note, we had the SBS on Kings Highway which was
17 implemented more than a year ago and I had seven site
18 visits there with all of your agency, with traffic
19 department, with everyone. We are still not done.
20 We are still not done. And I just sent you an email
21 yesterday and the day is also regarding the SBS bus
22 lane. The bus lane has signage that says buses only,
23 but when I look in the website, when it doesn't have
24 the time, it is 24 seven. How are people supposed to
25 know it is 24 seven unless they go on the DOT

2 website? There is no way to know and if you have
3 tourists coming in, using the Kings Highway bus lane,
4 there is no way for them to know. It's a money grab
5 her and people are getting summonses up until 10
6 o'clock, 10 p.m. when I look at Broadway right here
7 in front of City Hall, it is 7 a.m. to 7 p.m. The
8 only other areas I was able to find yesterday was
9 First and Second Avenue. So, can you tell me that
10 Kings Highway is more busier than Broadway after 7
11 p.m.?

12 COMMISSIONER TROTTEBERG: So, there's a
13 bunch of questions in there. Let me attempt to run
14 through them and I'm going to have Eric jump in, too.
15 And, look, happy to continue-- you and I have had
16 many years of dialogue about the bike lanes and that
17 sort of cost and complexities of putting them in that
18 park-- you know, the parks location, but happy to
19 continue that discussion. I apologize. I didn't see
20 your email yesterday. And is not been an easy week
21 bunch of reasons, but we have your request on the bus
22 lane and, look, I think you make a point, Council
23 member. I would take some liberty to share it with
24 your colleagues. There's been a lot of fine tuning
25 on Kings Highway. It is been in a very iterative

2 process. It is fair for you to say that there is
3 still more work to do. Just as we balance the
4 Council's desire for us to move faster and faster on
5 projects, I just want you all to remember that it
6 takes a lot of time and refinement sometimes to get
7 the designs right and, you know, we don't what to
8 shortchange the implementation process and sometimes
9 we go back and forth for many months and we are
10 always ready and willing to do that and we have your
11 new requests on the hours. We will take a look. I
12 will just-- and there are other places where we have
13 24 hour bus lanes. The 24 hour bus lanes can often
14 serve a dual purpose, just so you know, which is to
15 keep the buses moving, but also often on stretches of
16 roadway where at night the roadway is very wide and
17 we've seen high crashes and we have seen injuries and
18 fatalities. So, they are places where we want to
19 keep that bus lane to calm the road to sort of put it
20 on a late-night road di-- Now, in this case, we will
21 take a look. We will check the signage. We will
22 come back and work with you all on it. But there can
23 sometimes be a dual-purpose so why would we want a
24 bus lane have been 24 hours.

2 COUNCIL MEMBER DEUTSCH: and understand
3 that, but let me tell you something, Chief Chan,
4 working with your office has been a total disaster.
5 When Kings Highway [inaudible 01:34:24] after DOT
6 implemented back, we have seen crashes going up. I
7 pulled out every police report from three different
8 precincts who share that intersection and, when I
9 asked your office for a traffic agent until DOT gets
10 it right, the response was that it is too dangerous
11 for a traffic control officer to direct traffic in
12 that intersection, but it's not dangerous for a
13 cyclist. It's not dangerous for a pedestrian. It's
14 not dangerous for motorists. Then we need to get
15 enforcement where it is needed. On Kings Highway, we
16 have 19 spots for truck loading and unloading and
17 vehicles parked in those truck loading and unloading
18 spots, right? Enforcement is not enough. We need to
19 do something more. And we had a site visit there,
20 Commissioner. And just to issue a summons for
21 vehicle parking in a spot that trucks are supposed to
22 be part to there and then use still have the same
23 problem. Trucks are still dull ball and sometimes
24 even triple parking. We need to get to the
25 underlying issue and get to the root of the problem

2 so this way our buses run smoother and this is been
3 going on over a year. And I could just tell the
4 panel here-- and Rebecca have been very responsive
5 all the time. But I just wanted tell the panel that,
6 at the next hearing that I come here, I'm going to
7 come with a blow horn and, when I hear this testimony
8 of we want to reduce fatalities, we want to reduce
9 crashes, I'm going to have that blow horn set off in
10 the mic until I get thrown out of here because we
11 need to work together. Agencies need to partner
12 together when it comes to enforcement, when it comes
13 to making our roads safer, when it comes to making
14 our buses run smoother for all commuters and to keep
15 our cyclists safe. And I don't see any education,
16 any outreach as anyone handing out flyers. Please be
17 aware cyclists. We have an influx of cyclists now.
18 The city, and Brooklyn-- I don't see anything.
19 Nothing.

20 COMMISSIONER TROTTENBERG: Council
21 member, we would be happy to partner with your office
22 in terms of getting some education out there. We
23 have a--

24 COUNCIL MEMBER DEUTSCH: So, let's get
25 it done.

2 COMMISSIONER TROTTEBERG: Sure.

3 COUNCIL MEMBER DEUTSCH: Let's get it
4 done.

5 COMMISSIONER TROTTEBERG: Okay. I'll
6 follow up--

7 COUNCIL MEMBER DEUTSCH: [interposing]
8 Let's get Kings Highway done. Let's get enforcement
9 out there.

10 COMMISSIONER TROTTEBERG: If you-- If
11 you--

12 COUNCIL MEMBER DEUTSCH: [interposing]
13 Because I'm telling you it comes to a point when we
14 have had enough.

15 COMMISSIONER TROTTEBERG: [inaudible
16 01:36:50]

17 COUNCIL MEMBER DEUTSCH: And you know
18 my district. It's very difficult to convince my
19 district to get certain bike lanes. I'm waiting for
20 the Emmons Avenue green wave to be connected and I
21 spoke at meetings and I spoke about this new thing
22 that I want to support protected bike lanes.

23 COMMISSIONER TROTTEBERG: Right.

24 COUNCIL MEMBER DEUTSCH: And I spoke to
25 the Commissioner.

2 COMMISSIONER TROTTEBERG: And we love
3 hearing that.

4 COUNCIL MEMBER DEUTSCH: But now they
5 are telling me it's pushed back and, when I speak to
6 my civic meetings, they tell me, oh, we didn't hear
7 about it. And I thought already there was engagement
8 with my communities with the civic meeting--

9 CHAIRPERSON RICHARDS: [interposing]
10 Councilman, Deutsch, I'm going ask you to wrap up.

11 COUNCIL MEMBER DEUTSCH: So, we need--

12 COMMISSIONER TROTTEBERG: Can I just say
13 one thing?

14 COUNCIL MEMBER DEUTSCH: [interposing]
15 I get six minutes. I have two committees here. I'm
16 on Transportation and Public Safety.

17 COMMISSIONER TROTTEBERG: Complete--

18 CHAIRPERSON RICHARDS: That's clever.

19 COMMISSIONER TROTTEBERG: It's wonderful
20 news that you gave up your car. I love that you want
21 to do messaging about [inaudible 01:37:39] and we
22 would be happy to work with you. We have done social
23 media messaging on that. We could give you messaging
24 that you could pod out on your own twitter. We could
25 come into your district with our safety education

2 team. We are always happy to partner with you and
3 you know how to always find me and so does Tova. So,
4 we are always working together.

5 COUNCIL MEMBER DEUTSCH: Thank you. I
6 want to work, Commissioner, with you and with Cheese
7 Chan and I want to get this done. Thank you.

8 CHAIRPERSON RICHARDS: Thank you for your
9 slickness, Councilman Deutsch. All right. We are
10 going to go to Council member Miller followed by
11 Miller, Cabrera, and then hold in.

12 COUNCIL MEMBER MILLER: Thank you, Mr.
13 Chair. Education is crucially important and we have
14 had numerous hearings here in transportation over the
15 past five years that were very specific to cyclist
16 safety, pedestrian safety, and so forth. But we're
17 here to talk about cyclists and rounds and I don't
18 want to be insensitive, but, certainly, this counsel
19 has demonstrated that we value cyclists. That we
20 understand how we have transitioned from being
21 motorists to cyclists and how to make our streets
22 safer. But I will preface it that, by saying that,
23 it has been kind of one-sided in saying so that there
24 are conversations that have not been had and I am
25 not, for one, who believes that the way that we get

2 to cyclists, pedestrian, motorist safety and,
3 particularly, cyclist safety is to get all the
4 motorists and pedestrians off the road. Which seems
5 to be the direction that we are going in. So I do
6 have a number of questions and so I want to get
7 through them. Number one, when we talk about the
8 creation of the secured bike lanes, in particular
9 fountain Avenue, what is the data that supports that
10 we use to create those? Is it volume of cyclists?
11 Is it potential sites that folks need to get to and
12 so forth, because that is a very unusual location for
13 that to pop up. And then, in terms of what kind of
14 data and surveying goes into it, because I turned
15 down the street. It happens to be in front of the
16 junior high school that I attended, truck was
17 delivering in one lane and we sat there for 15
18 minutes. So, what goes into that in advance. And
19 then, as we holistically talk about cyclist safety,
20 something that we have been talking about, I have a
21 bill that I introduced four years ago which was
22 helmet. And I know we all agree that helmets and
23 seat belts reduce major injuries and fatalities, but
24 that has not occurred yet and that is for 16 and
25 under. I want to know if you and the NYPD are

2 supportive of that, as well as no texting while
3 cycling. For the Commissioner--

4 COMMISSIONER TROTTEBERG: All right.

5 I'll start with the bike lane question and, you know,
6 one we have discussed with this committee many times
7 and many of you individually. You know, it is a sort
8 of iterative process that we use to build out our
9 bike network and you can see-- oh. The poster was
10 moved away there, but we can bring it back. You
11 know, we, on the one hand, have now put together a
12 vision of-- you all have-- yes. If you all have
13 your green waves, you can see it in there. There is
14 a bunch of different maps. One is sort of where the
15 city was 15 years ago in terms of bike
16 infrastructure, where we are currently. And you can
17 see a lot of it is built out from the core connecting
18 key destinations. We have a new focus on what we
19 call the bicycle priority districts. Fountain Avenue
20 in East New York is one of those. Areas that are
21 sort of tiers out from the center city where we-- I
22 was riding on Fountain Avenue yesterday. There were
23 a lot of people cycling there. You know, where we
24 start to see cycling activity occurring, where we
25 look at the safety statistics, and where we certainly

2 do want to connect to important destinations. As I
3 mentioned in my testimony, the bike lane that we have
4 put in on Fountain Avenue connects now to a beautiful
5 new state park, Shirley Chism State Park. That
6 connects to the Jamaica Greenway. So it is a nice
7 neighbor-- and it connects to a bunch of other
8 routes and destinations in the neighborhood. You
9 know, they're invented criticism that, in some ways,
10 our bike network can be piecemeal and sometimes that
11 can be true and that a community will come and have a
12 particular corridor that they want to see bike lane
13 on. Our goal over time-- and you can see the
14 details of it starting to flush out on this map, is
15 to connect all those corridors together, but I don't
16 want to discourage a community that wants to see a
17 particular bike lane if it isn't yet ready to be
18 connected all the way into lower Manhattan, for
19 example.

20 COUNCIL MEMBER MILLER: So, that kind of
21 speaks to community engagement. Community board five
22 and the rest of that stuff there. How much will they
23 engage and are we prioritizing cyclists as a tourist
24 attraction or as recreation as opposed to the every
25 day, and day-to-day functions of a community?

2 Including education, including economic development,
3 and the rest of that stuff there where as we have
4 total gridlock for 15-- 20 minutes because of
5 design-- poor design or lack thereof. What goes in
6 the back? I don't want to spend too much time on
7 that, but I also want-- because I want to speak to
8 some of the other things that we talked about, which
9 was helmet safety and the other thing. Then I also
10 wanted to get to the Chief Chan and talk about
11 investigations in his accident. What goes in post-
12 investigation? Do we look at beyond someone saying?
13 Are we looking at infrastructure? Are we looking at
14 signage or the lack thereof and the other things that
15 are going on? And then, finally, to piggyback on
16 Council member Deutsch and he's talking about
17 education, this is a whole paradigm shift of-- I'm
18 born and raised here and have cycled my entire life,
19 including Fountain Avenue in East New York and this
20 is a new paradigm for everybody, right? And there's
21 an assumption that folks get this, but there are
22 communities like Fountain Avenue, like Southeast
23 Queens, that this is new. Right? And then, when we
24 come out and we start talking about the right of way
25 and people being punished for right-of-way and the

2 other laws and regulations that have come to being
3 over the past few years. How do we educate folks to
4 this? Is this a part of the New York State driver's
5 manual? Is this the la-- particularly, many people
6 actually know what an LPI is? Survey folks all the
7 time, including members. Many people in this room
8 outside of cycling community know what an LPI is and
9 its impact on potential impact on pedestrians and
10 motorists? As well as cyclists? And so, we have a
11 lot of work to do. We are assuming in this room in
12 this world that we all get it, right? But once we
13 step outside of here, we have about 8 million folks
14 that have no idea what we are doing here and that
15 will continue to perpetuate the unsafe conditions
16 that we see. Are we doing enough to make sure that
17 our cycling, our motorists, and our pedestrian
18 community is safe. And before we go, we had this
19 conversation when we were talking about permits that
20 were issued in the city and I get trolled on-- and
21 I know you get the same thing on twitter-- about my
22 local precinct and that they are parking not only in
23 the no standings on the street, but on the sidewalks
24 and they are forcing not only cyclists, but
25 pedestrians into the street and causing congestion

2 where we have two municipal parking lots that are no
3 less than 20 feet away from the precinct.

4 COMMISSIONER TROTTEBERG: So, I'd like
5 to tackle just a couple of the things you said,
6 Council member Miller. And I just want to make it
7 clear I don't assume that everyone in the city knows
8 what we are doing and is part of why when we talk
9 about, for example, the Fountain Avenue laying, I was
10 very proud yesterday to stand with a bunch of the
11 groups we have worked with at the community level and
12 we have been on the ground in East New York and Bed
13 Stuy for several years.

14 COUNCIL MEMBER MILLER: Who are they?

15 COMMISSIONER TROTTEBERG: Bed Stuy
16 Restoration Corporation--

17 COUNCIL MEMBER MILLER: [interposing] In
18 East New York?

19 COMMISSIONER TROTTEBERG: Bed Stuy
20 Restoration Corporation and they have a woman who
21 runs the East New York jobs program. We have worked
22 with the NYCHA project there. So, we've-- Look.
23 I'm not going to pretend that everyone--

24 COUNCIL MEMBER MILLER: Cypress Hills?

25 COMMISSIONER TROTTEBERG: Huh?

2 COUNCIL MEMBER MILLER: Cypress Hills
3 NYCHA?

4 COMMISSIONER TROTTEBERG: Yes. Cypress
5 Hills.

6 COUNCIL MEMBER MILLER: The tenants
7 association there?

8 COMMISSIONER TROTTEBERG: I don't know
9 the name of the person we work with, but we worked
10 with, again, someone at Cypress Hills, someone from--
11 Who handles, particularly, East New York Jobs in the
12 Bed Stuy Restoration Corporation. So, I think our
13 agency-- we want to take the time to work closely on
14 the ground. And I agree with you. A lot of people
15 don't know what an LPI is. On the other hand, if you
16 say to them, do you like getting a head start when
17 you cross the street, I find that resonates with most
18 folks. And I want to just-- if you look on page
19 three of the green wave, you're sort of talking about
20 whether these are tourist areas we're focusing on. I
21 sort of want to reassure you that these pink areas
22 are the areas we particularly want to make progress
23 in. They are neighborhoods we are seeing a lot of
24 cycling. It's mostly not tourists. It's local
25 residents and we really want to make sure we can

2 build-- they are places, unfortunately, where we've
3 seen a lot of fatalities and we want to build out
4 that cycling infrastructure. And I agree with you.
5 We need to do a lot of work on the ground with local
6 communities. There are places where, you know, they
7 don't necessarily like city government too much, but
8 we are committed to that effort. We don't go into
9 communities assuming everybody knows and loves what
10 we are proposing. We know we have to do our
11 homework. We certainly welcome working with you all
12 on the Council to help us--

13 COUNCIL MEMBER MILLER: [interposing] With
14 all due respect, I spoke to the tenants association
15 president at Cypress Hills. I also talked to the
16 president and district manager of community board
17 five and you guys didn't engage them.

18 COMMISSIONER TROTTEBERG: I have to
19 disagree. We've been on the ground there for quite a
20 while.

21 COUNCIL MEMBER MILLER: Well, what's the
22 name of the person at Cypress Hills that you talked
23 to?

24 COMMISSIONER TROTTEBERG: All right.
25 I'll--

2 COUNCIL MEMBER MILLER: And who is their
3 community board president?

4 COMMISSIONER TROTTEBERG: I will grab
5 you the names of those things and follow up, but I
6 have to say I stood with a big group of pretty
7 enthusiastic people yesterday.

8 COUNCIL MEMBER MILLER: And in terms of
9 design, is it appropriate that traffic backed up when
10 the school makes the delivery nearly every day? That
11 you lose an entire lane? The only lane going
12 southbound?

13 COMMISSIONER TROTTEBERG: If there
14 are particular spots where we are seeing those
15 problems, then get them to our offices and we'll do
16 tweaks. We often find when we put in-- And one of
17 the questions that was raised about the bike lane
18 yesterday was there were still some cars parking in
19 it because we had created a parking protected bike
20 lane, but cars didn't know, yet, that we had added
21 those parking spaces. So, as we are saying here
22 today, there is often a process where we have to make
23 a lot of adjustments when we--

24 COUNCIL MEMBER MILLER: Well, do you take
25 into consideration delivery on-- to schools?

2 COMMISSIONER TROTTEBERG: We do. And,
3 in fact--

4 COUNCIL MEMBER MILLER: Or to schools.

5 COMMISSIONER TROTTEBERG: We worked
6 pretty closely with those schools. And I want to
7 just point out about East New York, you know, this is
8 a hearing on cyclist fatalities. This is a
9 neighborhood where we have seen cyclist fatalities
10 and I think one thing we all know works-- one thing
11 I think most people in this room would agree is that
12 protected bike lanes are the best in addition we have
13 first cycle fatalities.

14 COUNCIL MEMBER MILLER: Do you support
15 helmets?

16 COMMISSIONER TROTTEBERG: You know, when
17 we announce our green wave, we announced that we
18 would be the-- DOT would be greatly increasing-- We
19 work with a lot of you. We do a lot of--

20 COUNCIL MEMBER MILLER: Do you support
21 helmet legislation?

22 COMMISSIONER TROTTEBERG: Let me-- If
23 you could just let me finish, Council member. We
24 agreed we would continue to do our cyclist giveaways
25 and particularly work with City Bike and other

2 cycling groups to give helmet. Children 14 and under
3 are required to wear helmets in New York City, but
4 there is a creative tension of in cities where having
5 adults required to wear cycling helmets, cycling goes
6 down particularly for things like--

7 COUNCIL MEMBER MILLER: [interposing] Does
8 DOT support it? Yes or no?

9 COMMISSIONER TROTTEBERG: I mean, DOT
10 supports people wearing helmets. We don't support
11 making it mandatory.

12 COUNCIL MEMBER MILLER: Do you support no
13 texting while cycling?

14 COMMISSIONER TROTTEBERG: I support no
15 texting while cycling or driving, for sure. But not
16 as--

17 COUNCIL MEMBER MILLER: Because those
18 people--

19 COMMISSIONER TROTTEBERG: But--

20 COUNCIL MEMBER MILLER: The legislation--

21 COMMISSIONER TROTTEBERG: I don't know
22 that I would want to have--

23 COUNCIL MEMBER MILLER: had died in this
24 distri--

2 COMMISSIONER TROTTEBERG: I don't know
3 that--

4 COUNCIL MEMBER MILLER: in this committee.

5 COMMISSIONER TROTTEBERG: I don't know
6 that I would want to have NYPD in the business of
7 enforce-- of having an enforceable offense against
8 cyclists there, but I'll let them speak to that.

9 COUNCIL MEMBER MILLER: Please do.

10 MICHAEL CLARK: So, when I'm sitting
11 right here right now, I have no read the bills in a
12 long time, but I think we would agree texting while
13 cycling is something that should be prohibited and,
14 in terms of the helmets, you know, I think we agree
15 with DOT that should be very much encouraged, but,
16 you know, we will have to review legislation more on
17 that one to see where we come off on it.

18 [Background comments]

19 CHAIRPERSON RICHARD: Thank you, Number
20 Miller. Fernando Cabrera followed by Cabrera Holden.

21 COUNCIL MEMBER CABRERA: Commissioner,
22 it's good to see you, and Chief and all the staff.
23 First, Commissioner, I want to thank you and I want
24 to voice publicly for coming to my district and just
25 about every project that we talked about it is done

2 which is going to help cyclists. It is going to help
3 drivers. The people in our community are extremely
4 happy. They are please and they send you their
5 gratitude. So I want to thank you for that and thank
6 you for putting feet to every word that you spoke. I
7 have a question that I think everybody wants to know
8 and I'm just like burning with curiosity. I know we
9 closed down 14th Street to drivers. Right? Correct?
10 Is that correct?

11 COMMISSIONER TROTTEBERG: Well, we've
12 turned it into a transit and truck priority route.
13 So, just to be clear, we are advertising the movement
14 of buses and trucks. Local pickups and drop-offs are
15 allowed. So, contrary to what you might have been--
16 it's not entirely closed off to the vehicles. We are
17 just discouraging cars using it as a through route
18 all the way across town.

19 COUNCIL MEMBER CABRERA: So, are there
20 any other avenues, streets, you are thinking of
21 closing? And the question that I keep being asked is
22 are we looking to follow the model that we have in
23 London where pretty much you have whole sections
24 where cars are not allowed to go through?

2 COMMISSIONER TROTTENBERG: So, you know,
3 I think we just rolled 14th Street out a few weeks
4 ago and, you know, I think, as a lot of you know, it
5 was a long process with the L train and, I think,
6 with the initial results were very, very pleased. We
7 are seeing the buses are moving a lot faster.
8 Ridership is up. We are seeing local businesses are
9 able to get their deliveries and their customers and
10 we are not seeing terrible increases in traffic on
11 the side streets. Now, we've had our partners from
12 NYPD have been on the ground and forcing. They are
13 slowly reducing the amount of enforcement and
14 directing of traffic they need to do, but I think,
15 you know, the early results are very, very
16 encouraging. And, of course, the Speaker has said--
17 he declared it a miracle and he wants to see it,
18 potentially, on other routes. There are a bunch of
19 routes around the city where we could look to do
20 variations of this treatment. Again, I would say to
21 the committee members, it was a long process of
22 designing 14th Street and getting it right. And, you
23 know, I think the kind of routes we would potentially
24 look for our ones where-- and I can think of wins in
25 every borough-- where we see very high bus ridership

2 and, you know, we think we can do a design where,
3 again, local businesses and buildings can still get
4 what they need. We are not going to see big traffic
5 impacts on adjoining streets, but as I said before, I
6 think 14th Street is a promising template. I would
7 certainly invite all members, if they had routes they
8 wanted to discuss, we would love to do so.

9 COUNCIL MEMBER CABRERA: Okay. Thank
10 you. And just to questions. Chief, one is actually
11 I need your help. I know we spoke back in June.
12 Bailey Avenue, I'm having those Mack trucks parking
13 there. It's an everyday occurrence. I have one
14 there has been there for four days. I asked you to
15 get them towed away. Put the boot on them. Do
16 something. We have written and we have not seen any
17 action. We truly-- we need action because then it
18 complicates parking for the drivers and then that
19 compounds all of the other issues that we are dealing
20 around in the area. And I wanted to ask you or maybe
21 your staff person. How many of those bike lanes
22 summonses were actually dismissed?

23 CHIEF THOMAS CHAN: We don't have that
24 data in reference to the number of dismissals and
25 things like--

2 CHIEF THOMAS CHAN: Can you start
3 working on that data? Because, you know, I have
4 chaired government operations and I deal with both
5 and that question is going to come up in the near
6 future at one of the hearings. So, if you could
7 start working that--

8 CHIEF THOMAS CHAN: That may very well
9 be Department of Finance, but we will look into that.

10 COUNCIL MEMBER CABRERA: Okay. I
11 appreciate that. Mr. Chair, I turned it back to you
12 and I did not take 10 minutes. Thank you so much to
13 both of the Chairs.

14 CHAIRPERSON RICHARDS: Council member
15 Holden.

16 COUNCIL MEMBER HOLDEN: Thank you, Chair.
17 And thank you, Commissioner, for supporting Intro
18 1354. The cement mixtures, obviously, are creating
19 problems throughout the city for several years now.
20 And just coming here, I was actually in my car on the
21 BQE and you can see spillage all along the side and
22 actually in front of catch basins. Then you get
23 ponding on the highway and that is a danger to
24 everyone. But, the spillage does of fact cyclists,
25

2 pedestrians, and motorists and I assume that your
3 agency removes the spillage?

4 COMMISSIONER TROTTEBERG: You know, I
5 will say, Council member, we identified this problem
6 a few years ago ourselves and I'll confess we have
7 had ad hoc efforts to chip away at it. You know,
8 and, obviously, when we resurface streets, we try and
9 fix it, but that is why we really are such strong
10 supporters of your bill. It is something where it is
11 happening all over the city. We are trying to keep
12 on top of it, but if we could nip the problem at the
13 source, it would make it tremendously easier in terms
14 of agency operations because it's a complicated and
15 labor-intensive to get the concrete off the street.

16 COUNCIL MEMBER HOLDEN: Yeah. I witnessed
17 they had to use a jackhammer especially--

18 COMMISSIONER TROTTEBERG: Exactly.

19 COUNCIL MEMBER HOLDEN: any place where
20 there is an incline you will see it. Even on slight
21 inclines on expressways you will see the spillage
22 because they are stop and go and a spell. And I've
23 been behind us cement mixer that had significant
24 spillage on Elliott Avenue. There is a large hill
25

2 there and no sooner did the cruise remove the
3 spillage then it was back again the next day.

4 COMMISSIONER TROTTEBERG: It is a
5 frustrating problem. And we, of course, see it
6 particularly Williamsburg in areas where you see have
7 a lot of concrete plants. We see it in the streets
8 there. So, you know, we think you. We would love to
9 try and address this problem.

10 COUNCIL MEMBER HOLDEN: Thank you. And
11 just a note on the previous saying blocking, my
12 precinct, I have a 104 precinct in Queens. Routinely
13 they are blocking not only the sidewalks in front of
14 the precinct which is every day, but more importantly
15 we have crosswalks blocked. Hydrants blocked. And I
16 am talking probably a dozen hydrants blocked around
17 the area. And that's not good for anyone. I brought
18 it to the attention of the commanding officer and I
19 walked in the precinct. And I said, something has to
20 be done here. And it's gotten out of hand. And
21 why-- you know, again, the police are exempt. There
22 is parking. You just have to probably walk four or
23 five, six blocks. But you can find parking. Or
24 there is a train station, subway station, right down
25 the block that you could use. So, we are seeing a

2 danger now all in every neighborhood that a precinct
3 exists. Although, I call for a new precinct because,
4 obviously, we have outgrown it, at least in the 104
5 and many precincts around the city. So, we really
6 have to have a program-- and I think the Mayor might
7 want to lead on this. That we rebuild precincts or
8 build them to the 21st century standards, rather than
9 the early 20th century standards that we have today.

10 CHIEF THOMAS CHAN: Councilman, thank
11 you for bringing it to our attention and I appreciate
12 you reaching out to the commanding officer. And,
13 again, it is something that he means to address, so
14 I'll just have a conversation with him also in
15 reference to the issue.

16 COUNCIL MEMBER HOLDEN: Thank you. Thank
17 you.

18 CHAIRPERSON RICHARDS: Thank you. All
19 righty. I think we got through the list. I will
20 just end with two questions. Chief Chan-- I'm going
21 to go to the hard one first. What is the
22 department's protocol for providing information to
23 the press in response to a collision? So, we've
24 obviously heard in some cases of leaks to the press--

25 CHIEF THOMAS CHAN: Uh-huh.

2 CHAIRPERSON RICHARDS: blaming cyclists.

3 Is that something that the NYPD press office should
4 handle prior to an investigation or have there been
5 any conversations within your department to make sure
6 that those leaks are minimized?

7 CHIEF THOMAS CHAN: One of the areas
8 that we certainly have met with the transportation
9 alternatives and other advocates in reference to that
10 issue and their perception is that possibly officer
11 may be sharing information and things of that nature.
12 Our official status is that we will funnel
13 information through our Deputy Commissioner of Public
14 Information Office. That's where we gave a
15 consistent and did a-- we will get it from the
16 correct source. Make sure that the information is
17 correct. Unfortunately, on occasions, we may get a
18 situation where people are simply at a location of
19 the collision and they overhear conversations and it
20 does not necessarily mean that is the official
21 version of what happens. So, misinformation does get
22 out there. But, again, we make sure, and we've
23 mentioned that at Traffic Stat, itself where we have
24 the borough, we have the traffic safety teams and the
25 individuals and the XO and the traffic teams that are

2 there and we, again, we have directed them to make
3 sure that the proper channels where the information
4 is given to the public in reference to whatever type
5 of investigation. Because, quite often, whether it
6 be a criminal or a traffic investigation, things do
7 change and the circumstances. We get additional
8 information, we might see a video that may change the
9 course of the investigation. And, ultimately, we
10 have been working with our advocates. They are
11 helping us develop a dialogue and this will be
12 something that will be shared with all our patrol
13 officers out there. Again, just to reiterate that to
14 make sure that we're getting out the proper
15 information. Because, again, it doesn't help us to
16 have misinformation out there in reference to what
17 occurred at that location.

18 CHAIRPERSON RICHARDS: All right. Thank
19 you so much. And I think that just goes back into
20 the conversation, I think I started, around victim
21 blaming and then showing that the correct information
22 is getting out there prior to an investigation being
23 completed. Just want to go-- Last thing. So, you
24 spoke of some good things. You spoke of expanding
25 the three-week program to the rest of the year. Can

2 you just speak to the success says there over the
3 course of the last three weeks of that program? Do
4 you think that an improved safety? You know, how did
5 you measure that? But, if this is being extended to
6 the end of the year, clearly--

7 CHIEF THOMAS CHAN: Uh-huh.

8 CHAIRPERSON RICHARDS: You are seeing
9 something-- some success there. So I just want to
10 hear a little bit more as I close--

11 CHIEF THOMAS CHAN: Sure.

12 CHAIRPERSON RICHARDS: out on why.

13 CHIEF THOMAS CHAN: That initial with
14 the July Initiative where we targeted parking and
15 moving violations. In other words, we have issued
16 over 1400 summonses moving violations where people
17 were also driving into the bike lanes itself. So,
18 that violation and that increased by 235 percent for
19 that particular violation. What we did, when we took
20 a look at what was happening throughout the city, we
21 have met with our borough commanders, our borough
22 executive officers who oversee the specific traffic
23 safety programs and, in light of what was happening
24 throughout the city, we decided to implement multiple
25 initiatives that occurred in the month of September.

2 Unfortunately, last year and during the month of
3 September, we had a total of 24 fatalities that occurred
4 last year. And that is a lot of fatalities that
5 occurred. And so, what can we do in conjunction to
6 increase bicycle safety, increase public pedestrian
7 safety? Can we had meetings and we made decisions
8 that we would have additional initiatives.
9 Initiatives which include bicycle safety initiatives,
10 pedestrian safety - and as where we would target a
11 right-of-way. We also see that speed is certainly a
12 major factor in all our collisions in terms of the
13 extent of the injury and also causing fatalities.
14 So, we targeted speed enforcement. And during that
15 time period, and the month of September, we went
16 after a DWI on Labor Day weekend. We had motorcycle
17 enforcement, bike safety initiative, pedestrian
18 safety. We also targeted aggressive driving and
19 speeding on three specific weekends over that time
20 period. When we take a look at the month of
21 September, for a 28 day period pretty much covering
22 the whole month itself, our collisions decreased by
23 12 percent. Our injury collisions decreased by five
24 percent. Overall injuries decreased by nine percent.
25 Occupant injuries decreased by eight percent.

2 Pedestrian injuries decreased by 11 percent. Bicycle
3 injuries decreased by 13 percent. Our fatalities,
4 from 16 to 24 minus eight, down 33 percent for that
5 timeframe. So, we targeted specifically what did we
6 do different? We have done hazardous violations
7 which I talked about many times. Speeding, red
8 light, right of way, disobeys signs, improper turns,
9 and also cell phones and things. Those are very
10 important. But, specifically, I asked our officers
11 out there let's go out there and to speeding
12 summonses because speed is always a factor. But
13 speeding in general and in conjunction, this was when
14 the children were going back to school. We have our
15 speed cameras also. And that is out there. When we
16 took a look at for the right-of-way enforcement and,
17 again, we increased that dramatically and, year to
18 date right now, we are up 36 percent in terms of
19 right-of-way enforcement, but for that timeframe,
20 pulling back of the activity for our officers back
21 there, right-of-way summonses year to date, we are up
22 36 percent. Over 15, close to 16,000 more summonses
23 for that specific violation. And why that violation?
24 Our pedestrians and our bicyclists and a car has a
25 collision, new cars have air bags, seat belts. Okay.

2 But what happens if it's a pedestrian and a
3 bicyclist? When they are struck by a car, they don't
4 have those protections. They are more vulnerable.
5 More injuries also means the increased likelihood
6 depending how they fall or struck, maybe another
7 fatality. So, we have increased to that particular
8 violation. We are targeting that violation. We have
9 asked our traffic safety team and our patrol officers
10 to target that. But it is more labor-intensive
11 because what happened is that they have to sometimes
12 perform stationary enforcement at that location and
13 actually watch the vehicles as opposed to coming into
14 contact with the motorist while they are driving.
15 So, what happened is that we targeted that particular
16 enforcement. We increased and we saw during the
17 month of September that there are days and weeks
18 where we had an increase of 200 percent enforcement.
19 In other words-- let me just pull that out very
20 quickly for a timeframe. I have one. Going back
21 even last week in terms of our right-of-way summonses
22 for the citywide there were 2271 summonses issued for
23 the right-of-way, compared to 955, which is actually
24 1316 more. 137 percent more than we did during that
25 week last year. And, for the month, we are up 4164.

2 97 percent. We are targeting that violation. I
3 think the return on that particular violation is it
4 protects our pedestrians and our bicyclists out there
5 because they are the most vulnerable users on the
6 road and I think that we are going to continue that
7 process throughout to the end of the year. And, more
8 than likely, that we will do so during the course of
9 2020.

10 CHAIRPERSON RICHARDS: Thank you. And is
11 there a way for communities to actually request
12 enforcement in specific areas where they feel it's
13 problems some?

14 CHIEF THOMAS CHAN: One of the things--
15 and part of our traffic safety programs is that our
16 precincts are looking exactly where the collisions
17 are occurring for our pedestrians and also for our
18 bicyclists and I have expressed at-- I said while we
19 have collision prone locations, but let's not wait
20 until we have three coalitions, two collisions there.
21 If we have a collision there involving the pedestrian
22 or a bicyclist, we should do enforcement of the
23 locations. And if the officers can actually observe
24 vehicles-- because we have said vehicles making left
25 turns are three times as likely to cause an injury or

2 a fatality, but we also see that we have injuries and
3 fatalities on right turns, but I certainly encourage
4 them at Traffic Stat and I bring that message to them
5 and we look at what they do, how their traffic
6 program is. If they have collisions, show me the
7 summonses that were issued. If you can't do it at
8 that location because somehow geographically you
9 can't do enforcement, then what about the corridor,
10 what about the next block? What about the adjacent
11 street? So, we should see corresponding enforcement
12 where people are injured. And we see that this
13 series shows. One third of our collisions involving
14 pedestrians are basically where people fail to yield
15 to the individuals who are crossing.

16 CHAIRPERSON RICHARDS: Well, I want to
17 thank you above for the work that you have done. I
18 look forward to continuing to work with the Chairman
19 and all agencies. It's very clear that we need more
20 bike infrastructure and for that to move much more
21 rapidly across our city and, obviously, with
22 enforcement and education, I think that we can really
23 get to a place where we are shifting the culture in
24 this city. Then, DOT, we need more left turn
25 signals. That is always they must stand in need.

2 So, I thought we would keep focusing there, as well.

3 So, I want to thank you for the work that you are
4 doing. We look forward to continued conversations on
5 a real comprehensive plan on how we work with
6 precincts on parking. And I am happy somewhat with
7 the progress we are making on not victim blaming
8 cyclists. But we still have a long way to go to make
9 sure that everyone in New York City feels safe on our
10 roadway. So I want to thank you for the work that
11 you have done. Thank you.

12 CHIEF THOMAS CHAN: Thank you.

13 CHAIRPERSON RODRIGUEZ: Thank you, Chair.

14 I have a few more questions before we will go and
15 call for members of the public. With the number that
16 you shared how many people from the 25 cases being
17 charged, say five, right? What is the number?

18 [background comments]

19 CHAIRPERSON RODRIGUEZ: Four? What
20 happened to the other 21? Is there a pending
21 investigation or the other didn't include reasons why
22 to charge those riders?

23 CHIEF THOMAS CHAN: When we take a look
24 at-- there are also individuals who were
25 subsequently issued summonses where the-- for other

2 violations that we observed out there. Then I have a
3 tally of approximately 30 summonses for individuals
4 involving those particular cases. And, again, I
5 don't have the actual number where they-- or the
6 closing of the cases, but there are other cases in
7 their within that 25 that are still actively also
8 being investigated. But, again, four arrests and 30
9 summonses that were issued to the motorist for those
10 vehicle cases.

11 CHAIRPERSON RODRIGUEZ: We know that on
12 the-- for the hit-and-run, it's like 20-something
13 police officers dedicated for the collision squad
14 unit. What is the numbers of men and women in the
15 NYPD dedicated to investigate all those cases related
16 to crashes?

17 CHIEF THOMAS CHAN: The CIS unit that--
18 let me just pull that number.

19 CHAIRPERSON RODRIGUEZ: And you will
20 figure out-- you will come up with a number for--
21 from our experience, that whatever number you have is
22 not enough. And, of course, that's when it comes to
23 the hit-and-run. And for me, I am more advocating
24 asking for my role even as I say even-- when we look
25 on the hit-and-run, I always say that we need to

2 double that number. Because that is not enough
3 resources right now. When we have the city, again,
4 that's 42 hit and run, most of them damages by
5 [inaudible 02:12:47] ended with people being in
6 critical condition and an average of one person dying
7 every week, you know, that particular sector is too
8 big to only have around in the 20. I know it doesn't
9 go more than 30, right?

10 CHIEF THOMAS CHAN: And we have
11 currently a combination 23-- 25 people who are
12 currently in the CIS unit that are doing the
13 investigations on that. In conjunction with that, in
14 terms of investigations year to date, we have
15 conducted about 290 investigations so far. I think
16 we only have maybe 10 more investigations than we did
17 last year. But what happened is that, in
18 conjunction, one of the things that, when we met with
19 the advocates and we looked at it, currently our--
20 what they call the ECT Unit, evidence collection
21 unit, assigned to Manhattan North is a unit that
22 corresponds to leaving the scene collisions where
23 there are injuries of that nature.

24 CHAIRPERSON RODRIGUEZ: But I think,
25 Chief-- I feel that-- I hope, again, that City Hall

2 will make us one of the top priorities when it comes
3 to legislation to get Albany to provide more support
4 to the DA. Because what we know is that the penalty
5 for a driver who is involved in a hit and run--

6 CHIEF THOMAS CHAN: Uh-huh.

7 CHAIRPERSON RODRIGUEZ: get less penalty
8 than a driver that is driving drunk. So, again, this
9 is not all. I know that--

10 CHIEF THOMAS CHAN: Uh-huh.

11 CHAIRPERSON RODRIGUEZ: we went through
12 this process. We went through-- I always say like I
13 never forget like one of my best friends lost his
14 son, Josbel Rivera, in Mosholu Parkway and I show
15 [inaudible 02:14:36]. The driver, a few hours after,
16 you can see [inaudible 02:14:40] capture him parking
17 his car, putting his car in fire, to get rid of the
18 evidence. And it took like two years and a half or
19 three years to see [inaudible 02:14:55] Rivera, his
20 mother, going through the whole process through the
21 DA, the advocate supporting her, and all they got was
22 a [inaudible 02:15:03] two year. So it's not just,
23 you know, the lacking thinking that particular case
24 the NYPD or the DA. This is about red tape that we
25 have at a state level. And I feel that, as we heard

2 from all the five DA's, they need more support. Then
3 I would like to see, again, City Hall making this is
4 one of the top priorities from the legislative team
5 that goes to all money to get Albany to change the
6 law so that the DA get more empowered and increase
7 the penalty after those criminal drivers, in this
8 case, that live the same. But, again, I just pulled
9 the comparison when it comes to, you know, I don't
10 see that there is enough. And we need more. I hope
11 that we can double that unit and this is about
12 [inaudible 02:15:54]. But my only concern is about
13 when it comes to investigate other collisions that
14 involve, you know, injuries, how do you feel-- and
15 of course, the talking point will be we find what we
16 have, but I think that we need more. I think that we
17 need more. I think that we need more resources. I
18 don't feel that, yes, you know, like what we have
19 today is enough. I think that, you know-- and I am
20 happy to get partners, you know, from the advocate
21 from the Families for Safe Streets, from the DOT,
22 from new NYPD. We tried to do the best we can, but
23 we should not be here. Like that was not in the
24 movie. That was not written that after we have been
25 working so hard, here we are entering November with

2 25 cyclists being killed. Then, so that is, you
3 know, my appeal to see how we can, you know, address.
4 I don't want to hear that we are fine. We have the
5 resources. You know, we are making progress. This
6 is about, you know, like we need to protect cyclists.
7 We need to protect pedestrians and what we have seen
8 is an increase more individuals riding bikes and we
9 want to incentivize that to happen, but we have to do
10 better. So, with that, it takes me to, again, two--
11 three questions. One is here today, how many crashes
12 resulted in cyclists being injured and how do we
13 compare that number to last year?

14 MICHAEL PILECKI: Collisions in general?

15 CHAIRPERSON RODRIGUEZ: Yeah. How--

16 MICHAEL PILECKI: So right now to date--

17 CHAIRPERSON RODRIGUEZ: Year to date--

18 MICHAEL PILECKI: Year to date--

19 CHAIRPERSON RODRIGUEZ: how many crashes
20 resulted in cyclists being injured?

21 MICHAEL PILECKI: Year to date we have
22 3642 as opposed to last year when we had 3641. We
23 are actually up on collision over the same period
24 last year.

2 CHAIRPERSON RODRIGUEZ: Last year? What
3 was the number last year?

4 MICHAEL PILECKI: Last year was 3641.
5 This year it is 3642.

6 CHAIRPERSON RODRIGUEZ: By today.

7 MICHAEL PILECKI: And we are up one. By
8 October 20, we are up one.

9 CHAIRPERSON RODRIGUEZ: And how does DOT
10 and Police Department track injuries data and
11 statistic and rates of vehicle collisions they on
12 those that resulted in injury of death?

13 MICHAEL PILECKI: Can you repeat that
14 question?

15 CHAIRPERSON RODRIGUEZ: Yeah. How do you,
16 the agency, track injury statistics and rate of
17 vehicle collisions beyond those resulted in injury of
18 death?

19 MICHAEL PILECKI: Well, the information is
20 included on the police accident report and that data
21 gets entered into, obviously, databases that we
22 utilized to track the information.

23 CHAIRPERSON RODRIGUEZ: Okay. And have you
24 seen-- is there like a different numbers with the
25 data when we look at that approach over is the same

2 one that you share with the 3642 by today compared to
3 3641 last year?

4 MICHAEL PILECKI: Well, I mean, that is
5 the Police Department status source right there. Our
6 Traffic Stat reports. So that should be accurate
7 information. Yes.

8 CHAIRPERSON RODRIGUEZ: But the only
9 difference in the question that I asked is about the
10 crashes that resulted in cyclists being injured
11 compared to my other question which is about not
12 necessarily being injured, but crashes that have been
13 happening.

14 MICHAEL PILECKI: Right. I understand
15 what you are saying. You're saying how many
16 collisions have there been involving bicyclists
17 versus those where the bicyclist was injured.

18 CHAIRPERSON RODRIGUEZ: Uh-hm.

19 MICHAEL PILECKI: And this does not break
20 that out. So, we are assuming that the bicyclists
21 were injured in the numbers.

22 CHAIRPERSON RODRIGUEZ: Okay. But, do you
23 also call back to the data of the other [inaudible
24 02:19:49] of those who are not injured? Crashes that
25 happened? Collisions that happened?

2 MICHAEL PILECKI: I think we can get back
3 to you on that. I mean, right now I am not aware of
4 it, but we can--

5 CHAIRPERSON RODRIGUEZ: Okay. Okay.

6 MICHAEL PILECKI: we can certainly get
7 back to you on that.

8 CHAIRPERSON RODRIGUEZ: And do you
9 collect-- does your organ-- can we get those data
10 per persons?

11 MICHAEL PILECKI: from the precincts?

12 CHAIRPERSON RODRIGUEZ: Yeah. Not from the
13 precinct, but do you have the data in a way that if
14 the council member would like to see how those data
15 breaks down, yes, in his precinct you can share
16 that--

17 MICHAEL PILECKI: The routine information
18 that we see on this traffic Stat report is available
19 online and you can actually see a lot of the
20 information. The summonses, the injuries, and a lot
21 of the information that I cited is actually by
22 precinct. So, they can actually look at those. They
23 are not broken by Council districts, but it is broken
24 down by individual precincts. So, that is available
25 online.

2 CHAIRPERSON RODRIGUEZ: Okay. Thank you.

3 Thanks. So, with that, think you for, you know,
4 being here with us. We have the same goals and
5 responsibility to make the cities safer for everyone.
6 Now I am going to be calling the next panel. Is that
7 okay? Amanda Hannah McLean, Families for Safe
8 Streets. Lauren Pine, Families for Safe Streets.
9 Marissa Mulberg, Families for Safe Streets. Marcos
10 Conner, Transportation [inaudible 02:21:35]. Daniel
11 Ray McClure from [inaudible 02:21:42].

12 [background comments]

13 CHAIRPERSON RICHARDS: You may begin.

14 AMANDA HANNAH MCCLEAR: Hello. My name is
15 Amanda Hannah McClear. I have to be honest. When I
16 start this, I just-- when I was writing this
17 yesterday, I considered not coming because it is
18 extremely painful to rehash these traumatic events.
19 And because six cyclists have been killed since we
20 lost rose in that is really hard to contend with.
21 I'll start by saying that, on June 7th of 1994, my
22 grandmother, Donna Blanchard, and my four-year-old
23 aunt, Michelle Blanchard, were killed in a hit and
24 run. They were pedestrians. They were just going to
25 get breakfast. The driver was never found. My dad

2 still struggles every day to get out of bed because,
3 on that day in June, he was shaken awake by his
4 friend and told that his mother and sister weren't
5 coming home and, like I said, to this day, has a hard
6 time getting up. And now, 25 years later, I also
7 awoke to a horrible news. I was at my partner's
8 house and we were celebrating Eid with his family.
9 We watched some home videos and I fell into a midday
10 nap. And, when I woke up, I was tentatively
11 approached by my partner and he told me that Jose Al
12 Zares had died. It was surely a nightmare that I
13 thought I was going to wake up from, but I never did.
14 I have to stress that we never worried about José
15 cycling in the city because he took all of the
16 necessary precautions. He was the safest cyclist
17 that you would ever meet. He found out that my mom
18 and I weren't wearing helmets and immediately went
19 out and bought us helmets. I have been cycling on
20 the street sense I was 14 without a helmet and we
21 just never did it. But he made sure we got them.
22 And on August 11 of this past year, he had a helmet.
23 He was waiting patiently for the light, but a
24 reckless driver was going 60 miles per hour in a 25
25 mile per hour zone, so, when the driver blew past

2 that red light, a solid read on Coney Island Avenue,
3 and he hit another car, that car went flying and
4 killed José. If José wasn't following the rules of
5 the road, he might have survived, but this can't be a
6 city in which following the rules of the road gets
7 you killed. I feel that we are a city that is
8 playing catch-up. We are playing catch-up when it
9 comes to pedestrian and cyclist safety. London
10 implemented side guards five years ago. Where were
11 we? We were supposed to be a leading metropolitan
12 city. Cities like London, Paris Oslo, are blowing
13 right past us and I heard a lot about community
14 engagement and, while that it is important, the mayor
15 of Oslo didn't second-guess that she needed to shut
16 down streets for pedestrian cyclist safety. She just
17 did it. There was pushback from businesses and she
18 still did it anyway. And things are much safer there
19 and people are happier and businesses did not suffer
20 because of it. We should be talking about the
21 implementation of a comprehensive network of 100
22 percent protected bike lanes. These bills should
23 have been passed years ago. Like I said, London had
24 passed it already. So, yes. Please pass these bills
25 because they are past due, but we have so much more

2 work to do. Five years ago, they isolated Coney
3 Island Avenue is a dangerous intersection, especially
4 where-- particularly where José was killed and
5 nothing was done about it and we lost José. There
6 should have been a protected bike lane there. And in
7 the case of my grandmother and my aunt, it took about
8 20 years until they narrowed the street because the
9 Boulevard was too wide. They knew that back then.
10 It took them 20 years to do it. We don't have time
11 anymore. The only thing that keeps me coming up here
12 and sharing this story is that José truly would've
13 wanted me to because he followed crashes very closely
14 in the city and they made him extremely angry. Just
15 12 days before he was killed, he shared an article
16 with my mom about M. Smallovich, the 30-year-old
17 cyclist who was killed on 36th and Third in Sunset
18 Park on July 29th. The crash happened right outside
19 of my mom's office and José was nervous about her
20 writing her electric scooter from their home in Park
21 slope to industries city. There is no questioning
22 why he would have said if he was here with us today.
23 The green wave doesn't go far enough and I don't want
24 to hear things like we heard just now about being
25 real estate. That's not what I want to hear from us

2 in the that is home to gleaming skyscrapers that were
3 deemed unrealistic and unimaginable years before. We
4 have so much potential. We failed José because he
5 was vigilant and informed and he was still killed.
6 And if anyone is thinking that is a set of known
7 better than to the cycle on the streets, I ask you to
8 question where that bias is coming from because it is
9 stifling. Are we supposed to sit at home on a
10 beautiful Sunday? Are we supposed to-- are we not
11 allowed to bike back home? Are we not allowed to go
12 for a swim? That is all that is he was trying to do
13 on August 11th. And people say this isn't a cyclist
14 city, but I bank to differ. There are cyclist here.
15 That makes it a cyclist city. And I just have to say
16 that José didn't drive. He didn't have a license
17 because he was too terrified at the sheer idea of
18 hurting someone or the potential to hurt someone, so
19 he just didn't drive. And, frankly, the bills on the
20 table wouldn't have saved José and that is hard to
21 contend with, but they might have saved M. Smallovich
22 and they will absolutely save someone who is walking
23 around us right now. There is an innocent person out
24 on the street whose life depends on our actions here.
25 And I hate to think that six more cyclists have been

2 killed since José died. It's just so alarming and
3 frightening. My family is frozen in August and, as
4 our grief thaws, the city around us is bewildering.
5 This is a city without Hosea and that just doesn't
6 make any sense. It is confusing to me to see New
7 Yorkers huddled under their jackets, to see Halloween
8 decorations adorning the homes and storefronts
9 because, in our minds, the trauma of August is still
10 so fresh and, if it was fall, they would be cooking
11 as a warm meal. Probably a recipe he found in the
12 New York Times, which he loved to read. If it was
13 fall, he would be asking as to take a tour of
14 Greenwood Cemetery with him, which was one of his
15 favorite places in the city. But he is not here and
16 I have a mom that is struggling to make sense of
17 losing her partner that she thought she would have
18 for another 30 years, for 30 years. And they share
19 these personal details because I don't know how else
20 to elicit empathy. And that is empathy and not
21 sympathy because sympathy is well-meaning cards and
22 empty promises. Empathy is action and we are going
23 to need a lot more of it if we are going to save
24 lives. There are no strangers here. My suffering,
25 my family's suffering, it is also everyone's

2 suffering in the room and it should compel us all to
3 make changes in the city and quickly. And for our
4 NYPD who is no longer here, which I wish they were, I
5 am the granddaughter and niece of two retired
6 officers, meaning I am their niece. I am their
7 granddaughter. And I'm skateboarding, cycling on
8 the streets and I have been since I was 14 years old.
9 Once these bills are passed-- this is a direct
10 message to them. I need you to enforce them. When
11 you see a cyclist on the street, and he cyclist on
12 the street, that is me. And you can't let this
13 happen in my family a third time. We can't lose a
14 third-- you know, another person. And I just want
15 them to know that I follow the rules of the road. I
16 don't speed and I am not reckless and neither was
17 José. And I believe these were passed out, but there
18 are photos of us that I would just love you to look
19 at because he was a very real person. He was not
20 [inaudible 02:30:49] and numbers.

21 CHAIRPERSON RODRIGUEZ: I just want to say
22 so sorry for your loss thank you for coming here. I
23 know it is not easy sitting there, but I want you to
24 know that we appreciate you coming down to testify
25 today and we are going to continue to do everything

2 we can do in our power to make sure that, although
3 they are gone, the their legacies live on and you are
4 totally correct. It's not just about sympathy. It's
5 about empathy and action. And that's why we're here
6 today. So we are hoping these small steps can be
7 helpful in ensuring that we never have to say here
8 again. Thank you.

9 MARCO CONNOR: Thank you, Chair
10 Richards and Chair Rodriguez, for meeting today's
11 hearing and also for your leadership in addressing
12 the unacceptable realities that Amanda had just
13 described. My name is Marco Connor. I am the Deputy
14 Director at Transportation Alternatives and I am here
15 to testify in support of all the bills heard at
16 today's hearing. This year has been tragic, but it
17 is important to remember that bicycling is
18 sustainable, healthy, and efficient mode of
19 transportation and is vital if our city is ever to
20 successfully address our chronic traffic congestion
21 and reach our critical goals related to
22 sustainability, carbon emissions reductions, health
23 outcomes, mobility, and equitable access to jobs and
24 education. As a city, we must enact policy that
25 promotes biking and makes it safe and accessible.

2 And bicyclist safety measures, like protected bike
3 lanes, have the added benefit of substantially
4 improving safety for pedestrians and motorists, as
5 well. Following five years with annual reductions
6 and overall traffic fatalities, which is a testament
7 to the efficacy of the mayor's vision zero program
8 and the efforts of this Council, it's critical that
9 now as we face the first annual increase in overall
10 traffic fatalities, that we doubled down on what has
11 worked and continue on the path of addressing traffic
12 violent systemically. Always prioritizing safety. I
13 want to speak briefly to some of today's bills, which
14 we strongly support. First, Intro 769 to allow
15 bicyclist to cure a ticket that they have received.
16 In the purpose of enforcement must always be to deter
17 potentially harmful behavior or omissions as opposed
18 to penalization as a goal and purpose. By allowing
19 cyclists to cure their violation and bring their
20 bicycle into compliance, a higher level of safety is
21 achieved. Also, I want to express our strong support
22 for Intro 1763 to have a three foot passing
23 requirement for motorists when passing cyclists. In
24 June of 2016, 36-year-old Dan Heneckby [sp?] was
25 killed riding a bike in Manhattan because a van

2 driver deliberately decided to disregard the
3 inadequate distance between his truck and Dan on a
4 narrow highway with parked cars. The driver honked
5 with the horn of his van even though there was
6 nowhere for Dan to go. And then the driver sped past
7 Dan, striking him with his band and, in doing so,
8 killing a father and husband. All because the driver
9 decided to not wait a couple of seconds until it was
10 safe to pass. A three foot passing requirement sends
11 a simple and clear message. If you are operating a
12 multi-lane highway and you cannot pass a vulnerable
13 road user ahead of you at a safe distance, then you
14 must wait until it is safe to pass. Lastly, I want
15 to express our support for truck side guard
16 requirements. Side guards on trucks save lives. The
17 introduction of side guards in London resulted in a
18 61 percent reduction of fatally injured cyclists and
19 a 20 percent reduction of fatally injured
20 pedestrians. We commend that council for originating
21 law in recent years that has made New York City's
22 municipal fleet in market leader in truck side guard
23 implementation, however, it is clear that
24 installation of side guards in private vehicle
25 fleets, in particular, is lacking far behind, and

2 exemplified by the lackluster implementation rates by
3 private sanitation contracts. This legislation will
4 help bring common sense, low cost, and life-saving
5 technology to trucks operating in New York City to
6 the benefits of pedestrians and bicyclists, as well
7 as truck operators and their owners. And I want to
8 thank you again for convening today's hearing and we
9 are testifying in strong support of all the
10 legislation heard today. Thank you very much.

11 ERIC MCCLURE: Thank you. Good
12 mornings down. My name is Eric McClure. I am the
13 executive director of Streets Pack and thank you,
14 Chair Rodriguez and Chair Rodriguez for holding this
15 oversight hearing today and for the opportunity to
16 testify. 2019 has been a very tough year for vision
17 zero. We all knew or should have known the progress
18 on vision zero would not be a straight line, but the
19 increase in traffic deaths this year, especially
20 amongst people on bikes, has been paying fall. It is
21 also important to remember that, when we are talking
22 about vision zero, we are talking about the lives of
23 our fellow New Yorkers. So, it's been tough year for
24 vision zero. It's a tough year for New Yorkers. And
25 one death among the city is one too many. We'd take

2 a little bit of issue with the subject line for
3 today's oversight hearing. Vision zero cyclist
4 safety and Police Department enforcement because, as
5 we have testified at previous hearings, we believe
6 that enforcement, especially by police officers, is
7 the weakest and, frankly, least reliable aspect of
8 vision zero. As we stated in past hearings, our
9 ability to achieve vision zero lies first and
10 foremost in redesigning our streets. Vision zero is
11 predicated on the fact that people make mistakes and
12 that those mistakes should not cost someone life or
13 limb. Preventing those mistakes is passed down
14 through street design and, as we seen, many of them
15 more than two dozen people killed on bikes this year
16 were struck in places that had little, if any,
17 cycling infrastructure. So, I want to speak briefly
18 to the two bills that are not on today's docket, but
19 have come before this body already. It is why we
20 urge the speedy passage of Speaker Johnson's Intro
21 1557 which would create a five year master plan for
22 the city's streets, sidewalks, and pedestrian spaces.
23 Key to the master plan is accelerating the building
24 of protected bike lanes, of the single best way to
25 keep cyclists safe, as Deputy Commissioner Bethune

2 and Commissioner Trottenberg said earlier today.

3 Intro 1557 should be brought to a vote ASAP. The
4 same goes for the reckless driver accountability act,
5 Council member Lander's bill that would impound or
6 boot vehicles that accrue a significant amount of
7 dangerous camera violations. Automated enforcement
8 is the one means of enforcement that does make a real
9 difference in vision zero. We saw a surge in speed
10 camera violations when expansion of the program began
11 earlier this year, but violations quickly started to
12 drop after each round of the new camera deployments,
13 as many drivers soon change their behavior. Getting
14 the most dangerous drivers off the road will greatly
15 reduce the dangers faced by cyclists and pedestrians,
16 as well as other drivers. Lastly, we did want to
17 speak in support of all the legislation that had come
18 before the committee today. We support Intro 769 and
19 2018, which would allow people to cure bicycle
20 equipment violations within 48 hours by producing the
21 required equipment. As Marcos said earlier, safety
22 is paramount and allowing people to avoid a ticket by
23 securing that equipment in a timely manner after an
24 infraction would be much preferable than just
25 slapping them with a fine. We also support Intro

2 1435 requiring safety belt usage, Intro 5286 which
3 would accelerate the timeline for required side
4 guards and we share the concern that it is just
5 taking too long for this important safety measure to
6 get done. And, finally, we need to support the three
7 foot passing requirement. We have some concerns
8 about how enforcement will happen with that, but it
9 does set a standard way which the law currently lacks
10 and is an important piece in educating drivers. And,
11 lastly, we need to support Council member Holden's
12 bill that would require spell guards on cement
13 trucks. Thank you very much.

14 CHAIRPERSON RICHARDS: Thank you. Oh.
15 Press your button.

16 LAUREN PINE: Thank you. Hello. My name
17 is Lauren Pine and I'm here today with Families for
18 Safe Streets. Less than two years ago, I was
19 crossing with the light with my bicycle when I was
20 struck and dragged by a 10 wheel Mack truck who was
21 making a right turn. Fortunately, bystanders were
22 able to stop the vehicle. The driver did not even
23 see me. I was awake the entire time. My left leg
24 was pinned under the driver's side tire. I was
25 rushed to Bellevue Hospital where they saved my life

2 and performed a rare amputation called a hip disk
3 articulation that they only do when there is no other
4 option due to the poor prognosis. My pelvis was
5 fractured and, due to infection, they couldn't repair
6 it from the inside, so it is healed crooked, making
7 sitting painful. My bladder was also badly damaged,
8 requiring me to be near a bathroom at all times now
9 and to wear pads. The skin on my right leg was torn
10 off on almost the entire upper thigh. I underwent
11 extensive skin grafting from my back and I stayed in
12 the ICU for two months. I live alone and, even with
13 good insurance, did not have enough homecare. My
14 family had to come from the West Coast, risking their
15 jobs take care for me during the first year. I
16 underwent extensive inpatient and outpatient rehab,
17 and I still have nerve damage in my right leg. My
18 prosthetic leg weighs a 17 pounds and cost 100,000
19 dollars. It is not covered by Medicare, which I will
20 go on in a month. Disability is not a living wage.
21 Access a ride is torture. By contrast, trucks
22 privately owned like the one that struck me can carry
23 as little as 1 million dollars insurance. That is
24 before medical and legal costs. This is for a truck
25 capable of causing major damage very easily. The

2 driver who struck me was driving with a suspended
3 license. Crashes with resulting tragedies like this
4 are preventable. The silver lining is that, even if
5 I cannot return to my former career as a nurse caring
6 for patients in a cancer hospital, I can use my voice
7 to support things like the initiative for side
8 gardens on large vehicles to protect cyclists and
9 pedestrians. I hope you will all use your power to
10 make this simple lifesaving solution a reality.
11 Thank you for your time. Thank you.

12 CHAIRPERSON RICHARDS: Thank you so much
13 for sharing your story and--

14 [background comments]

15 CHAIRPERSON RICHARDS: there are no words,
16 but thank you. Thank you for sharing your story.
17 Thank you for your courage. And we are going to do
18 everything to make sure-- Wow. Thank you.

19 UNIDENTIFIED: I'm actually forfeiting
20 my time to speak now because of reading the names
21 earlier. So, thank you for your time.

22 CHAIRPERSON RODRIGUEZ: But there is
23 someone from DCAS also that they also deal with the
24 city fleet. They are responsible--

2 CHAIRPERSON RICHARDS: Thank you. Thank
3 you for your testimony. All right. Next panel.
4 Kendall from New Yorkers for Responsible Management.
5 Melissa Icahn, NYLPI. Lauren Paterno, AAA. Steven
6 Leavy, Trucking Association in New York. Joseph
7 Herrera. You may begin. Melissa. Ladies first.

8 MELISSA ICAHN: Oh. Okay. Thank you.
9 Thank you, Council member Rodriguez, Council member
10 Donovan Richards and members of both of your
11 committees for the opportunity to testify that today.
12 I am going to focus my testimony on the pre-
13 considered Intro requiring side guards on all city
14 contracted vehicles and trade waste vehicles by no
15 later than January 2021. I work at New York Lawyers
16 for the Public Interest where I am a senior staff
17 attorney and we are a member of the Transform Don't
18 Trash NYC coalition. We are strongly supportive of
19 this and other measures aiming to make our streets
20 safer for all New Yorkers. As you all know, private
21 sanitation trucks are amongst the heaviest, largest,
22 and most dangerous vehicles operating on our streets.
23 Sadly, our study of federal crash data show that the
24 rate of serious and fatal crashes involving major
25 trade waste company use in New York City more than

2 doubled from the 2014-2016 period to the 2016 to 2018
3 period. The inherent dangers of operating heavy
4 vehicles and a tense city are exacerbated by the
5 current inefficient and exploitative commercial waste
6 system. Under the current waste collection system,
7 trade waste routes are notoriously inefficient. In
8 fact, the Department of Sanitation estimates that the
9 transition from an open market to a zoned commercial
10 waste system will eliminate about 18 million
11 unnecessary miles per year. That dangers to New York
12 City residents are associated with these aging heavy
13 duty trucks driven by exhausted workers, are most
14 acute and environmental justice communities. These
15 communities host transfer stations,, recycling
16 facilities, track stations, and garages and, in
17 addition to suffering from the highest concentration
18 of air pollution and large amount of tracks
19 constantly traversing their street, their residents
20 are also at greatest risk of being strapped, killed
21 or maimed by these commercial waste trucks. Despite
22 the inherent danger of these tracks, thousands of
23 these vehicles operate without basic side guards in
24 place, and inexpensive and simple measure that can
25 mean the difference between life and death for

2 pedestrians and cyclists. In fact, data published by
3 the Business Integrity Commission in September 2019
4 show that just 15 percent of the private sanitation
5 truck fleet license to operate in New York City has
6 had side guards installed. 15 percent. We are
7 optimistic that the proposed commercial waste zones
8 bill, Intro 1574 A, will require many of the city's
9 private sanitation companies to adopt safer, cleaner
10 truck fleets over the next 10 years. However, in the
11 meantime, the median installation of side guards is a
12 common sense protection that all city contracted and
13 trade waste trucks should have. We urge the council
14 to immediately about this bill into law and thank
15 you, again, for having this hearing.

16 KENDALL CHRISTIANSEN: Council member
17 Rodriguez and Richards, my name is Kendall
18 Christiansen. I am here on behalf of New Yorkers for
19 Responsible Waste Management, which is a consortium
20 of about 25 locally owned private carting companies
21 that handle commercial waste, which is a subset of
22 what Melissa was just speaking about. I wanted to
23 just give you just a quick snapshot on behalf of that
24 subset, which is about-- depending on who you talk
25 to, you have probably heard that there are 90

2 companies licensed to handle commercial waste in the
3 city. The current reality is they are about 50 that
4 actually do it and the concentration is about 25 of
5 them have about 99 percent of the market share in the
6 city. And those are the companies that I primarily
7 represent. Of those, looking at the data recently,
8 because this is all in the city's porthole, those 50
9 companies have about 560 rear end loader trucks,
10 otherwise known as packer trucks. Not thousands.
11 BIC overall licenses and registers of about 7500
12 heavy duty trucks in the city, but they are not all
13 private sanitation trucks, not all private carters.
14 Only about, again, 25 to 50 of those companies are in
15 the commercial waste of business and the number of
16 packer trucks they operate or have licenses, I should
17 say-- because they are not all on the street every
18 night, is about 560. There are some additional
19 container trucks that those companies operate. They
20 also operate other types of trucks. You know, panel
21 trucks and box trucks and pickups and the like. But,
22 in total, that subset of about 50 companies only has
23 about 1000 trucks that are registered or licensed--
24 excuse me. Licensed by BIC. And those 50 companies,
25 just take a view, again, deeper snapshot, fall into

2 two categories. About half of them have three trucks
3 were less and fewer than 1000 customers and may have
4 trucks that are probably not going to be compliant
5 with local law 145 clean engine requirements when
6 they become effective in January. So, we are
7 anticipating strict enforcement by BIC on those
8 companies, which means about 25 of those companies
9 will largely disappear from providing commercial
10 waste services in a few months. Of the 25 that are
11 left, those are companies with four trucks or more
12 and over 1000 customers. And my review of that data
13 shows that, as of a couple weeks ago, that 320 of
14 those 560 trucks, which is about 56 percent, already
15 have side guards installed. Of the larger companies,
16 we are at 60 percent or above, four years in advance
17 of the current deadline. Let me stop here and be
18 clear that we support an acceleration of the deadline
19 for side guard installations. I was not part of the
20 original discussion several years ago. I have been
21 working with the industry now over the last three or
22 four years, so I wasn't aware of the dynamics around
23 to the setting of the 2024 standard, but we would be
24 very supportive of accelerating that to 2021. Again,
25 most of the companies are already well on the way to

2 compliance for the subset of companies that are most
3 concerned to this panel. There was a concern about
4 container trucks and whether or not, given their
5 various configuration about the applicability of side
6 guards. And that is a separate discussion that we
7 are having with BIC and other agencies about how to
8 accommodate that situation. I guess the final
9 comment is that one of the things that is now
10 inhibiting the investment, for better or for worse,
11 in side guards on additional trucks is the
12 uncertainty over the outcome of the commercial ways
13 to zone planning debate that is coming to a head with
14 the Council over the next week or so. For the
15 company that do not literally know whether they will
16 be in business a year or two from now, it is a severe
17 inhibitor about investing in anything they are
18 absolutely not required to do. And that's a problem
19 across the industry. It's been a case for the last
20 couple of years as the commercial waste zone debate
21 has been percolating and we hope that that will be
22 resolved so that the industry can return to its
23 operations and to making these kinds of investments
24 again very soon in the future. Thank you very much.

2 CHAIRPERSON RICHARDS: Wow. We almost got
3 you all to agree.

4 KENDALL CHRISTIANSEN: Pardon me?

5 CHAIRPERSON RICHARDS: It's a miracle.
6 You and Melissa almost agreed on something. This
7 is--

8 KENDALL CHRISTIANSEN: Yeah. That's a
9 miracle.

10 CHAIRPERSON RICHARDS: It's like Christmas
11 came early.

12 KENDALL CHRISTIANSEN: That's a miracle,
13 but here we go.

14 CHAIRPERSON RICHARDS: But I appreciate
15 you saying you support this.

16 KENDALL CHRISTIANSEN: We disagree about
17 the numbers because there is a tendency to link
18 together all BIC registered and licensed companies
19 into one category and actually they fall into about a
20 dozen different subcategories, as Melissa knows from
21 her time at BIC.

22 CHAIRPERSON RICHARDS: Yeah.

23 KENDALL CHRISTIANSEN: And so, private
24 waste companies, private carters often get lumped
25 into that larger category, including when there are

2 accidents and like-- which reminds me. Just one
3 final point. We have had a productive conversation
4 with BIC over time about our drivers helping BIC--
5 helping DOT, I should say. Helping DOT identify
6 troubled intersections.

7 CHAIRPERSON RICHARDS: Okay.

8 KENDALL CHRISTIANSEN: Our drivers are on
9 the street. They see those intersection when there
10 are problems and we have a process now of
11 communicating to DOT when we can make that
12 identification be helpful to them in that process.
13 Thank you.

14 CHAIRPERSON RICHARDS: Thank you.

15 LAUREN PATERNO: my name is Lauren
16 Paterno. I represent AAA. AAA is a nonprofit motor
17 club wage serves drivers throughout the five boroughs
18 of New York City. I want to thank the committees for
19 the opportunity to testify today and to Councilman
20 Rodriguez for sponsoring Intro 1435 requiring the use
21 of back seat safety belts in motor vehicles. AAA
22 commends the city for taking steps to further protect
23 passengers in New York City roadways. Current New
24 York State law only requires children under 16 to
25 buckle up in the back seat, yet proper restraints

2 enhance safety for all vehicle occupants regardless

3 of age. In 2018, 33 individuals 16 and over were

4 killed and 2400 were injured because they were not

5 buckled up in the back seat. This accounts for

6 approximately six injuries per day across New York

7 State. Over 1500 or over 60 percent of those

8 injuries occurred on New York City roadways.

9 Unbelted rear seat occupants are three times more

10 likely to be killed, eight times more likely to be

11 seriously injured, and two times more likely to kill

12 the front seat passenger by becoming a projectile in

13 the vehicle. We appreciate that the legislation

14 includes vehicles licensed to operate by the taxi

15 limousine commission. According to IIHS, less than

16 60 percent of individuals surveyed reported wearing a

17 seat belt in the backseat of a for hire vehicle,

18 however close to 80 percent of individuals report

19 wearing a seat belt in a personal motor vehicle. It

20 is important for both types of vehicles to be

21 included under the law as the same risk supply

22 regardless of the kind of vehicle a passenger is

23 traveling in. AAA strongly supports the legislative

24 intent of Intro 1435, however, we do suggest the

25 removal of part B, which requires the driver to be

2 ticketed along with the unbelted passenger. Current
3 state law only mandates that the unrestrained
4 occupant received the ticket. This legislation
5 should mirror state law to ensure enforcement and
6 community compliance is as easy and as clear as
7 possible. We appreciate New York City's leadership
8 on traffic safety and the opportunity to comment
9 today. Thank you.

10 CHAIRPERSON RICHARDS: Thank you.

11 STEPHEN LEAVY: Chairman Rodriguez,
12 Chairman Richards, staff, thank you for the
13 opportunity to testify today. My name is Stephen
14 Leavy. I'm testifying for Kendra Helms who is the
15 president of the Trucking Association of New York.
16 You have the full testimony. I'm going to highlight
17 some important points of the testimony. First and
18 foremost, TANY has 600 very diverse members in the
19 state of New York and is a nonprofit for 85 years.
20 We are proud to invest in safety and make all roads
21 safe for people of New York City and throughout the
22 state of New York. The trucking industry invests
23 approximately 10 billion dollars a year in equipment
24 and safety initiatives, including collision avoidance
25 systems, electronic logging devices, and onboard

2 video event recorders. The three bills of specific
3 interest today is Intro 1763, 1354, and the pre-
4 considered bill of T 2019-5286 which will have a
5 significant impact on our industry. With regards to
6 1763, we believe the Council should take into account
7 the real-life implications of traveling down New York
8 City streets and might consider not only to have a
9 minimum of three feet between the vehicle and the
10 bicycle, but also suggest where it is possible to do
11 so. Relating to 1354, there are two current laws on
12 the books today relating to the environmental issues
13 as well as weight of different trucks. The
14 environmental side, basically, requires the men to
15 vehicles to go in and out of a cement plant clean
16 when they enter and clean when they leave and there
17 is also a weight statute on a concrete truck which
18 also relates back to the quantity of gallons they can
19 have on that truck. Perhaps what is needed
20 enforcement of these two new rules-- or these two
21 laws, instead of adding another. But of much concern
22 for us, and which we have seen much testimony today,
23 and significant is the rail guards. Today, there are
24 no uniformed standards and specifications for the use
25 of side guards and installation. Another concern is

2 that legislation that attempts to address the issue
3 of safety and a one size fits all for all trucks.

4 Lastly and perhaps most importantly, the engineering
5 expertise is not simply there. There are no uniform
6 standards are measures that constitutes an
7 appropriate side guard for a given truck while safety
8 implications are still largely unknown. We believe
9 that more information and fact-based data is needed
10 before this bill moves, particularly when considering
11 the extremely high costly nature of the equipment,
12 coupled with the already high cost of doing business
13 in the city and not to divert funds from other
14 electronic collision avoidance systems available. We
15 look forward to continuing to working with city
16 Council in the future and also the focus on expanding
17 pedestrian and cyclist safety programs that are
18 designed to change behavior and promote safe
19 practices. Thank you.

20 CHAIRPERSON RICHARDS: Can you just go
21 into-- or, Mr. Kendall, you can answer this, too.
22 How much the DOT Commissioner mentioned that there is
23 a few hundred dollars for sign guards. Can you just
24 go into how much on average would it cost to install
25 a side guard?

2 STEVEN LEAVY: Do you want to go first?

3 KENDALL CHRISTIANSEN: I don't know
4 exactly. My understanding is that it is not a few
5 hundred. It's a few thousand, but it's probably not
6 more than five. And I have been waiting for data
7 from BIC on the utilization of the incentive program
8 that they have operated with some federal funds over
9 the last couple years, but that is forthcoming.

10 STEPHEN LEAVY: We agree. Between one
11 and 5000, but the unique situation-- we are in New
12 York City, that many of the vehicles, the trucks, are
13 designed especially for New York City. For example,
14 fuel trucks. They are built. There isn't one
15 particular make and model that you can pick off a
16 shelf, let alone the experience of installers here,
17 as well. And the American Trucking Association is
18 also working with the federal government, as well, in
19 trying to do more research and, with a program.

20 CHAIRPERSON RICHARDS: But you do share
21 our goal here, right?

22 STEPHEN LEAVY: Absolutely.

23 CHAIRPERSON RICHARDS: I think you protect
24 your workers, one-- I mean, first, obviously, the
25 public, but your workers are also protected to a

2 great sense, as well, if there are no fatalities or
3 there are less accidents. So I would hope that we
4 all share that--

5 STEPHEN LEAVY: 1000 percent, but with
6 the understanding, too, that because of the structure
7 of vehicles, very heavy, very large, it is still not
8 clear on what side guards, what composition they
9 should be made of, and how are they going to affect
10 the structure of a vehicle, as well, because you
11 don't want to have a vehicle that it might work well
12 within in Manhattan and then go onto the major Degan
13 [sp?] or I-95 and then it defeats its purpose, breaks
14 off and then causes another casualty.

15 CHAIRPERSON RODRIGUEZ: I'm more than happy
16 to continue having conversation with you and your
17 members and, as you know, we are committed to doing
18 whatever we have to do in the city to improve the
19 safety of pedestrians and cyclists. Let's get a time
20 to talk.

21 STEPHEN LEAVY: Thank you. We
22 appreciate that.

23 CHAIRPERSON RODRIGUEZ: Thank you. Thank
24 you. And, with that, this hearing is adjourned.

25 [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 31, 2019