

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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March 18, 2013  
Start: 2:30 p.m.  
Recess: 3:50 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JAMES VACCA  
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer  
Daniel R. Garodnick  
David G. Greenfield  
G. Oliver Koppell  
Jessica S. Lappin  
Darlene Mealy  
Ydanis A. Rodriguez  
Deborah L. Rose  
James G. Van Bramer  
Vincent M. Ignizio  
Peter A. Koo  
Eric A. Ulrich

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

Vincent Pellecchia  
General Counsel  
Tri-State Transportation Campaign

Christine Berthet  
Clinton, Hell's Kitchen Coalition for Pedestrian  
Safety

Juan Martinez  
Transportation Alternatives

Casey Raskob  
National Motorists Association Chapter

Jeffrey Frediani  
Legislative Analyst  
AAA New York

Carol Ashley  
Concerned Citizen

Martin Treat  
Hell's Kitchen Neighborhood Association

Eric McClure  
Park Slope Neighbors

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CHAIRPERSON VACCA: Can we start?  
Are we on? Okay. It's March 18<sup>th</sup> at 2:30 p.m.,  
and I welcome you to this hearing held by the  
Transportation Committee of the New York City  
Council. I am James Vacca, chair of the  
Committee. I am joined to my right by Gale Brewer  
and to my left by Ydanis Rodriguez, council  
members and committee members. This afternoon we  
are going to hear testimony on a package of  
resolutions aimed at enhancing speed and traffic  
violation enforcement. These resolutions call  
upon the New York State Legislature to pass and  
the governor to sign into law two laws integral to  
improving safety for all road users throughout New  
York City. Speeding causes more fatal crashes in  
New York City than any other driving behavior.  
There is more we can do about this terrible  
problem. There are too many drivers in the city  
in a rush to go nowhere. Speeding should not be  
accepted as a norm for drivers in a bustling city.  
Rather we need to crack down on those who break  
the rules of the road, drivers who speed and those  
who fail to exercise due care. Nothing is more  
important than safety. This package of

1  
2 resolutions would assist the New York City Police  
3 Department and their enforcement efforts  
4 throughout the five boroughs. Both pieces of  
5 legislation allow civil penalties to be issued  
6 without the presence of a police officer. Too  
7 often we witness careless driving speed, and those  
8 who do drive carelessly too often get away with it  
9 because there is not a police car present. There  
10 have been incidents of drivers causing harm to  
11 pedestrians and bicyclists because they were not  
12 exercising due care, but did not receive civil  
13 penalties because an officer had not witnessed the  
14 act. The law does not only apply to New York City  
15 citizens when an enforcement agency is watching.  
16 Resolution 916-A sponsored by Council Member Van  
17 Bramer, who has just joined us, calls up the New  
18 York State Legislature to pass and the governor to  
19 sign into law a A4327, which would permit the city  
20 of New York to set up a demonstration project  
21 involving speed camera enforcement. Speed  
22 cameras, a proven technology that has been used  
23 throughout Europe and the United States for  
24 decades would be an effective enforcement tool  
25 that can detect speeders 24 hours a day. The rear

1  
2 end of a speeding vehicle would be photographed,  
3 capturing the license plate color. A recent  
4 statistic shows that speed enforcement cameras  
5 would reduce fatal crashes by 24 percent in 14  
6 cities where they have been used. These speed  
7 cameras would work similarly to red light cameras  
8 already installed throughout the five boroughs,  
9 which according to New York City DOT have  
10 decreased injuries by 24 percent at monitored  
11 locations. School safety zones and neighborhoods  
12 affected by drag racing are prime locations for  
13 speed cameras. Resolution 1332-A sponsored by  
14 Council Member Vallone and myself calls upon the  
15 New York State Legislature to pass and governor to  
16 sign into law S3644 Assembly 2012, which would  
17 give the New York City Police Department authority  
18 to enforce vehicular and traffic law Section 1146  
19 even if the police officer was not present at the  
20 time of the crash as long as the officer had  
21 reasonable cause to believe the violation was  
22 committed by the driver. This section states that  
23 drivers are required to exercise due care to avoid  
24 collision with bicyclists, pedestrians and  
25 domestic animals and failure to do so could result

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2 in civil penalties of no more than \$750 or  
3 imprisonment of no more than 15 days. This pair  
4 of legislation sponsored by Assemblyman Brian  
5 Cavanaugh and Senator Daniel Squadron will close a  
6 current loophole in the law and will help save  
7 lives. As in the case of Matthew Lefevre  
8 [phonetic] it was not necessary for a police  
9 officer to witness the horrifying incident in  
10 which Mr. Lefevre was dragged 171 feet before  
11 stopping in order to determine that the driver was  
12 not exercising due care; however, because of this  
13 loophole no arrest was made and no violation was  
14 issued to this careless driver. These pieces of  
15 legislation will enhance the enforcement efforts  
16 of our hardworking New York City Police Department  
17 officers, and they will also hold those  
18 responsible for traffic infractions that cause  
19 harm to other road users throughout the city.  
20 There have been too many injuries and too many  
21 deaths in this city due to careless drivers. We  
22 urge the state legislature to help our city  
23 implement these important laws. I thank you all  
24 for coming. We have been joined by Council Member  
25 Van Bramer, and we have been joined by Council

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2 Member Dan Halloran to my right, and I'd like to  
3 call upon Council Member - - Council Member  
4 Vallone is not here, right? Okay. So I am going  
5 to call upon Council Member Van Bramer to issue an  
6 opening statement as sponsor of one of the  
7 resolutions.

8 COUNCIL MEMBER VAN BRAMER: Thank  
9 you very much, Mr. Chair, for this hearing and for  
10 your leadership on this and so many other  
11 important issues of the day. I am very proud to  
12 be the sponsor of Reso 916-A calling for this  
13 speed camera demonstration project and calling on  
14 the Assembly and Senate to pass and the governor  
15 to sign the legislation that Assembly Member Glick  
16 and Senator Lanza have introduced, and I feel that  
17 there is a great deal of momentum in favor of this  
18 happening and very excited that the Council could  
19 be passing this on Wednesday. The difference  
20 between a child living or dying is literally five  
21 and ten miles per hour. If we can slow down  
22 vehicles even five or ten miles per hour, we know  
23 that the changes of survival dramatically,  
24 dramatically increase, and if we are able with  
25 this resolution to encourage the passage of this

1  
2 legislation and if that results in the saving of  
3 even one child's life, it will be well worth it.  
4 In my neighborhood on my block my next door  
5 neighbors lost their 11 year old daughter, Hallie  
6 Guyer [phonetic], when she was hit by a car nine  
7 years ago, and I spoke to her father a couple of  
8 days ago and he said that if we had some traffic  
9 calming measures on the block nine years ago, if  
10 that car had gone even five or ten miles slower,  
11 he said, I believe that Hallie would be alive  
12 today. We have an opportunity here to make the  
13 streets of New York safer. This is not about  
14 raising revenue for me at all. This is about the  
15 opportunity to make our streets safer and to  
16 prevent a family, a set of parents like the Guyers  
17 from experiencing what they experienced. This  
18 works. It saves life. It's good public policy,  
19 and I thank Chair Vacca for all the members who  
20 have signed on to this, and look forward to us  
21 passing this resolution and I want to thank  
22 Chairman Vacca for giving me this opportunity.

23 CHAIRPERSON VACCA: Thank you,  
24 Council Member Van Bramer. We have two panels,  
25 and our first panel--firstly, I am going to limit



1  
2 each speaker to approximately three minutes. I  
3 know you may go over a little bit, but a little  
4 bit is okay. Juan Martinez, Transportation  
5 Alternatives, Vincent Pellecchia, Tri-State  
6 Transportation Alternatives and Christine Berthet  
7 [phonetic] is CHEKPEDS. I'd like to introduce  
8 members who have joined us, Council Member Debbie  
9 Rose is here. Council Member Dan Garodnick and  
10 Council Member Peter Koo have joined us. Mr.  
11 Pellecchia, do you want to start first?

12 VINCENT PELLECCCHIA: Hello? Okay.  
13 Thank you everyone for helping me with that.  
14 Thank you for this opportunity to testify today.  
15 My name is Vincent Pellecchia, and I am the  
16 general counsel for Tri-State Transportation  
17 Campaign. Tri-State is a non-profit policy and  
18 advocacy organization working for a more  
19 sustainable transportation network in New York,  
20 New Jersey and Connecticut. I'd like to address  
21 the proposed speed camera demonstration program in  
22 New York City. New York City streets are not  
23 speedways, but the way people drive on them would  
24 suggest they are. Every day countless drivers are  
25 exceeding the 30 mile per hour speed limit on New

1  
2 York City streets. Our streets are used by  
3 children, seniors, the disabled, motorists and  
4 bicyclists who put their lives in the hands of  
5 reckless drivers the minute their touch the New  
6 York City pavement. Sidewalks, crosswalks or  
7 pedestrian islands will not stop a car that loses  
8 control at 60 miles per hour, but speed cameras  
9 are a strong deterrent to putting the foot to the  
10 floor in the first place throughout our city. As  
11 you know, the New York City Department of  
12 Transportation has embarked on significant  
13 initiatives to reduce speeding in the city,  
14 including reduced speed zones around schools and  
15 neighborhoods, traffic calming projects, a look  
16 campaign encouraging pedestrians to use  
17 infrastructure safely and an ad campaign  
18 highlighting the importance of motorists obeying  
19 the 30 mile per hour speed limit. Unfortunately  
20 drivers continue to break the law. Each year over  
21 70,000 summonses are issued for speeding  
22 violations. Given that one in four traffic deaths  
23 in New York City is caused by speeding, the number  
24 of summonses issued is a fraction of the  
25 incidences occurring, and speeding kills. When a

1 person is hit by a car traveling 30 miles per  
2 hour, there is a 20 percent chance they will be  
3 killed. If they are hit by a car traveling 40  
4 miles per hour, there is a 70 percent chance they  
5 will be killed. Motor vehicles are the leading  
6 cause of death due to injury amongst children in  
7 New York City and childhood pedestrians that count  
8 for three-quarters of these victims. In 2010,  
9 pedestrians accounted for 55 percent of traffic  
10 fatalities. Speeding claimed two times as many  
11 lives as distracted driving and is the number one  
12 cause of fatalities in New York City. These are  
13 avoidable deaths, and it is crucial that speed  
14 cameras be included in New York City's safety tool  
15 kit. Speed enforcement cameras are now in use in  
16 over 100 communities in 13 states across the  
17 country. Research shows that speed enforcement  
18 cameras reduce injuries and fatalities by 40 to 45  
19 percent, and reduce speeding by 71 percent. Their  
20 proven success is the reason why New York City  
21 Police Commissioner Ray Kelly issued his support  
22 for speed cameras this weekend. New York City  
23 needs streets that are safer for pedestrians,  
24 bicyclists and drivers. Every day speed cameras

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2 are absent from New York City streets is another  
3 day needless and preventable deaths could occur.  
4 We would like to thank Speaker Quinn,  
5 Transportation Chair James Vacca and Council  
6 Member James Van Bramer and Stephen Levin who  
7 publically spoke out last week in favor of  
8 demonstration program that is currently being  
9 debated in Albany. We urge you to pass resolution  
10 0916, introduced by Councilman Van Bramer, which  
11 calls on New York State Legislature and governor  
12 to sign into law Assembly version A4327 of the  
13 pilot speed camera demonstration program. Thank  
14 you.

15 CHAIRPERSON VACCA: Thank you.  
16 Christine, want to go next?

17 CHRISTINE BERTHET: Dear Chair  
18 Vacca and committee members. My name is Christine  
19 Berthet. I represent the Clinton, Hell's Kitchen  
20 Coalition for Pedestrian Safety of CHEKPEDS. It's  
21 an organization dedicated to obtain crucial  
22 traffic relief and pedestrian safety measures on  
23 the west side of Manhattan. CHEKPEDS is very  
24 grateful for your leadership on pedestrian safety.  
25 We applaud your successes in getting all agencies

1 including NYPD to make safety a priority and your  
2 recent successes on that. Intro 916-A to allow  
3 speed cameras in New York City is another  
4 opportunity to bring more safety to the road with  
5 our limited resource. In France where I come  
6 from, speed cameras contributed to reducing road  
7 fatalities by 50 percent over ten years. Speed is  
8 particularly insidious because an increase of only  
9 few miles per hour, a change that is barely  
10 noticeable to a driver, will mean death instead of  
11 survival for the pedestrian. In a world where  
12 health costs are spiraling out of control, it is  
13 critical that we implement all preventative  
14 measures possible. As many U.S. cities have  
15 already done more cameras, less speed is a prime  
16 example of a reasonable measure whose time has  
17 come. We ask you to call on the state legislature  
18 to pass this bill into law. We also ask you to  
19 call on New York State to pass S3644 and A20212 to  
20 remove the requirement that a police officer  
21 witness the actual collision in order to issue a  
22 violation to a driver. In Hell's Kitchen we have  
23 had in recent years eight people, pedestrians  
24 killed by turning vehicles and none of them except  
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2 the last one were arrested or penalized, and they  
3 all were violating the laws, and I can tell you  
4 that collision victims, their families and their  
5 elected officials are outraged to see that day  
6 after day careless or dangerous drivers get away  
7 with no fines or jail time when they kill with  
8 their automobile by failing to exercise due care.  
9 In no other circumstance that I know of such a  
10 rule applies. Policemen are usually not present  
11 when there is a botched elevator or crane  
12 inspection, but there are still responsible  
13 individuals who are punished on the strength of  
14 testimonies and expertise. It is time for this  
15 loophole to be closed and for justice to be meted  
16 out with fairness. It is time for the families to  
17 get closure and for the public to be safe once  
18 those dangerous drivers are taken off the road.  
19 Thank you for your efforts.

20 CHAIRPERSON VACCA: Thank you. Mr.  
21 Martinez?

22 JUAN MARTINEZ: OH, look at that.  
23 Thank you. Juan Martinez, Transportation  
24 Alternatives. First of all, thank you very much  
25 for this hearing. Thank you also for the recent

1  
2 tremendous victory when it comes to the way the  
3 NYPD investigates traffic crashes. It's a big  
4 step forward towards obtaining justice to New  
5 Yorkers, making New Yorkers safer, so thank you  
6 very much. In the theme of making New Yorkers  
7 safer and obtaining justice, thank you for this  
8 resolution supporting Senate bill 3644, Assembly  
9 bill 2012. The potential with the careless  
10 driving law that was passed about two years ago  
11 hasn't been really unlocked yet because of this  
12 loophole that this resolution would close. This  
13 unwitnessed violation loophole, this idea that an  
14 officer coming on the scene of a traffic class  
15 where the facts are readily apparent, there are  
16 let's say three witnesses there--one of them a  
17 judge, one of them a rabbi, one of them a priest,  
18 and they all agree on what happened, but because  
19 of this loophole the NYPD can't write the  
20 violation. It's nonsensical. It only makes sense  
21 in Albany I suppose, and by fixing this loophole  
22 justice will be done more readily, more regularly  
23 and that also again goes hand in glove with the  
24 recent reform to crash investigations, and then  
25 the other important resolution today has to do

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2 with preventing crashes. As we know, speeding is  
3 the number one cause of fatal crashes. More fatal  
4 crashes are caused by speeding drivers than drunk  
5 drivers and drivers on cellphones combined. If  
6 you want to save lives in traffic what you do is  
7 you get drivers to slow down, and there are a  
8 bunch of ways to do that. Speed bumps work. Stop  
9 signs work. Red lights work. You can't get all  
10 of those interventions on every street. Of course  
11 having more enforcement is a big, big step. A  
12 police cruiser does help slow drivers down. The  
13 trouble is that there are a lot of demands on the  
14 NYPD's time, and we want to make sure that we get  
15 as much enforcement as possible. There are 120  
16 other police departments around the country,  
17 Chicago, D.C., New Orleans, Phoenix, Baltimore--I  
18 could spend another minute naming cities--that  
19 have speech have camera enforcement. Every major  
20 city around the country has speed camera  
21 enforcement, and it works. It works really well,  
22 and so we should test it in New York City. The  
23 proposal that is being contemplated in Albany is a  
24 very modest pilot proposal--either 20 cameras or  
25 40 cameras near schools intended to protect



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2 pedestrians, not on highways, not interested in  
3 revenue, right? It's actually not going to make  
4 very much money because the program is so small,  
5 and also because it's very effective. Drivers  
6 slow down when they know there is enforcement.  
7 It's what happens everywhere. What happened with  
8 the red light camera program drivers stopped  
9 blowing red lights when they know there is  
10 enforcement. They also stop speeding when they  
11 know there is enforcement. What we need in the  
12 city is consistent predictable enforcement of the  
13 speed limit. We don't have that today, and  
14 hopefully this resolution is a big step forward to  
15 getting that enforcement in the future. Thank you  
16 very much.

17 CHAIRPERSON VACCA: Thank you. We  
18 have questions for this panel from Council Member  
19 Halloran?

20 COUNCIL MEMBER HALLORAN: Thank  
21 you, Mr. Chair. Let me first start off by saying  
22 I think the closing of a loophole is long overdue  
23 although there are technically ways that our local  
24 law enforcement could have always gotten around  
25 that by an affidavit, which they have been

1  
2 unwilling to do, and having been both a prosecutor  
3 and a defense attorney, I couldn't see why we  
4 couldn't simply reduce an affidavit form to give  
5 to people at a scene that would contain the  
6 requisite statement that this infraction took  
7 place was witnessed by them and have that be  
8 sufficient. That being said, I don't have any  
9 issue with the state legislature revisiting and  
10 making explicit the authority to have this done by  
11 - - . I am very concerned however about speeding  
12 cameras. Let me share my concerns with you and  
13 you can tell me if you agree or disagree. Has any  
14 of you tried a traffic law case? No. Okay. So  
15 let me explain to you what the problem is with  
16 this blanket policy. For a police officer to take  
17 the stand and to get in front of a judge and say  
18 that I observed traffic infraction speeding, he  
19 has got to discuss his experience as a police  
20 officer, his training as a police officer. He has  
21 got to describe the particular radar unit or laser  
22 unit he is using. He has got to describe when it  
23 was calibrated, when it was tested, whether or not  
24 he performed the requisite pre-use testing that  
25 day, whether he produced those same tests and

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2 those same test results at the end of the day,  
3 whether within a reasonable degree of certainty  
4 there were any vehicles in the "zone of influence"  
5 for the radar unit, and as you probably are well  
6 aware, the streets of New York are somewhat  
7 congested. Unless you are picking a single lane  
8 road with no opposite lane traffic the ability to  
9 exclude other vehicles is very difficult, and you  
10 can't cross examine a machine. So while I  
11 understand that there is exemptions in the law  
12 specifically to prevent the assignment of  
13 licensing issues related to points, you haven't  
14 solved the fundamental due process issue, and this  
15 is something government has been moving towards.  
16 They did it with the red light cameras. Now it is  
17 doing it with speeding. Ultimately, there is no  
18 defense. What do you say? It's not me. No,  
19 there is your license plate. I can't cross  
20 examine--and believe me the kangaroo courts that  
21 we have for the parking violations bureau I don't  
22 even want to talk about because they don't have  
23 due process. Can you tell me with any degree of  
24 reasonable certainty how we provide a defendant  
25 with the ability to contest the ticket when he

1  
2 can't cross examine the certification of the  
3 machine, when he can't talk about the zone of  
4 influence of vehicles that may be included in the  
5 range? Those are questions that I don't think you  
6 guys are prepared to answer, nor do I think there  
7 is an answer to, but if you have one, please, I'd  
8 love to hear it.

9 CHAIRPERSON VACCA: If I could just  
10 clarify, the legislation does involve the issuance  
11 of an affidavit from a technician.

12 COUNCIL MEMBER HALLORAN: Who won't  
13 be present.

14 CHAIRPERSON VACCA: Well, he may  
15 not be present, but it does require an affidavit,  
16 but can you answer the Councilman's questions?

17 JUAN MARTINEZ: Sure, and there  
18 were a few things if you permit me to touch on  
19 them. One issue that you brought up has to do  
20 with being able to track multiple vehicles at  
21 once. It's a real concern. Speeding is a bigger  
22 problem on the wider streets. The good thing is  
23 that this technology is really mature, having been  
24 used in a bunch of different cities around the  
25 country in a lot of different conditions.

1  
2 Sometimes it is used on highways. They are  
3 tracking dozens of cars at a time. I have heard  
4 it explained to me. I am not qualified to--

5 COUNCIL MEMBER HALLORAN:

6 [interposing] Sure, sure.

7 JUAN MARTINEZ: But it's similar to  
8 if not the same technology used to track incoming  
9 airplanes where there is a high level of--we need  
10 a high level of accuracy and precision, and then  
11 the second point about the calibration and so on  
12 is essential. Obviously it's a strong concern,  
13 and there are two quick answers--well, one quick  
14 answer, one longer answer. The quick answer has  
15 to do with the precision about it, right, whether  
16 we can be certain that any violation is well done,  
17 is well meted out, and that in large part has to  
18 do with the minimums that are set in the state  
19 legislation. As the Chairman alluded to, there is  
20 a certification requirement, mandatory testing,  
21 that kind of thing. It's a daily self-test with  
22 the machine in one of the bills today, and the  
23 other thing that it comes down to is that there is  
24 a healthy grace leeway written to the bill where  
25 the violation wouldn't be issued until you are

1  
2 going over 40 miles an hour in a residential area.  
3 So on the one in a million chance that the camera  
4 was wrong, the driver was probably going 39 or  
5 something like that, and there is a lot of  
6 oversight that the Council would have to do. It  
7 would have write out the particulars about how  
8 that due process would work, and it would have to  
9 provide that oversight and make sure that those  
10 tickets are being fairly adjudicated and I trust  
11 that Chairman Vacca would not let something like  
12 that slide.

13 COUNCIL MEMBER HALLORAN: And I  
14 appreciate that, and I also appreciate the fact  
15 that I know that Councilman Van Bramer is not  
16 introducing the bill for revenue although I think  
17 the mayor might just be grabbing onto it for that  
18 reason, and that worries me because the last thing  
19 we need to do is use law enforcement as a tool for  
20 revenue generation, which brings me to my third  
21 point. Wouldn't this money be better spent in the  
22 police department having more highway police  
23 officers available to enforce to be more hands on?  
24 First of all, police officers have the use of  
25 discretion. They can hit targeted zones and move

1  
2 them so that people don't become familiar with the  
3 areas there are cameras and then avoid them to  
4 simply avoid the slowdown zones that are created  
5 by these cameras. You don't ever know where a cop  
6 is going to be, right, until you show up and you  
7 pass them, and then you go, oh, there he is. We  
8 have 6,000 fewer police officers today than on  
9 9/11, and we have between 3500 and 4500 cops who  
10 should be on the streets who are riding desks  
11 because we reduced the number of police  
12 administrative aides that we used to have in the  
13 police department impacting the ability of cops to  
14 be on the street. Would you not concede that it  
15 would probably be more beneficial to public  
16 safety, more beneficial to doing exactly what you  
17 are saying you want done, which is reduce speeding  
18 for real instead of just having people avoid  
19 certain zones to speed, by having more police  
20 officers out there conducting traffic stops and  
21 paying to have a sufficient headcount in the  
22 police department to do that rather than spend  
23 money on a technology, which is not necessary  
24 perfected. I don't know that I agree with you on  
25 the calibration certification side of this, but

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2 even that being the case at least a police officer  
3 can exercise discretion, can be mobile and won't  
4 create particular zones that wind up being speed  
5 avoidance zones as opposed to real safety zones.

6 JUAN MARTINEZ: Thank you. I  
7 couldn't agree with you more. We need more police  
8 officers enforcing the speed limit throughout the  
9 city, and it also extends to other high priority  
10 items like DUI, failure to yield to pedestrians in  
11 crosswalks that can be enforced by the NYPD.

12 COUNCIL MEMBER HALLORAN: Which the  
13 cameras can't capture.

14 JUAN MARTINEZ: Of course, but I  
15 would disagree with you that I think we don't have  
16 consistent citywide enforcement today. For  
17 instance, the 68 and the 62, the 68 issued 63  
18 speeding tickets in 2012.

19 COUNCIL MEMBER HALLORAN: Agreed.  
20 Agreed.

21 JUAN MARTINEZ: And the 62 issued  
22 182.

23 [crosstalk]

24 COUNCIL MEMBER HALLORAN: When you  
25 look at a population of tens of thousands in that



1  
2 area in that command and the number of highways  
3 that come in and out, yeah, you go, what is going  
4 on? Of course, the predominant police department  
5 subdivision dealing with that is the highway  
6 units, not the precinct commands. Precinct  
7 commands would not generally speaking be running  
8 out there with radar although we could certainly  
9 fund that and provide that resource to them. It  
10 is generally the highway divisions that are doing  
11 that so that would be a separate command not  
12 showing up necessarily in those precinct numbers.  
13 They would show up at the borough numbers--  
14 something to talk about for sure, and just  
15 finally, look, the libertarian republican sneaking  
16 out of me, not that that was ever going to be a  
17 secret, but I just don't know about big brother  
18 constantly watching us in more and more ways, you  
19 can't sneeze in downtown Manhattan without it  
20 actually being captured on video tape somewhere,  
21 and now with red light cameras becoming more - - I  
22 just wonder if George Orwell wasn't right when he  
23 wrote a book and called it 1984 except he just got  
24 the date wrong; it was 2010. Are there any  
25 privacy concerns that you have of government being

1  
2 so much so that now big brother doesn't even have  
3 to have the cop on the street, he can have the  
4 camera on the street. Any privacy concerns there?

5 JUAN MARTINEZ: Transportation  
6 Alternatives has no privacy concerns when it comes  
7 down to it. The camera would snap a photo of a  
8 speeding driver's license plate and it would leave  
9 all other drivers unaffected and on top of that  
10 some of the legislation contemplates pretty  
11 stringent warrant and subpoena requirements for  
12 the data that the speeding ticket violation data  
13 that is collected. This is not at all about  
14 tracking drivers. Instead it is about convincing  
15 drivers to slow down, and as you know enforcement  
16 is the answer to that.

17 COUNCIL MEMBER HALLORAN: Thank  
18 you, Mr. Chairman. I appreciate your indulgence.

19 CHAIRPERSON VACCA: Thank you,  
20 Councilman Halloran. I would want to point out  
21 that this committee had hearings where we did  
22 specify and we did stress that the New York City  
23 Police Department also has an obligation in this  
24 matter. The highway unit has been cut 50 percent  
25 since 2001, and we wanted that type of a cut

1 restored. We spoke about how important it was.  
2  
3 When that cut was made PD said that traffic  
4 enforcement, speeding enforcement, would be  
5 referred to local precincts on an increased basis,  
6 but the reality is that when you do that and you  
7 are down 7,000 police officers from 9/11 you are  
8 competing with priorities at the local precinct  
9 level that are set by precinct commanders and I  
10 thought that the reduction in the highway unit  
11 hurt our speeding enforcement capacity in our city  
12 and it hurt it in a serious manner. So I am  
13 supportive of these resolutions because I think  
14 speed cameras are another tool in the shed so to  
15 speak that we could use, another tool in the  
16 toolbox that we could use, but there is no  
17 question that we have to look at the police  
18 enforcement issue as well, and they go hand in  
19 hand in my opinion. Councilman Van Bramer had a  
20 question. I'd like to mention please we have been  
21 joined by Council Member Koppell, Council Member  
22 Lappin was here. Did I miss anyone? Oh, Council  
23 Member Mealy is here now. Okay. Council Member  
24 Van Bramer.

25 COUNCIL MEMBER VAN BRAMER: Thank

1  
2 you very much, Mr. Chair. I just wanted to  
3 address my good friend Councilman Halloran's  
4 comments as the sponsor of this reso. I couldn't  
5 agree more. We all want more police officers to  
6 do the great job that they do in keeping us safe,  
7 but I do not believe that more police officers and  
8 speed cameras are mutually exclusive goals. We  
9 can have both. We need both, and also we are  
10 talking about a minimum of 20 cameras, a maximum  
11 of 40 cameras. There is no way that the cost of  
12 20 cameras is going to pay for 7,000 police  
13 officers. The truth is that as Chair Vacca said,  
14 just as speed bumps and speed humps and four way  
15 stop signs I believe red light cameras, speed  
16 cameras are part of the vast array of things that  
17 we have at our disposal that can reduce vehicular  
18 speed in a city like ours and save lives, so they  
19 are all compatible. They all work together to  
20 make the streets safer and it is not an either or  
21 approach. We can do this. We have the means to  
22 do it. It has been done successfully in over 100  
23 large cities across this country. There is no  
24 reason to believe that 20 to 40 cameras can't work  
25 on the streets of New York.

1  
2 CHAIRPERSON VACCA: Okay. also, we  
3 were joined by Council Member Greenfield. Council  
4 Member Brewer has a question.

5 COUNCIL MEMBER BREWER: Thank you  
6 very much. I have great respect for the DOT  
7 Commissioner, but she and I have been arguing  
8 about the issue of no honking signs because I  
9 actually think at least in my neighborhood people  
10 want them because they want to know to be able to  
11 point when somebody is honking what the law is.  
12 Not everybody knows what the law is. So my  
13 question is in addition to these two resolutions,  
14 which I support, do you think we also need signs  
15 to tell people what the speed limit is 'cause  
16 actually I think many people don't know in New  
17 York City. I see them going faster. I point out  
18 what it is when I am in a cab or telling people,  
19 so I am just wondering on this sign issue, how do  
20 you think in addition to making sure that people  
21 don't go too fast we need to tell people what the  
22 law is?

23 JUAN MARTINEZ: I think your  
24 intuition is absolutely right. 80 percent of  
25 drivers in New York City don't know the speed

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limit. It's 30 miles an hour.

COUNCIL MEMBER BREWER: I know what it is. I think most people do not know is what I am saying.

JUAN MARTINEZ: You are absolutely right. I think the DOT could do more to put up more signs with the speed limit, and I know that if this legislation were to pass, the signs would make clear that the speed limit is enforced, camera enforcement. I think part of the reason that drivers don't know is because they don't really watch their speedometer much.

COUNCIL MEMBER BREWER: Right 'cause there is no enforcement.

JUAN MARTINEZ: Right. They tend to go as fast as they can. They figure the speed limit is as fast as they can.

COUNCIL MEMBER BREWER: Thank you, Mr. Chair.

CHAIRPERSON VACCA: I thank you, all three of you, and we now have our next panel, Casey Raskob, please sir, Jeff Frediani AAA of New York, Carol Ashley [phonetic] representing herself from New York City, and Martin Treat.

1  
2 CASEY RASKOB: Ladies and gentlemen  
3 of the committee--

4 CHAIRPERSON VACCA: [interposing]  
5 Identify yourself first and any organization you  
6 belong.

7 CASEY RASKOB: My name is Casey  
8 Raskob. I am an attorney. I represent the  
9 National Motorists Association Chapter in New  
10 York. I would respectfully ask--I am going to run  
11 to about four minutes, if that is okay, with my  
12 statement.

13 CHAIRPERSON VACCA: Three minutes,  
14 yes.

15 CASEY RASKOB: Three minutes? Let  
16 me hit the ground running then. I am here  
17 representing the National Motorists Association.  
18 We have about 1,000 members in the state of New  
19 York; however, part of my practice is defensive  
20 traffic tickets, and I see the output of police  
21 agencies every single day. I understand the  
22 outrage of people here in New York when they  
23 complain that there is no street level enforcement  
24 because that is what I see too. You see speeding  
25 tickets. You see them written by highway on

1  
2 highway, but you never see a speeding ticket  
3 written off highway by anybody other than highway.  
4 I don't know why that is, but I will tell you  
5 based on seeing tickets between Albany and Montauk  
6 that it is an exception. Every place else the  
7 police agency enforces the law elsewhere. Now I  
8 don't see radar teams on Queens Boulevard, the  
9 Grand Concourse. It is truly strange. You can't  
10 just hand one guy a radar gun and say have at it.  
11 Go out, spend your shift writing tickets, be  
12 visible, turn the lights on. It doesn't exist.  
13 So now we are telling people that cameras will  
14 take care of it. Well, guess what? Cameras send  
15 bills. They don't enforce laws. A camera doesn't  
16 pull you over. Camera does not intervene. Camera  
17 does not find out that you are drunk, you're  
18 unlicensed, you're a fugitive. All of those  
19 things a camera doesn't do. It sends a check.  
20 Now I'd like to talk about the temporary  
21 demonstration project. It is not temporary, and  
22 it's not a demonstration project. The red light  
23 camera was a temporary demonstration project, and  
24 it is still here. As far as the study is was  
25 supposed to produce, that hasn't come around



1  
2 either. I have never seen that study. Now it's a  
3 limited project for the children with a limited  
4 number of cameras, but to tell us this is a  
5 temporary demonstration project, let me say,  
6 really? Because let me read from the legislation  
7 proposed. It's 40 cameras. Up to 20 can be  
8 mobile. Such speed limit photo devices shall be  
9 placed at locations based on criteria including  
10 but not limited to whether the location is within  
11 a quarter mile of a school, speeding data,  
12 accident history, then proximity to senior centers  
13 and roadway geometry. I think that if we take all  
14 of these things together, we have covered the  
15 entire city, so we can put a camera on I 95 as it  
16 comes of Harrison into the Bronx. We can put a  
17 camera on the Belt Parkway under the Verrazano  
18 Bridge. We can put a camera on the Hen Hud  
19 Parkway, where it drops from 50 to 35, the single  
20 worst speed trap in all of New York City and 440  
21 on Staten Island. The mission creep here is  
22 relentless. I think that it is dishonest to say  
23 that this is going to be a limited project, and it  
24 is only going to be in certain areas. I  
25 understand the people further down, but how many

1  
2 tickets have they written for speeding in your  
3 area? Any? Exactly. The officers should be out  
4 there and that is a different thing. To propose a  
5 camera is dishonest and disingenuous. I think  
6 that you are selling these people short. I think  
7 they do deserve a real cop with a real car with  
8 flashing lights. Basically it is going to end up  
9 being technical violations. You are going to get  
10 that 72 in a 50 on the Belt Parkway, send the  
11 check. You are going to get that little violation  
12 here and there, send the check. I balance budgets  
13 too as a village trustee in Hudson River  
14 community, and I understand how difficult it is to  
15 come up with money for the public, and this is  
16 just narcotic [phonetic]. I mean if you look at  
17 what has happened in London, Australia, the amount  
18 of money this raises, it is hardly clear that this  
19 is the greatest lifesaving technology in the world  
20 separate and apart from traffic calming in an  
21 inner city; however, the short answer is I spoke  
22 to someone from Red Flex [phonetic] at a  
23 conference up in Saratoga, and he said the real  
24 money isn't red light cameras. The real money is  
25 speed cameras, and he says that for successful

1  
2 enforcement for profit, you need a high traffic  
3 density. My little village is not big enough to  
4 make it profitable to have a camera apparently. I  
5 have run over, and I appreciate that, but if we  
6 don't want to hire and pay police that is a  
7 different issue, but if speeding is a problem,  
8 stop the driver, give him a ticket and points on  
9 the license, not send an invoice. In Europe they  
10 call it the BMW tax for the simple reason that you  
11 have enough money, oh look, I got another one.  
12 Give it to my secretary. That is why there are  
13 points. That is why you pull people over. That  
14 is why you give them a ticket. You want to arrest  
15 the behavior. Here, if you can afford the speed,  
16 you are still going to speed. Ending, thank you.  
17 I applaud Assembly Gantt and Sheldon Silver for  
18 their protection of motorists. I would like to  
19 ask them on behalf of the millions of folks  
20 outside New York City who come here regularly for  
21 business or pleasure, but always to spend money,  
22 to stand up for the other residents of New York  
23 State and not report this bill out of committee.  
24 You did it with congestion pricing. Please do it  
25 with speed cameras. Thank you very much.

CHAIRPERSON VACCA: Thank you.

Sir?

JEFFREY FREDIANI: Good afternoon.

My name is Jeffrey Frediani. I am a legislative analyst with AAA New York, and with me to my left is Robert Sinclair, our manager of media relations. AAA New York serves more than 1.6 million members residing in the city of New York and adjacent counties of New York State, and we appreciate the opportunity to testify on proposed resolution 916-A. AAA has always held the view that visible law enforcement officers are the most effective means of deterring traffic violations. At the same time however, AAA recognizes the role automated enforcement can play in improving safety for motorists, pedestrians and other road users by improving compliance with red lights, speed limits and other traffic control devices. Indeed, AAA was one of the first groups to advocate for red light cameras in the city of New York, the first such program implemented in the United States. And the goal of Assembly bill 4327 to enhance traffic safety is a goal everyone here shares; however, because we believe this legislation as

1  
2 drafted is too broad and because of the city's  
3 failure to be transparent with the existing  
4 automated red light camera enforcement program, we  
5 cannot support this resolution. Automated  
6 enforcement programs have come under intense  
7 scrutiny in recent years and in fact many  
8 communities have suspended or reformed their  
9 programs because of this scrutiny. AAA believes  
10 such scrutiny is warranted given the potential to  
11 misuse automated enforcement systems to generate  
12 revenue as opposed to enhancing safety.

13 Accordingly, if a state or locality implements an  
14 automated speed enforcement program, AAA believes  
15 the following safeguards must be in place to  
16 protect the integrity of automated enforcement.

17 Automated enforcement must be used as part of a  
18 comprehensive traffic safety strategy that  
19 involves engineering, education and officer  
20 enforcement. Automated enforcement programs must  
21 focus on roadways with a demonstrated pattern of  
22 violations and crashes or other distinct safety  
23 concerns such as designated school zones that can  
24 be reduced through the use of automated  
25 enforcement. Speed limits on roadways where

1  
2 automated enforcement is employed must be set in  
3 accordance with Institute of Transportation  
4 engineer standards and include adequate postings  
5 of speed limits, strict evidentiary standards must  
6 be in place to assure the fairness of procedures  
7 for issuing automated enforcement citations.

8 Reasonable enforcement tolerances must be provided  
9 so that flagrant rather than nominal or marginal  
10 infractions are targeted, and finally, but perhaps  
11 most importantly thorough and transparent analysis  
12 of the program's effectiveness should be conducted  
13 on a recurring basis and disclosed to the public.

14 While this legislation addresses many of the  
15 aforementioned concerns, it falls short in some  
16 respects. Assembly bill 4327 suggests  
17 characteristics of locations where cameras could  
18 be placed; however, it does not limit the program  
19 to locations with demonstrated safety problems.

20 In fact, there are numerous roadways in the city  
21 of New York such as the Clearview Expressway and  
22 the New York Thruway I 95 that were designated  
23 to accommodate higher speeds though they are  
24 posted at the uniform 50 mile per hour limit. As  
25 such this legislation opens the door to mobile

1  
2 speed cameras on roads where in fact speeds may be  
3 unrealistically set. Secondly, there has been a  
4 lack of independent oversight and in depth  
5 analysis of this safety impact of the current red  
6 light camera program. In short, the city has  
7 failed to operate the current red light camera  
8 program in a transparent manner, leading many to  
9 believe the city's goal is to raise money and not  
10 enhance safety. Accordingly to protect the  
11 program's integrity and better gauge the  
12 performance of the pilot program, this legislation  
13 at a minimum would need more precise language with  
14 respect to the report that must be submitted to  
15 the legislature. As the bill currently reads, the  
16 report must include data on the number of  
17 violations issued, number of fines paid, the  
18 amount of revenue generated among others. That  
19 language mirrors the existing red light camera  
20 report guidelines, which we believe fall very  
21 short of what is needed to honestly assess the  
22 performance of the program. In our opinion there  
23 needs to be specific language mandating follow up  
24 analysis with respect to reductions or increases  
25 in crash rates, average camera speeds where

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2 cameras have been placed and the percentage of  
3 vehicles speeding on a particular section of  
4 roadway both before and after a speed camera  
5 deployment. To end, for the public to accept  
6 automated enforcement programs as an effective  
7 traffic safety tool as opposed to revenue  
8 generator, we don't think it's too much to ask for  
9 a more comprehensive analysis of such programs and  
10 for that analysis to be fully disclosed perhaps on  
11 the Department of Transportation's website.

12 Automated enforcement can certainly have a place  
13 in improving safety; however, given the DOT's  
14 failure to be transparent with the existing  
15 automated red light camera program and the steady  
16 stream of complaints we receive from our members,  
17 we cannot support expansion of automated  
18 enforcement proposals at this time. Thank you.

19 CHAIRPERSON VACCA: I want to make  
20 clear I was one of those concerned as well about  
21 the current DOT time differential issues that were  
22 raised, so I certainly do feel people who do speed  
23 should get a ticket if all the indicators are  
24 transparent, so I hear your point. I want to  
25 introduce to my even further to my right than



1  
2 Councilman Halloran is Councilman Ulrich, and I  
3 welcome you, Council Member. Carol? Carol  
4 Ashley?

5 CAROL ASHLEY: Yes. That is me.

6 CHAIRPERSON VACCA: Do you want to  
7 go next?

8 CAROL ASHLEY: Yeah. I am here  
9 representing myself and thank you for the  
10 opportunity to speak. I was hit by a car on the  
11 West Side Highway, which from reading reports on  
12 that street is pretty bad for hitting pedestrians  
13 and somebody was killed there recently by a hit  
14 and run, and I also have a number of friends who  
15 have been seriously injured and one died recently  
16 being hit by speeding drivers, one drunk driver  
17 and no license. His car was returned to him  
18 within 24 hours by the police. So I feel that one  
19 of the problems is this is just not taken  
20 seriously, right? And I feel like pedestrians are  
21 like a kind of collateral, and I walk everywhere  
22 so I observe what is going on, and I see people  
23 running red lights all the time. I walk past the  
24 first precinct every day even when there is 12  
25 officers standing outside, people run the red

1  
2 lights from the Holland Tunnel exit. Nothing  
3 seems to be done about that, and there seem to be  
4 some very basic things that could be taken care  
5 of. Running red lights strict enforcement. Not  
6 having a row of green lights so that people speed  
7 up to try and catch the whole row of lights,  
8 right? There is just basic things, and also, if  
9 you are hit by a car by somebody, they have  
10 insurance, right? But the insurance can be  
11 minimal when it compared to the cost of the injury  
12 that you might have, the surgery that you have,  
13 the missing work, et cetera, et cetera. It's  
14 minimal 25,000 insurance doesn't cover most  
15 people's costs and that is it, so then the city--  
16 what happens to those people? Sometimes they can  
17 never work again. So there is also no counting of  
18 injuries or - - I see are always deaths, not  
19 injuries. Injuries can be disastrous, right? So  
20 those are my main concerns. I think there are  
21 some very common sense things that could be done,  
22 and number one is stopping people running red  
23 lights and also enforcing slowing when you are  
24 approaching a pedestrian crossing. I was on the  
25 pedestrian crossing. I still had the light. The

1  
2 driver obviously didn't slow down enough, sent me  
3 flying through the air, and that situation  
4 shouldn't even arise. They should have had to  
5 slow down as they approach the pedestrian  
6 crossing. I feel like this is not being taken  
7 seriously, and they are getting a violation,  
8 right, and that is really all I have to say.

9 CHAIRPERSON VACCA: Thank you. Do  
10 you wish to speak, Mr. Sinclair?

11 ROBERT SINCLAIR: - -

12 CHAIRPERSON VACCA: Oh, any  
13 questions. Okay. Are there any questions for  
14 this panel? Council Member Ulrich had a question.  
15 I am sorry.

16 COUNCIL MEMBER ULRICH: I  
17 apologize, Mr. Chairman, for coming late, but I  
18 want to commend this panel for bringing some  
19 common sense perspective before this committee. I  
20 know that sometimes you feel like you are in a  
21 minority. I know how you feel, particularly when  
22 it comes to issues like this, and I have nothing  
23 but respect for the prime sponsor of this  
24 legislation. He and I are very good friends, but  
25 I am not supporting this resolution for many of

1  
2 the reasons that you have stated. I believe that  
3 we need more enforcement by police officers to get  
4 drunk drivers off the road, to get people with  
5 suspended licenses off the road, to get people who  
6 shouldn't be driving in the first place. What I  
7 don't want to happen what I know what will happen  
8 when Albany approves this because they seem to  
9 approve anything these days is that this will be  
10 used by the city as a revenue generator, and it is  
11 not going to impact the people in Manhattan  
12 because you can't drive faster than 30 miles an  
13 hour in Manhattan anyway. There is always traffic  
14 and congestion. This is going to impact the  
15 people in my district in Queens and my colleagues'  
16 district in Staten Island. I know Lanza is  
17 putting this legislation--I am going to talk to  
18 him because I don't know what he has been drinking  
19 lately, but this is ridiculous because my  
20 constituents work two jobs or work two shifts, and  
21 they have got to come home at midnight, they are  
22 going to be driving down one of these streets, and  
23 they are going to go ten miles above the speed  
24 limit when there is no other car on the road, when  
25 there is nobody crossing the street, when there

1  
2 are no bikes in the bicycles lane, and they are  
3 going to get a ticket in the mail and that is not  
4 fair. It is not right. We are punishing the  
5 middle class and we are hurting the working class  
6 in the city, and that is how we are raising  
7 revenue, and it's stupid and moronic ideas like  
8 this that the DOT is pushing that keeps driving  
9 people out of New York City. It's no reason why  
10 people want to leave New York. They can't afford  
11 to live here anymore.

12 MALE VOICE: If I may, if it cost  
13 money, nobody would propose this.

14 COUNCIL MEMBER ULRICH: Of course.  
15 This goes without saying. This is the most  
16 ridiculous thing I have ever heard of in my life.  
17 You want to crack down on dangerous drivers? You  
18 want to slow people down? Set up checkpoints.  
19 Put more cops on the street and that is how you  
20 get dangerous drivers off the road. You don't  
21 send people tickets in the mail because they are  
22 coming home from work and they go 10 or 15 miles  
23 above the speed limit when they pose no threat to  
24 anyone else on the road. This whole thing is just  
25 ridiculous, and it's just another way the city

1  
2 trying to nickel and dime the middle class and the  
3 taxpayers and the people that live in the boroughs  
4 outside of Manhattan. I want to add to your  
5 comments. I commend you. You are 110 percent  
6 right, and I hope enough members of this committee  
7 and this body realize that and they don't vote in  
8 favor of this because we are just giving Albany  
9 another blank check to nickel and dime our  
10 constituents.

11 MALE VOICE: I believe that is  
12 where an officer's discretion is important. A  
13 police officer has discretion to write people. He  
14 can evaluate the situation on the side of the  
15 road, and I believe if we actually had live police  
16 officers enforcing the speed limit, you'd see a  
17 difference.

18 CHAIRPERSON VACCA: Council Member  
19 Ulrich, I thank you for your remarks, I think. I  
20 did want to add though that this is only a 20 to  
21 40 locations in the entire city and senior centers  
22 and schools are priority.

23 COUNCIL MEMBER ULRICH: Mr.  
24 Chairman, that is what you said with the red light  
25 cameras, and they are all across the city now, and

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2 they have got 15 in my district alone. It's  
3 ridiculous, and that is the number one complaint  
4 that I get from people on the road. Actually, it  
5 makes the road more dangerous because the people  
6 that know that they are there either speed up when  
7 they see that the light is turning yellow or that  
8 it's about to turn red or they stop short and the  
9 person behind them slams them and they cause more  
10 accidents. These are not proven to improve  
11 safety. The statistics are bogus. The numbers  
12 are fudged. This is part of a radical agenda to  
13 change the way New Yorkers get around town, and  
14 it's only hurting people like my constituents and  
15 Dan's constituents, the people in Staten Island  
16 and Brooklyn and the Bronx, the people who are  
17 going about their business, just working every day  
18 trying to go about their daily lives. They are  
19 sick and tired of the nanny state nonsense, and so  
20 am I.

21 CHAIRPERSON VACCA: I do want to  
22 stress that those who get those tickets will not  
23 be allowed to have soda while they are driving.

24 MALE VOICE: Thank you, Mr.  
25 Chairman. Very glad to hear that.

1  
2 CHAIRPERSON VACCA: Council Member  
3 Van Bramer?

4 COUNCIL MEMBER VAN BRAMER: Thank  
5 you very much. I feel compelled to respond.  
6 There is nothing stupid or moronic about this  
7 resolution or about the legislation that is before  
8 the State Assembly and the State Senate, and  
9 sadly, Council Member Ulrich was not here for the  
10 first panel, but they also made a great deal of  
11 common sense as it relates to saving the lives of  
12 children, which Council Member Ulrich also missed,  
13 so this is not about revenue at all--

14 COUNCIL MEMBER ULRICH:  
15 [interposing] It's not about the children.

16 COUNCIL MEMBER VAN BRAMER: --for  
17 me. I am talking now. This is not about revenue  
18 for me. This is about saving the life of a child,  
19 and not everyone was here when I spoke about it,  
20 but I believe that this is a meaningful piece of  
21 legislation, which can save the lives of children,  
22 and if it saves one child, one child, it would be  
23 worth what we are looking at, which is 20 to 40  
24 cameras, and no one at all is talking about the  
25 fact that this would replace in any way the good



1  
2 in hardworking members of the NYPD, and no one is  
3 saying that this is a panacea, but we have an  
4 obligation as elected officials to make our  
5 streets safer, and when we live in communities  
6 where our sidewalks and our streets are right in  
7 front of our homes, our schools, our parks and our  
8 libraries and we know that a car going five to ten  
9 miles an hour slower could make the difference  
10 between a child being in the hospital or dying, we  
11 have an obligation to do something about that, and  
12 the life of Hallie Guyer, my next door neighbor  
13 who died at 11 years old because she was a car and  
14 you didn't hear this, Council Member Ulrich, but  
15 her father said if that car had been going five or  
16 ten miles slower, his child would be alive today.  
17 That is what this resolution is about for me.  
18 That is what it is about. It is neither stupid,  
19 nor idiotic. It is good public policy. That is  
20 why I introduced it. That is why I hope we pass  
21 it tomorrow and Wednesday in the full City  
22 Council.

23 CHAIRPERSON VACCA: And if I can  
24 add I have to say I have been in the vanguard in  
25 the Council and fighting against the I gotcha

1  
2 tickets, which are the tickets that parking  
3 violations bureau issues for minor offenses--some  
4 minor offenses, and other offenses that are  
5 ridiculous as well. \$600 million is raised  
6 through parking violations. Much of it is a cash  
7 cow for the city; however, these resolutions  
8 pertain specifically in my opinion to public  
9 safety. I can give you stretches in my district  
10 where the people have complained constantly  
11 demanding speed bumps and stop signs and red  
12 lights because the speed of traffic has become  
13 unbearable, and I do think when you are talking 20  
14 to 40 locations in the city, can we find those  
15 chronic locations where all of our other  
16 strategies have not worked, and where we finally  
17 have had enough? Yes, and that is why I am  
18 supportive of the two resolutions. I do  
19 understand very clearly unfortunately we have  
20 pursued a parking enforcement policy that has been  
21 I think revenue orientated. This to me is not  
22 that type of policy. This is a saving life  
23 policy. So that is where I differentiate, and I  
24 am supporting both of these resolutions. Council  
25 Member Halloran?

1  
2 COUNCIL MEMBER HALLORAN: Mr.  
3 Chairman, I appreciate your comments, and as I  
4 said at the outset, I believe Councilman Van  
5 Bramer contrary to the administration would not be  
6 supportive of this simply from this revenue  
7 perspective, but let's introduce a dose of  
8 reality. First, when red light cameras were  
9 proposed, and it was a finite number of 20 we were  
10 promised there would be a review process that the  
11 locations would be inspected, that comparisons  
12 would be done between placing live officers versus  
13 the cameras there. We were informed that there  
14 would be a statistical analysis of traffic flow  
15 patterns created by those red light cameras. We  
16 were told that the statistics would be made  
17 available in increments and then the whole project  
18 before any other implementation went on would be  
19 reviewed, that alternate providers would be looked  
20 at, that different systems would be talked about,  
21 and Mr. Chairman, with all due respect to you who  
22 I know has been on top of these things, it hasn't  
23 happened. There hasn't been a review, and the  
24 project went on and was expanded. Okay? That is  
25 number one. Number two, as you rightly pointed

1  
2 out and as I pointed out, none of this should be  
3 to take away from the members of the NYPD whose  
4 headcounts are down 6,000 plus officers since 9/11  
5 whose attrition numbers do not account for any  
6 increases in this current budget. We need live  
7 hands on police officers. Let me offer you that  
8 while I understand you two here, Councilman Van  
9 Bramer and yourself, are not about revenue. The  
10 mayor's projected budget, which we received and we  
11 are in the process of having hearings on right now  
12 this second, anticipates a 12 and a half percent  
13 increase in fine revenue from the city of New York  
14 for this fiscal year. Explain to me where that 12  
15 percent increase is coming from except for  
16 programs like this that they have built into the  
17 budget, that they need in the budget in order to  
18 quash their shortfalls. How can we trust an  
19 administration that won't give us commitments that  
20 it will not be used as a revenue generating tool  
21 when you have seen what has happened in parking  
22 violations, Mr. Chairman. You are not blind to  
23 these things. You have pointed them out. I had  
24 an incident with a traffic cop in case you don't  
25 remember. I am not happy with traffic

1  
2 enforcement, but here is the more important thing.  
3 Here is the irony of what we are saying here in  
4 this committee. We can throw a camera up, but I  
5 can't get legislation to require the DOT to put a  
6 speed bump where I want one. How is that fair,  
7 Mr. Chairman? How is it I can have Commissioner -  
8 - Khan [phonetic] want to remake Flushing and  
9 Bayside and Whitestone and to Denmark okay with  
10 bike lanes that go nowhere in my district, but I  
11 can't say I need a speed bump in front of P.S.  
12 32, get it there? And she - - I have to wait for  
13 my traffic study and then they don't think it's a  
14 good idea for X, Y and Z reasons, but I can't do  
15 anything about it. I am powerless as a council  
16 member to say I need this speed bump. Why aren't  
17 we talking about a piece of legislation that will  
18 mandate the DOT to put a speed bump or a traffic  
19 sign or a stop sign or a traffic light somewhere I  
20 think it belongs based on--

21 [background conversation]

22 COUNCIL MEMBER HALLORAN: Or a  
23 critical facility, okay? And I will analyze it to  
24 this. We talked about banning these instead of  
25 putting a gym teacher in every school. Are we

1  
2 looking to solve a problem or are we looking to  
3 pretend to solve a problem? I don't say your bill  
4 is pretending to solve the problem, Councilman.  
5 Don't take it that way. What I am saying is if we  
6 are going to attack problems in the city, it is  
7 about time we start looking at the real issue.  
8 The real issue isn't me drinking a soda. The real  
9 issue is me not getting off my ass and doing  
10 something about it, and if we are not going to  
11 fund after school programs, and if we are not  
12 going to fund gym teachers in every school, we are  
13 not going to get kids who are skinny. That is the  
14 reality. Similarly, if we want to stop speeding,  
15 we have to have more cops on the street, more  
16 speed bumps available to us, more traffic control  
17 devices available to us and then, if the  
18 administration promises to bring the statistics to  
19 us from the red light cameras, we can have a  
20 discussion about speeding cameras, but we haven't  
21 had the proof in the pudding they promised us in  
22 the red light cameras. What makes you think they  
23 are going to do it now? 'Cause they promised they  
24 would? How many promises to provide us with data  
25 have gone unanswered? And I would simply submit

1  
2 that you are a far wiser man than to get your  
3 eyes--have the wool pulled over them by this  
4 administration again when they tell you, don't  
5 worry, we are going to study this and give you the  
6 stats at the end of the day 'cause they didn't the  
7 first time. Fool me once, shame on you. Fool me  
8 twice, shame on me. Thank you, Mr. Chairman.

9 CHAIRPERSON VACCA: Thank you,  
10 Councilman Halloran. I do want to say any  
11 legislation you have in mind concerning  
12 requirements for more speed humps and all, I want  
13 to support you. I believe in them. They work.  
14 People want them. They save lives. They are  
15 speed reducers, and I believe in speed bumps. I  
16 also too have been frustrated because many times I  
17 have asked DOT in my own district to put speed  
18 bumps, and they have told me no too. So therefore  
19 I do want you to know I agree we should do  
20 something requiring it here at the Council because  
21 the city has not moved quickly enough on that as  
22 they should. I thank the panel. We have two more  
23 people--Martin Treat and - - McClure [phonetic].

24 MARTIN TREAT: I am Martin Treat.  
25 I have a motor neuron disease. It makes me slow

1  
2 and my brain races. I am from the Hell's Kitchen  
3 Neighborhood Association and on the neighborhood  
4 level this resolution is positive. We are at the  
5 mouth of the Lincoln Tunnel, and we need cameras,  
6 visible ones that tell the driver enforcement is  
7 here. All over the globe, London particularly  
8 there is safe driving because big brother is  
9 watching. Have no fear from the neighborhood  
10 level, you are doing the right thing. Hundreds of  
11 cameras, up the ante. Also, please - - . They  
12 need to treat traffic - - as a criminal  
13 investigation. It is misuse of - - . Also no  
14 blame until investigation - - , but you can have  
15 mitigation. 41<sup>st</sup> and 9<sup>th</sup> Avenue kill - - last week.  
16 Another driver the location is as - - and this  
17 resolution goes a long way. Thank you.

18 CHAIRPERSON VACCA: Thank you, sir.

19 Sir, would you introduce yourself?

20 ERIC MCCLURE: Yes. My name is  
21 Eric McClure. I am here representing Park Slope  
22 Neighbors of which I am a co-founder, grass roots  
23 community advocacy organization active in the Park  
24 Slope neighborhood of Brooklyn. I am here to  
25 offer the vociferous support of our organization



1  
2 for proposed resolution number 916-A. Dangerous  
3 and illegal speeding is a serious and deadly  
4 problem throughout New York City. In a March 2010  
5 radar survey of Prospect Park West, which serves  
6 as a gateway to Prospect Park for thousands of  
7 residents and countless other visitors we found  
8 that a shocking 85 percent of drivers were  
9 speeding, a figure confirmed by the Department of  
10 Transportation's own study. Worse, we clocked  
11 nearly 30 percent of drivers at 40 miles per hour  
12 or faster, a full ten miles per hour above the  
13 speed limit. Fortunately, Prospect Park West was  
14 redesigned not long after our study, but the wide  
15 three lane setup of the pre redesigned Prospect  
16 Park West is replicated on many of the city's  
17 busiest and most deadly streets. In another  
18 survey we conducted in February of 2012, inside  
19 Prospect Park on the West Drive we found that 99  
20 percent of drivers, 193 out of 195 during our two  
21 hour study period were driving over the speed  
22 limit, with more than 45 percent of them driving  
23 40 miles per hour or faster. The top speed we  
24 recorded was a highway like 53 miles per hour.  
25 This is inside a city park mind you. Last March

1 we joined my friend Council Member Steve Levin  
2 outside of his district office on Atlantic Avenue  
3 to conduct a radar survey that found that 88  
4 percent of drivers were speeding, many by more  
5 than 10 miles per hour above the speed limit.  
6 This was in the middle of the afternoon, two o'  
7 clock in the afternoon, not late at night. In  
8 fact, every time we have aimed our radar guns at  
9 the streets of New York City, we found a  
10 startlingly high proportion of drivers speeding.  
11 It appears that speeding is almost the rule on  
12 city streets rather than the exception, and that  
13 is why we need to be able to deploy speed cameras.  
14 The legislation, which the proposed resolution  
15 issued today calls for, would only target the most  
16 egregious of speeders, those drivers traveling at  
17 least ten miles per hour above the speed limit.  
18 The fine for such an offense would be just \$50.  
19 One might think that the knowledge that a human  
20 being struck at that speed has only about a 20  
21 percent chance of survival would be enough to  
22 dissuade people from such dangerous driving, but  
23 sadly, it is clear that the threat of a hit to the  
24 pocketbook is necessary to alter that behavior.  
25

1  
2 We urge the Council to pass Resolution number 916-  
3 A without delay. In addition, we want to lend our  
4 voice to those others calling for the passage of  
5 proposed resolution number 1332-A. There is no  
6 good reason why a police officer should have had  
7 to personally witness traffic infraction that has  
8 caused injury to a pedestrian or cyclist in order  
9 to arrest that driver if the driver's failure to  
10 exercise due care is clear and obvious. We allow  
11 our police officers to act on reasonable cause in  
12 all kinds of situations and the same leeway should  
13 be granted in cases of dangerous driving. We urge  
14 the Council to pass proposed resolution number  
15 1332-A without delay. Thank you.

16 CHAIRPERSON VACCA: Thank you, and  
17 for the record, we have a statement from borough  
18 president, Scott Stringer of Manhattan, supporting  
19 Resolution 916-A. Are there further comments from  
20 members? Council Member Van Bramer?

21 COUNCIL MEMBER VAN BRAMER: Thank  
22 you very much, Mr. Chair. I just want to say in  
23 addition to the letter of support from Manhattan  
24 borough president, Scott Stringer, I am very  
25 pleased that Commissioner Kelly, Speaker Quinn and

1  
2 a number of others are supportive of this  
3 resolution, and because you mentioned Council  
4 Member Levin, I want to recognize his leadership  
5 on these issues as well. I know that he has been  
6 particularly affected by some horrific incidents  
7 in his district, and he is not here, but he has  
8 certainly been active on this resolution and was  
9 with the Chair and the Speaker when we announced  
10 it last week. I know that he will speak  
11 eloquently on this issue, and I just want to say  
12 that am glad you are here as someone from Brooklyn  
13 because I know that there are a lot of people in  
14 boroughs outside of Manhattan, a lot of people in  
15 my district, a lot of moms and dads, who very much  
16 would like to see cars going slower in their  
17 neighborhoods where they live and I believe this  
18 is one of the things that we should do to help get  
19 us there, and we have the ability to prevent  
20 tragedies from occurring. This is something that  
21 we can do. I want to say again I have joined with  
22 so many people in my district to fight nuisance  
23 tickets when we know they are playing a game of  
24 gotcha. That is something I am proud to have done  
25 on so many different occasions and so many

1  
2 different ways, and we are also huge advocates of  
3 speed bumps and stop signs and it can take a  
4 ridiculously long time to get those things when we  
5 know they are needed, so Council Member Halloran,  
6 that is something that you and I agree on. We  
7 continue to push for them, but this is not about  
8 revenue. This is about saving lives. This is  
9 about doing what we can to make sure that no child  
10 is killed on 46<sup>th</sup> Street in Sunnyside or any other  
11 street, and nothing is a panacea. Nothing answers  
12 all the questions. Nothing is perfect, but it  
13 makes that just so much more possible, and I  
14 believe it is worth it. Thank you.

15 COUNCIL MEMBER HALLORAN: Mr.  
16 Chairman?

17 CHAIRPERSON VACCA: Yes, Councilman  
18 Halloran?

19 COUNCIL MEMBER HALLORAN: I would  
20 just like to point out because you know me, I love  
21 facts and statistics, I went onto the World Health  
22 Organization, The United Nations, just because I  
23 am hearing about how well this is working in  
24 France and I just pulled up--and I encourage  
25 anyone to go to the violence injury prevention

1  
2 section of the World Health Organization looking  
3 at its road safety analysis, which was completed  
4 with data through 2009, and as I look at the data  
5 of per capita deaths by automobiles, guess what?  
6 France, United States almost no difference despite  
7 all of these big brother techniques being used in  
8 France. Just as a matter of fact looking at it--  
9 the single greatest factor according to the U.N.,  
10 the World Health Organization, the greatest single  
11 factor in accidents is income level. That is the  
12 greatest single denominator of injuries is being  
13 in a low income nation. That is the biggest  
14 factor that contributes towards accidents. I  
15 don't know why that is, but if we are going to  
16 have a meaningful discussion at least maybe some  
17 of us should meaningfully look at the data instead  
18 of just assuming that something that sounds like a  
19 great idea, and Council Member Van Bramer, I do  
20 mean this I know your heart is in this. I know  
21 that little girl who died shouldn't have died, and  
22 anything we can do to help is a good idea except  
23 when it starts to erode liberty because we give  
24 away liberty, we never get it back. We started  
25 with those red light cameras, and dammit, we never

1  
2 even got the stats that say it works or it doesn't  
3 work. And while you can roll your eyes at me all  
4 you would like, I am a creature of statistics. I  
5 was a social scientist by training. I have a  
6 degree in archaeology and anthropology. I like  
7 actually knowing the facts, and the facts at least  
8 as presented by the left wing United Nations tells  
9 me that we are in no worse shape, in fact we are  
10 in better shape than 95 percent of the countries  
11 in the world when it comes to traffic related  
12 fatalities. That is a statistical demonstrable  
13 fact. If we want to save drivers, let's get more  
14 cops on the street to enforce traffic laws. Let's  
15 give those precincts more radar units to get out  
16 there and do it. Get the cops out of the desks.  
17 Put PAAs there who are much cheaper and will save  
18 us money, and let's get our uniform headcount up  
19 to a number they belong to be at so those cops can  
20 do their job the right way and solve the  
21 collateral problems. Again, please go to the  
22 World Health Organization of the United Nations  
23 and look at the data and then get back to me and  
24 talk to me about what is or isn't going to work.

25 COUNCIL MEMBER ULRICH: Mr.

1  
2 Chairman, if I can, I am not going to give a  
3 speech again. I want to--

4 CHAIRPERSON VACCA: [interposing]  
5 That's okay. Council Member Ulrich.

6 COUNCIL MEMBER ULRICH: --temper my  
7 remarks earlier with reiterating my respect, my  
8 admiration and my friendship for and with the  
9 prime sponsor of this bill, Jimmy Van Bramer. I  
10 know that his intentions are pure. I know his  
11 reasons for supporting this legislation. I  
12 understand them. I don't agree with them for  
13 reasons that I have stated, but it is not him that  
14 I don't trust. It's the DOT and this  
15 administration and the agenda that they have  
16 pursued year after year and time and again  
17 boldfaced lying to this committee in so many other  
18 instances that I have a hard time believing that  
19 they will stop at 20 cameras and that they will  
20 stop at just the areas where there is drag racing  
21 or where there have been a number of fatalities.  
22 I don't believe them, and I don't trust them. So  
23 this has nothing to do with my respect and  
24 admiration for the prime sponsor of this bill. I  
25 understand his reasons for supporting it. We are



1  
2 friends anyway as we are on almost every other  
3 issue, and the point is that I think this is going  
4 to be a big mistake, a slippery slope, a Pandora's  
5 box and I want to give a voice to the majority of  
6 my constituents. If you took a poll right now, I  
7 guarantee they are against this. I guarantee it.  
8 You can bet your bottom dollar, they don't want  
9 any more of these cameras anywhere in my district-  
10 -anywhere. They want more cops. They want speed  
11 humps. They want guard rails, by the way, which I  
12 had to pay for because DOT wouldn't give them to  
13 me on Prospect Boulevard, which is a main area  
14 where there was drag racing, where every year  
15 there were wooden crosses and white bicycles tied  
16 to utility poles, but DOT wouldn't allow guard  
17 rails on Prospect Boulevard, a two mile stretch  
18 with no stop signs, no rumble strips, no red  
19 lights, no traffic control devices whatsoever.  
20 They wouldn't allow it. I had to pay for it, have  
21 a fight with City Hall and overrule them, pay  
22 \$350,000 out of my capital budget that could have  
23 went into schools and libraries and parks in my  
24 district because they said that it didn't fit the  
25 streetscape, and that they didn't exist on any

1  
2 other street other than a highway in New York  
3 City, and that was a lie because I took pictures  
4 of regular side streets where guard rails existed.  
5 I had to pay for them. So if they were really  
6 concerned about safety and preventing deaths, and  
7 I had constituents that were walking their dogs or  
8 riding their bikes killed by drunk drivers, they  
9 would have paid for those guard rails and they  
10 didn't. They would put up stop signs and speed  
11 bumps at every school and every library in the  
12 city, but they won't. Why? Because they want  
13 money, and that is all this DOT cares about is  
14 raising revenue and a radical social engineering  
15 agenda to transform the way New Yorkers get around  
16 town. That is what they care about. It is not  
17 what Jimmy Van Bramer cares about. He cares about  
18 people. I understand why he is supporting this.  
19 I just want to clear the air there so that people  
20 who are up at three in the morning watching this  
21 on Channel 24, they understand we are not having a  
22 real fight. We are good friends, and I love him  
23 dearly. My wife loves him dearly and his husband  
24 dearly, but we are going to disagree on this  
25 issue, and that is just the way it is going to be.

1  
2 CHAIRPERSON VACCA: Thank you,  
3 Council Member. And I should clarify because I  
4 have to tell you I went to a Passover service  
5 yesterday, and there was a 97 year old lady in my  
6 district who tells me she sees me on Channel 24 I  
7 think at 3:30 in the morning, and God bless her,  
8 she really followed the Transportation hearings,  
9 and she is a member of the community board, and I  
10 am very proud of her. I know her 40 years, but I  
11 will say for the record that I am supporting this  
12 legislation because when it comes to schools and  
13 senior centers and known drag strips these cameras  
14 can be another weapon in our arsenal. That is the  
15 basis of my support for this. I do know that in  
16 the past there have been revenue type uses for  
17 parking violations that I have found unacceptable,  
18 but I think it is egregious for people to speed at  
19 school sites, at senior sites, and I do know that  
20 we have chronic drag strips in our city that  
21 should be monitored, and if people have to change  
22 their behavior, they have to change their  
23 behavior. So that is the basis of my support  
24 notwithstanding many of the things that Council  
25 Member Ulrich and Council Member Halloran said,

1  
2 which I do agree with in a generic way where we  
3 have not had cooperation as we should have had  
4 regarding speed bumps and other traffic calming  
5 measures, but I think we are all concerned about  
6 the same issue and our hearts are in the right  
7 place, but I just think that we realize that our  
8 approach has to be diversified, and that is where  
9 I come down.

10 COUNCIL MEMBER HALLORAN: Mr.  
11 Chairman, a friendly amendment--if the Council  
12 Member--obviously this is state legislation, so we  
13 are just passing a reso, but should that state  
14 legislation come to pass, can I suggest that the  
15 Council Member who passed this reso would be  
16 willing to have a bill out there that will give us  
17 oversight ability of those statistics when the  
18 city implements a project like this, and that  
19 would be something that this committee would want  
20 to have data reported to us on and actually compel  
21 the administration to provide us with.

22 COUNCIL MEMBER VAN BRAMER: I am  
23 certainly happy to consider that after you vote  
24 for it, Council Member Halloran.

25 [laughter]

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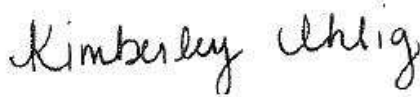
CHAIRPERSON VACCA: We are a friendly group here--at least the four of us. Without further business, it is now 3:50, and this hearing of the Transportation Committee of the New York City Council is hereby adjourned.

[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date

4/1/13