

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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April 28, 2010
Start: 10:04 am
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HELD AT: Council Chambers
City Hall

B E F O R E:
PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:
Jessica S. Lappin
James Vacca
Daniel R. Garodnick
Daniel J. Halloran
Eric Ulrich
Erik Martin Dilan
James F. Gennaro
David Greenfield
Vincent J. Gentile
Helen D. Foster

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

James Tuller
Chief of Transportation
New York City Police Department

John Donohue
Deputy Chief, Commanding Officer
NYPD Office of Management Analysis and Planning

Susan Petito
Assistant Commissioner Intergovernmental Affairs

Lucius Riccio

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Kyle Wiswall
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Tri-State Transportation Campaign

Kathleen Treat
Chair
Hell's Kitchen Neighborhood Association

Martin Treat
Founder
Clinton Hell's Kitchen Coalition for Pedestrian Safety

Christine Berthet
Chair of Transportation
Manhattan Community Board 4

Dr. Linda Prine

Dr. Jamie Ullman

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

David Shephard

Elaine Abrams

Mary Beth Kelly

Anne Emerman
Disabled in Action
Gray Panthers

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SERGEANT-AT-ARMS: Quiet, please.

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CHAIRPERSON VALLONE: Morning

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everyone, welcome to this Public Safety Committee

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hearing. Today we'll be discussing Intro 120,

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which is a law that would require that the New

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York City Police Department make certain traffic

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related statistics available through its website.

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I'd like to thank the sponsor of this bill,

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Council Member Jessica Lappin, for introducing

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this piece of legislation and she'll be making an

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opening in a moment.

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But let me say that this bill does

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address a very serious public safety issue. Every

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year, many people, whether they be bicyclists,

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pedestrians, car passengers, drivers, die or

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suffer serious injury due to accidents, and

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ensuring the safety of our citizens, as I always

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say, is our number one priority and I know that

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the NYPD and the DOT work very hard to keep our

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streets safe and improve the quality of life for

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all New Yorkers, they're here today and I thank

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them for that. In fact, it's Chief Tuller's first

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time testifying, he and I have worked together in

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Queens for a long time now and I look forward to

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2 your testimony.

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But this bill's about transparency, we want to make community members aware of traffic safety in areas where they live and they work. Some of these statistics are available through the Motor Vehicle's website, but the last time they updated that website was 2008 and this bill requires additional information than that website gives, which will make the information more helpful. It will require statistics about summons activity and traffic accidents which would include the underlying causes and reasons for those summonses and causes for those accidents, and I think that's very important to anyone trying to analyze this information and trying to make improvements based on that information.

So now let me turn over the floor to the sponsor of the bill, not only did she introduce this bill, but she's been very diligent about ensuring that it had its hearing relatively quickly and is shepherding it through the process like a veteran, even though she's one of our newest and one of our most respected so--

COUNCIL MEMBER LAPPIN:

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2 [Interposing] I'm almost a veteran.

3 CHAIRPERSON VALLONE: --Council

4 Member Jessica Lappin.

5 COUNCIL MEMBER LAPPIN: Well thank
6 you very much, Chair Vallone, I really do
7 appreciate you holding this hearing today, I know
8 you have many bills on your agenda and doing this
9 so speedily, we're all very, very grateful. And I
10 spoke downstairs at the press conference to many
11 of the folks who are here so I'm not going to
12 repeat what I said, other than to say that this is
13 the third most dangerous place in the United
14 States of America if you're a senior pedestrian,
15 and I happen to chair the City Council's Aging
16 Committee. So I'm particularly concerned about
17 seniors getting around the city, but if its
18 intersections are unsafe for seniors, they're
19 unsafe for children, and they're unsafe for
20 everybody in between.

21 So the goal of this legislation is
22 to really empower communities to give them the
23 information that they need to help make their
24 streets and their sidewalks safer. Most of us
25 know anecdotally where there are dangerous

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2 hotspots, but we like to know factually and since
3 we understand that the police department is
4 gathering that data, we'd like to be able to see
5 it and to use it and then to talk about it the way
6 we talk about other issues with our precinct
7 commanders when they come to community
8 organizations every month, which we love, and we
9 have discussions about other crime statistics,
10 we'd like to be able to discuss this with them as
11 well. And I think what my hope is it would also
12 start to create somewhat of a culture change or a
13 mentality shift in terms of officers not just
14 thinking about making it easier for cars to get
15 around, but making it easier and safer for
16 pedestrians and for cyclists to get around the
17 city as well.

18 So that is the intent, I really
19 look forward to hearing your testimony and to
20 making this bill into law. Thank you.

21 CHAIRPERSON VALLONE: Thank you,
22 Council Member. We've also been joined by Council
23 Member Jimmy Vacca, who's chair of our
24 Transportation Committee. Council Member, would
25 you like to make an opening?

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COUNCIL MEMBER VACCA: I'm

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supporting this legislation, of course would

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request to have my name added. I think that one

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of the greatest challenges we face is empowering

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citizens with information to advocate for traffic

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calming measures in their own neighborhoods. All

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too often, local neighborhoods submit requests for

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traffic calming measures--speed bumps, stop signs,

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yield signs, speed limit signs--and the DOT will

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often give an answer, but citizens will not truly

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comprehend the basis for that decision being made,

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and I think that citizens should be armed with

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that information from the get-go, that that would

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help citizens be able to more effectively advocate

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and contest many of the decisions made that affect

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their daily lives and affect their block and their

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neighborhoods.

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This is a very, very good start and

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we can never shed enough light on how government

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makes decisions and how government operates and

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the impact those decisions have on the daily lives

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of people in our city.

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So I support this legislation and

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also will be looking in the future to even greater

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2 transparency affecting transportation policy in
3 our city. Thank you.

4 CHAIRPERSON VALLONE: Thank you,
5 Council Member, you bring up a very good point
6 about those studies that we request so often. We
7 get the conclusion, but they might as well be
8 based on Ouija boards and consulting the Oracle of
9 Delphi for all we know about the reasons they come
10 up with why they could put a speed bump or a stop
11 sign or whatever other traffic mitigation device
12 they use and this will be very helpful in that
13 regard.

14 I'd like to begin by quickly
15 reading into the record testimony of Michael
16 Scagnelli who's the retired Chief of
17 Transportation who is a big supporter of this
18 bill. He was one of the people who pioneered
19 TrafficStat back 1995 and he says that the central
20 lesson of TrafficStat is that the more traffic
21 data is available, the more capability there is to
22 prevent accidents, injuries, and the loss of life
23 that too often occurs on the streets of New York.
24 I strongly believe that one way to help reduce
25 traffic injuries and fatalities on New York City

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2 streets is for the NYPD to make traffic injury,
3 fatality, and summoning data open and available
4 to the public. The simple fact is that this
5 information already exists in a form that could be
6 easily released and made available to the public.
7 If this information is public, it will help
8 citizens, community leaders, health professionals,
9 and elected officials draw much needed attention
10 to the dire need for more traffic safety solutions
11 to be applied on our streets. And goes on to
12 indicate his support for this bill.

13 So as I said, we've been joined by
14 the police department, specifically Chief Tuller,
15 please introduce your colleagues and the floor is
16 yours. Thank you.

17 JAMES TULLER: Thank you very much,
18 Mr. Chairman. Good morning, Mr. Chairman and
19 members of the Council. I am James Tuller, Chief
20 of Transportation of the New York City Police
21 Department. With me today is Deputy Chief John
22 Donohue, Commanding Officer of the NYPD's Office
23 of Management and Analysis and Planning. On
24 behalf of Police Commissioner Raymond W. Kelly, we
25 are pleased to be here today to offer our comments

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on the bill before you, Intro number 120.

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The bill would create a new Administrative Code Section 14-152, requiring the police department to post on its website, on a weekly basis, information about two types of data-moving violation summonses and traffic accidents. The bill seeks disaggregation of the data in specific ways: for the summonses issued for moving violations, the information is to be separated by type of summons; for the accident data, the bill seeks the number and type of vehicles involved, the number of motorists, passengers, bicyclists, and pedestrians involved, and for fatal accidents, the apparent human contributing factors involved.

While not specifically referencing the police department's extensive quarterly reporting to the Council as mandated by Administrative Code Section 14-150, Intro 120 represents a similar initiative in seeking a tremendous amount of raw data from which it is assumed the public will gain a benefit. We respectfully request that such an assumption is misplaced, and that publishing the data required

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2 by the bill would not further our mutual goals of
3 making the city's streets safer. In fact, by
4 requiring the police department to devote
5 extensive resources to the collection, review, and
6 publication of this data, valuable and diminishing
7 police resources would be diverted from the actual
8 work we already do in analyzing traffic accidents
9 and taking appropriate measures to improve safety.

10 Our intense focus in this area has
11 unquestionably borne fruit. Working with our city
12 partners, and particularly the City Department of
13 Transportation, we have seen a 35% reduction in
14 traffic fatalities since 2001, which fell to an
15 all-time low of 256 in 2009. This success holds
16 true for traffic injuries as well, with a steady
17 decrease in injuries during the last decade, for
18 an overall 39% decrease in traffic injuries since
19 2001. We all agree that one death or one injury
20 is one too many, and our mutual goal is to keep
21 our focus consistent and to develop even more
22 effective strategies to protect everyone using the
23 city's roads and highways. But we submit that we
24 have a robust systems and mechanisms in place in
25 order to accomplish those goals and ask that our

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2 resources not be depleted in order to produce data
3 which adds nothing to this mission.

4 You may already be familiar with
5 our weekly TrafficStat meeting, which is a
6 critical part of our traffic safety effort.
7 TrafficStat brings together all affected police
8 department commands to discuss in depth the
9 traffic conditions in a particular patrol borough.
10 Department data is supplemented by the fact-
11 finding and experience of our operational
12 personnel in order to thoroughly analyze local
13 conditions and take steps to improve them, whether
14 it be through targeted enforcement, engineering
15 changes, policy initiatives, public education, or
16 a combination of all these techniques.
17 Representatives of the City and State DOTs, the
18 Taxi and Limousine Commission, the TBTA, New York
19 City Transit, and MTA Bus Operations participate
20 in the TrafficStat meeting and work closely with
21 us to make recommendations, implement suggestions,
22 and institute changes coming out of the dynamic
23 TrafficStat process.

24 The formal mechanism of TrafficStat
25 is only one aspect of the department's consistent

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2 attention to traffic safety. At the most basic
3 level, patrol officers are responsible for
4 preparing a police accident report when responding
5 to the scene of a vehicle accident. The officer
6 will conduct a preliminary investigation and will
7 take enforcement action if appropriate. If the
8 accident results in a fatality, the Highway
9 District's Accident Investigation Squad will
10 conduct a thorough investigation and determine
11 whether criminal charges are indicated.

12 Every patrol precinct has a Traffic
13 Safety Team composed of the Precinct Executive
14 Officer, Platoon Commanders, Training Sergeant,
15 and Traffic Safety Officer. The team is
16 responsible for the development and implementation
17 of the precinct's Traffic Safety Plan, as well as
18 amending the plan as conditions change. The
19 primary objectives of the plan are the reduction
20 of accidents, injuries, and fatalities to
21 motorists, bicyclists, and pedestrians, and the
22 efficient flow of traffic through the command.

23 The Traffic Safety Team is tasked
24 with identifying accident prone locations,
25 determining to the degree possible the factors

1 contributing to the accidents, and developing
2 strategies to address problem locations.
3 Corrective actions to address the identified local
4 conditions may include targeted enforcement,
5 public education, the sharing of information with
6 other commands and outside agencies via Traffic
7 Intelligence Reports, and consultation with the
8 City DOT regarding possible engineering changes.
9 Please note that a key member of the Traffic
10 Safety Team is the precinct's Traffic Safety
11 Officer, whose sole function is to monitor and
12 address traffic conditions in the precinct,
13 including ensuring the accurate completion of
14 accident reports and the identification of
15 accident prone locations.
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17 Note also that each patrol borough
18 has a Traffic Safety Coordinator whose role is to
19 coordinate and support the efforts of the precinct
20 Traffic Safety Officers and Traffic Safety Teams.
21 At both precinct and borough levels, the Traffic
22 Safety Officers and coordinators maintain close
23 working relationships with the DOT'S Borough
24 Commissioners, Precinct Community Councils, and
25 other government agencies.

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2 In addition, every precinct
3 conducts a weekly Street Conditions Survey in
4 order to observe and report on highway or street
5 conditions requiring correction. Examples of such
6 conditions include a broken traffic light or a
7 street light, missing or shifted manhole covers,
8 obstructed roadways, flooding, and obstruction of
9 traffic control devices by trees, signs, or other
10 obstructions. The agency or entity responsible
11 for correcting the condition is notified, with
12 immediate notifications made for serious
13 emergencies.

14 On a citywide level, the department
15 is co-located with the City DOT in the Traffic
16 Management Center, the nerve center for monitoring
17 of traffic conditions through the city's network
18 of closed circuit television cameras. This
19 partnership provides an opportunity to observe, in
20 real time, locations where police attention may be
21 needed, and to work together to address both
22 short-term and long-term needs to keep traffic
23 flowing safely in the city. The Traffic
24 Management Center collects and disseminates
25 accident statistics, exchanges accident data with

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2 City and State DOT, and coordinates construction
3 projects and their impacts on the city's streets.
4 We would like to remind you that the public may
5 view current traffic conditions on NYC-TV or on
6 the City DOT website, at www.nyctmc.org.

7 We hope that this description of
8 the work of the police department and its partners
9 will provide some insight into the successful
10 effort to reduce traffic injuries and deaths in
11 New York City. We would like to now discuss the
12 specific provisions of Intro 120 in this context.

13 At the outset, it should be noted
14 that neither summonses nor police accident reports
15 are computerized documents in electronic form.
16 Unlike, for example, complaint reports, arrest
17 reports, these documents are prepared by hand, and
18 are not susceptible to automatic compilation or
19 query for particular data points. Thus, any
20 information to be gleaned from these documents
21 would be the result of a stick count or other
22 physical examination performed manually by police
23 personnel. Each report has to be individually
24 analyzed and then collectively interpreted to form
25 a basis to take corrective action. A limited

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2 amount of information is entered into a department
3 database. Therefore, the precinct-based Traffic
4 Safety Team plays an extensive role in drawing
5 conclusions from these documents.

6 Further, the information sought by
7 the bill does not provide meaningful information
8 which can illuminate the reasons for a vehicle
9 accident or the mechanisms used to enhance traffic
10 safety. This information is only valuable to
11 those with the training, knowledge, and experience
12 to understand its context and interpret it
13 correctly. For example, the issuance of a certain
14 number of summonses of a certain type may be
15 interesting as curiosity, but it will never by
16 itself be meaningful unless one knows all the
17 relevant factors influencing that number, such as
18 deployment levels, targeted enforcement, precinct
19 conditions, special operations, traffic volume,
20 operational initiatives, local construction, and
21 environmental conditions. That is the role of the
22 police commander, who evaluates summons
23 information in the proper context and understands
24 the data's limitations. It should also be
25 remembered that the issuance of a summons means

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2 only that the violator was caught, it does not
3 necessarily reflect a major trend or an indicator
4 of a particular problem or how often an actual
5 violation is being committed.

6 The limited utility of the raw data
7 sought by the bill is an even greater problem when
8 discussing accident reports. An accident report
9 is a preliminary document prepared by a police
10 officer who in the vast majority of cases did not
11 observe the accident and is relying on the
12 potentially self-serving accounts of the
13 participants. A police officer preparing a police
14 accident report may or may not indicate apparent
15 contributing factors, depending upon the observed
16 circumstances, as well as his or her level of
17 confidence in the information being presented by
18 the participants. Drawing conclusions about the
19 causes of vehicle accidents and fashioning
20 remedies for conditions which may have contributed
21 to the accidents, is a painstaking process
22 performed by the police department on a regular
23 basis, using case by case analysis and focusing on
24 accident prone locations. Again, that is the role
25 of the police commander.

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2 It must also be remembered that for
3 CompStat data, each data point represents a
4 complaint of one of the seven major crimes as
5 defined by the Penal Law, representing an
6 allegation of criminal conduct against a
7 particular individual responsible for his or her
8 crime, however, vehicle accidents exist in a
9 different environment. Except for the small
10 minority involving criminal conduct, vehicle
11 accidents are civil in nature, and may be
12 attributable to a variety of causes including
13 unavoidable circumstances, weather, equipment
14 failure, or the negligence of a driver,
15 pedestrian, or bicyclist. The circumstances may
16 or may not be captured by the police accident
17 report, and it would be counterproductive to
18 attempt to draw conclusions about the causation of
19 accidents from the data in the manner that would
20 be reported pursuant to the bill. We therefore
21 disagree with the bill's assumption that summons
22 and accident data offer the same type of
23 reliability and relevance that CompStat data
24 provides.

25 [Pause]

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2 Regarding a drafting issue
3 contained within Intro 120, the bill seeks the
4 posting of moving violation summonses
5 disaggregated by a type of summons. It is unclear
6 what is meant by type of summons, since the type
7 of summons is a summons for a moving violation
8 returnable to the Traffic Violations Bureau. We
9 have made the assumption that the information
10 sought is for the particular violation charged in
11 the summons, and would appreciate clarification of
12 the Council's intent.

13 Finally, we have attempted to
14 assess the resources required to comply with the
15 provisions of the bill if enacted. Again, drawing
16 a distinction between CompStat data and the data
17 sought by the bill, in 2009 there was an average
18 of 27 felony complaints per precinct per week,
19 drawn from the department's computerized complaint
20 database. Contrast that volume with an average of
21 315 summonses for moving violations issued per
22 precinct per week, and an average of 52 accident
23 reports prepared in each precinct each week. We
24 estimate that the weekly reporting requirement,
25 coupled with the nature of the information systems

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2 from which the data would be drawn, would require
3 the functional equivalent of approximately 23
4 members of the department, uniformed and civilian,
5 including supervisory personnel, to collect,
6 review, audit, analyze, organize, post, and
7 respond to inquiries regarding the data on the
8 department's website.

9 We acknowledge and share the
10 Council's interest in enhancing traffic safety,
11 however, we suggest that Intro 120 does not
12 contribute to that goal and instead would require
13 the police department to divert significant
14 resources from its ongoing efforts in order to
15 post data which, at best, would serve no purpose
16 and, at worst, would mislead the public. At a
17 time when we are asked to fulfill our public
18 safety and counterterrorism responsibilities with
19 6,000 fewer police officers with the prospect of
20 losing even more, we must respectfully oppose
21 enactment of Intro 120.

22 Thank you for allowing us the
23 opportunity to discuss the bill, and we will be
24 pleased to answer any questions you may have.

25 CHAIRPERSON VALLONE: Thank you,

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2 Chief Tuller. I'm going to ask one question and
3 then go quickly to Council Member Lappin, who has
4 to leave. Page one you say--first of all,
5 congratulations on the statistics regarding
6 traffic safety and how you've been improving it
7 since 2001. But since we don't have any
8 statistics here at the Council, I'd have to ask
9 you how we're doing this year compared to 2009.

10 [Long pause]

11 JAMES TULLER: Traffic fatalities
12 fell to an all-time low in 2009. Last year, there
13 were 250 traffic fatalities in the city, 12% fewer
14 than in 2008 and a 35% reduction in 2001;
15 pedestrian fatalities are down 19% from 2001;
16 bicyclists fatalities down 54% from 2008, despite
17 the fact that DOT reports a 66% increase in
18 commuter cycling in the city over the past two
19 years; senior citizen traffic deaths have been
20 reduced by 24% since 2008 and 41% compared to
21 2001. DOT is targeting at-risk populations
22 through engineering but I think those are the
23 stats that we have--

24 [Crosstalk]

25 CHAIRPERSON VALLONE: [Interposing]

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2 Do you have 2010--

3 JAMES TULLER: --2010--

4 CHAIRPERSON VALLONE: First of all,
5 that's amazing, I mean, 50% reduction in bicycle
6 deaths from one year to the next is an amazing
7 accomplishment.

8 JAMES TULLER: All right. As of
9 now, injuries are up 3.2% and fatalities are up
10 8.6%.

11 CHAIRPERSON VALLONE: Okay.

12 JAMES TULLER: Basically, that's
13 for the first [pause] months of the year.

14 CHAIRPERSON VALLONE: Okay. So
15 it's small--

16 JAMES TULLER: Of this year.

17 CHAIRPERSON VALLONE: --it's a
18 small sample, but--

19 JAMES TULLER: [Interposing] Small
20 numbers.

21 CHAIRPERSON VALLONE: --I'll get
22 more into that after--

23 JAMES TULLER: [Interposing] And I
24 just said it's small numbers, but we tried to
25 reduce the numbers consistently and as I described

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2 in that CompStat and the TrafficStat forum,
3 whatever the numbers are, you know, like I said in
4 my testimony, one fatality, one injury is one too
5 many.

6 CHAIRPERSON VALLONE: We've been
7 joined by Council Members Garodnick, Halloran, and
8 Ulrich, and I'm going to go to Council Member
9 Lappin who, as I said, has to unfortunately leave
10 for an event at 11.

11 COUNCIL MEMBER LAPPIN: Thank you,
12 Mr. Chair, and it pains me that I am going to have
13 to leave in a little while, but I meeting Deputy
14 Mayor Skyler on another big announcement regarding
15 keeping our seniors safe using Notify NYC.

16 So I'm going to set aside our
17 general disagreement--our philosophical
18 disagreement because I don't think there'd be any
19 point having a back and forth, I would just say
20 that we do disagree. I think transparency and
21 releasing data makes a big difference and would
22 definitely make our streets safer. I think
23 there's a reason why you release the data that you
24 do and when you tell people that, for example,
25 you've seen a rash of car burglaries in a

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2 neighborhood and people should stop leaving things
3 on the back seat of their cars, they do that to
4 try and prevent crime. When you tell people that
5 there's a rapist on the loose in a certain
6 neighborhood and here's his MO, then people are
7 able to use that information to keep themselves
8 safer. So disclosing information helps keep the
9 public safe and being more transparent helps keep
10 the public safer. So I think for whatever reason,
11 even though we don't agree on that, I'm going to
12 sort of set that aside 'cause I would like to try
13 and find a way to move forward with this.

14 And I guess my questions revolve
15 around what information you already have because,
16 you know, I do understand that these are difficult
17 economic times, but you have already a TrafficStat
18 system, you have information that you are
19 collecting at the precinct level, in fact, you
20 have somebody at each precinct who's in charge of
21 that and you have a weekly TrafficStat meeting,
22 and you also have people collecting data at the
23 Traffic Management Center, and you also have
24 people entering information into your department
25 database, so I'm a little confused as to why it

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2 would be so difficult. So can you explain how the
3 information in TrafficStat is currently
4 maintained?

5 JAMES TULLER: Well it is at the
6 precinct level that the initial information comes
7 in and it is the Traffic Safety Officer that's
8 tasked with compiling that information and
9 analyzing that information, so that information
10 comes into our systems that way. But I just, you
11 know, and I respect what you said about the
12 philosophical differences, but my concern is the
13 overwhelming statistics and what do they actually
14 mean. I think the forum where that information
15 that you're seeking to be disseminated, you used
16 the example of a rapist and getting that
17 information to the public, extremely important, we
18 don't disagree on that. The information as it
19 pertains to traffic and getting the information
20 out, the only disagreement that we may have is the
21 way we do it. We rely on the precincts for the
22 most part to get that information out to its
23 community so I discussed in my testimony that the
24 Community Councils, that's one forum where the
25 community could get that information.

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COUNCIL MEMBER LAPPIN: But it's not--and I mean I love my commanding officers, I would give them a big shout out, they're great and they work very well with the communities and, for example, they release statistics every month about the bike summonses they issue because people in my neighborhood care and they might not care in Council Member Ulrich's district, but it's not easily and readily available, it's not on their website, and we think that everybody in this city and their respective communities should be able to see this information and be able to use it. And I'll give you a concrete example, at 57th and 1st we've had three fatalities, one was just three weeks ago, an 82-year-old woman. There have been countless other accidents and near misses. Everybody in the neighborhood knew, but it was very difficult to get the information from the police department as to what exactly had happened at that corner because we were fighting with DOT. Ultimately, we got two left-hand turn signals put in, ultimately we got some signage put up, but it took years and we didn't have the data to fight them and, sadly, we had these deaths that kept

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occurring time and time again. So we think it is very important to have that information and to be able to use it.

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As the Chair mentioned, when you're fighting with another agency that maybe does have data--and by the way, maybe you'll find that the data doesn't support the need to make a change and maybe it was a fluke, although when you see something happen time and time again, you begin to suspect that it's not just a fluke.

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But I do want to sort of get to the nitty gritty. So you have somebody at the precinct level who's already looking at this information and digesting it, so what does he do with it? Does he put it into a--what's the format?

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JAMES TULLER: You want to do-- yeah, I'll do it. Yeah, the accident reports actually go to the Traffic Management System, the TAMS, the Traffic Accident Management System, so that's where the accident reports go into. The actual data is processed internally through the precinct, and that information actually goes from the precinct, through the Chief of Patrol's

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2 office, up to my office, and--

3 COUNCIL MEMBER LAPPIN:

4 [Interposing] And a spreadsheet and--

5 JAMES TULLER: --and it's a--

6 COUNCIL MEMBER LAPPIN: --and a

7 Word document and an--

8 JAMES TULLER: It's a spreadsheet.

9 COUNCIL MEMBER LAPPIN: Okay. So
10 here's what I don't understand, you have a
11 spreadsheet that's being electronically
12 distributed through the department after it goes
13 through the appropriate chain of command, why does
14 it take any more work to post that on the Web?

15 JAMES TULLER: It'll take some more
16 work in the sense of that now we have an
17 additional reporting procedure. Somebody's going
18 to have to take their time to address that
19 additional reporting procedure. Those Traffic
20 Safety Officers who have that responsibility, in
21 addition to the administrative duties that I
22 described, those Traffic Safety Officers also go
23 out into the field and they visit those accident
24 prone locations, they may even do enforcement at
25 those accident prone locations. The analysis that

1
2 we need to do, and it is done by that Traffic
3 Safety Officer, if we now start a new procedure,
4 that's going to take away from him or her or we're
5 going to have to add additional people to address
6 that procedure because there's going to be
7 accountability for that procedure. We just can't
8 forward numbers without a review process, some
9 sort of assessment, there's got to be somebody
10 that understands exactly what is being forwarded,
11 so that takes time. And that's just the minimum
12 of what has to be done, there's a lot that has to
13 be done with that procedure.

14 COUNCIL MEMBER LAPPIN: But we
15 certainly we want people in the field making
16 assessments and making the situation better, but
17 you already have people in these precincts who
18 have some expertise to do that, who have this
19 spreadsheet. I guess I'm just not seeing why it
20 would take 23 more people and civilians and all
21 the rest of it, I mean, maybe I'm missing
22 something here, but you have the data, you have it
23 input. When we get information about other
24 felonies, we don't get an assessment, we just get
25 there were X number of burglaries, X number of

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2 robberies, X number--and then we have a discussion
3 with our commanders as to why that might be--
4 because it's the summer and people are sitting
5 outside with their pocketbooks on the back of
6 their chairs and people are walking by and then
7 you say, okay, now we can understand those
8 statistics, but that's not what's released, what's
9 released are the numbers.

10 JAMES TULLER: Yeah, but overall,
11 we know that it was a burglary, we know that it
12 was a robbery, but when we go to the traffic
13 conditions, it's just not clear exactly what
14 happened, what caused that accident. We know that
15 something happened, it is not as clear--when I
16 hear burglary, I understand what happened, when I
17 hear robbery, I understand what happened and we
18 hold somebody accountable for that. When I hear a
19 crash or an accident, that's a whole different
20 mystery until you start evaluating and doing the
21 analysis, it's a lot--if I asked the folks in this
22 room, I think they would understand what a robbery
23 is, clearly. The accident is all sorts of
24 discussion that could take place--

25 [Crosstalk]

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COUNCIL MEMBER LAPPIN:

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[Interposing] If you ask people in this room,
though, I think they understand pretty clear--

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JAMES TULLER: [Interposing] They
would know what an accident is?

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COUNCIL MEMBER LAPPIN: I think so.

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I think if a pedestrian gets hit and killed, they

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understand what that is, and if a bicyclist gets

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hit and injured, they understand pretty clearly

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what that is. And by the way, even if it's an

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accident between two cars, we're not looking to

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assign blame, but maybe there's a problem with the

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light timing of a signal, maybe when you drill

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down, you can figure out what the problem is, but

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until you have those statistics and you see

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consistently either moving violations or injuries,

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how do you even start to think about how you can

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fix the problem?

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JAMES TULLER: The statistics give

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the starting point. My concern is that by giving

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the statistics, there could be a whole host of

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variables as to what the accident--what happened,

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what occurred with that. It just gives us a

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starting point, but to give accident numbers--and

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2 you heard the numbers that I cited in my
3 testimony--they're overwhelming numbers as
4 compared to crime. The summonses, there's an
5 overwhelming amount of summonses involved in this
6 compared to crime, fortunately crime has gone down
7 considerably so the numbers are a lot less. But
8 my concern is the numbers are almost meaningless
9 by themselves and the numbers just beg a lot more
10 information and the few times you mentioned the
11 process that we go through in that TrafficStat
12 process, that's where the real meaningful work is
13 done as to what caused those accidents--was there
14 negligence, was somebody driving DWI. Until we do
15 the TrafficStat process, until the precinct
16 traffic officer does his or her analysis, those
17 numbers have no real impact.

18 COUNCIL MEMBER LAPPIN: Well here's
19 where we agree, or I disagree with the last thing
20 you said, but we agree that I think the numbers
21 are a start and that's the start that our
22 neighborhoods want, they want to start to have the
23 information that already exists so they can be
24 empowered to work with their precincts to make the
25 situation better.

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2 JAMES TULLER: Well that's--I'm
3 sorry, but that's where I disagree because I think
4 the whole process that we have in place and the
5 police officers that are involved in the analysis,
6 the starting point is for them as the ones that
7 have the expertise and the equipment and the
8 process to look at those numbers.

9 COUNCIL MEMBER LAPPIN: Well let me
10 ask you this if I may--I appreciate the Chair's
11 indulgence--so your Traffic Safety Teams take this
12 TrafficStat data, they take this, I'm assuming
13 this information, and they create a Traffic Safety
14 Plan per precinct, so that I assume already has a
15 little bit of your digested analysis, is that
16 correct?

17 JAMES TULLER: Yes.

18 COUNCIL MEMBER LAPPIN: So why
19 don't you release that to the communities?

20 JAMES TULLER: The analysis?

21 COUNCIL MEMBER LAPPIN: What is the
22 plan? You have an implementation and development
23 of a Traffic Safety Plan, is that something on
24 paper?

25 JAMES TULLER: That is something

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2 that may be on paper, usually is on paper, but
3 that, like any plan, is the analysis of how the
4 accidents are happening, going out into the field
5 and looking at the accident prone locations and
6 looking at the engineering, looking at to see what
7 may be necessary, if it's enforcement that may be
8 necessary and then, depending on what they're
9 seeing, sometimes an accident prone location may
10 surface where there is no real engineering
11 concerns that we could correct. Enforcement may
12 not occur, just that it became an accident prone
13 location by the numerical system that we have and
14 at one time accident prone location, there's
15 nothing that we have to plan for, there's nothing
16 that we have to put in place for that. So then
17 the Traffic Safety Officer, the executive officer
18 of the precinct will go to the next accident prone
19 location and they'll look at that and, depending
20 on what they see, they'll come up with some sort
21 of strategy plan.

22 COUNCIL MEMBER LAPPIN: But does
23 this happen weekly or monthly that you develop a
24 plan?

25 JAMES TULLER: I'm sorry, I didn't

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2 hear that.

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COUNCIL MEMBER LAPPIN: Do you
develop a plan weekly or monthly?

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JAMES TULLER: The plans change, I
mean, this is something that's ongoing and it
depends what they see, if they see a spike, then
that may be something that they'll have to address
for a month. So I can't give you an exact amount
of time how long the plan is going to take in
place--

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COUNCIL MEMBER LAPPIN:
[Interposing] I'm trying to make it easier for
you.

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JAMES TULLER: Okay.
COUNCIL MEMBER LAPPIN: You said
that this data that, you know, you sort of that we
couldn't comprehend it or that it would be
misleading potentially--

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JAMES TULLER: I--
COUNCIL MEMBER LAPPIN: --but that
you have this Traffic Safety Plan that has taken
this data to the next level or maybe it would be
easier for us, so if that were the case, I just I
want to go back to is this something in writing,

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2 is this something that could be easily shared with
3 communities?

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JOHN DONOHUE: The Traffic Safety
5 Plans themselves are developed by the traffic team
6 that's in the precincts and they act as a template
7 or a starting point for them to address the
8 conditions as they evolve. As the chief addresses
9 at the TrafficStat meetings, it may be something
10 that's either identified through the TrafficStat
11 process or through the questioning that occurs in
12 the command and control center, or it may be
13 something that's identified locally because it may
14 be something that happens in between the period of
15 time between the TrafficStat meetings that are
16 attended, you know, one borough comes down every
17 several weeks. So it's not something that is
18 always written on paper, but it is certainly
19 something that at times is and they adhere to it
20 for a period of time in order to address the
21 conditions as they arise. It's management
22 accountability at its finest, it's directly
23 similar to our CompStat process where the precinct
24 commanders are held accountable for changes in the
25 crimes and address plans in a dynamic fashion to

1
2 address robberies, not all robberies are the same
3 and there may be commercial robberies, bank
4 robberies, or subway robberies, all are different
5 and all require different tactics. So the data
6 alone doesn't provide, it provides a starting
7 point, one of potentially three starting points,
8 but only a small modest starting point.

9 The other points that are not
10 contemplated in the data sets are the--what they
11 refer to in traffic control is engineering,
12 enforcement, and education. All we have is
13 enforcement which is an input and that's just one
14 indicator that the traffic management teams look
15 at and decide where they're going to focus their
16 energies. And it was not meant in any way to
17 diminish, you know, the understanding
18 comprehension of the public or the Council, it's
19 getting a better sense of what the data means is
20 really what the data informs our management and
21 the workers to do what they have to do.

22 COUNCIL MEMBER LAPPIN: Well I'm
23 going to sort of go back to my original point and
24 thinking which is I do think New Yorkers are savvy
25 enough and organized enough in their communities,

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2 via community organizations and precinct councils,
3 to take the raw data and to see it for what you
4 describe, which is a starting point and to have a
5 discussion the way we do about robberies as to how
6 you would approach tackling and interpreting the
7 data. And, you know, DOT released information
8 about the 50 most dangerous intersections in the
9 city and I just I really don't understand why the
10 police department can't, and when I see something
11 like this, this spreadsheet broken down by
12 precinct, I have a hard time believing that in
13 terms of the workload, which I think is your only
14 real legitimate opposition, that it would increase
15 your workload and keep people from being out in
16 the field actively making us safer. So thank you,
17 Mr. Chair.

18 CHAIRPERSON VALLONE: Thank you,
19 Council Member. Let me say I agree with you when
20 it comes to the philosophical situation and I'm
21 going to avoid getting into that discussion also,
22 but it should be known that I wrote the law that
23 required statistics regarding crime in schools to
24 be out in public, statistics regarding crime in
25 parks to be out in public, so I agree that the

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2 more information the public has, the easier it is
3 for them to take preventative action to assist the
4 police department in keeping the city safe. And I
5 think it's a compliment that one of the main
6 things we do here at City Hall when it comes to
7 our oversight capability of the police department
8 is request information, I mean, that's probably
9 the lowest level of change we can help make, but
10 since you guys do such a great job, that's what
11 we've resorted to, just getting information from
12 you so that we can use it also. But I do agree
13 that we need that information and the public needs
14 that information.

15 Now I do understand, however, your
16 legitimate objection to the strain on your
17 resources or regarding the strain on your
18 resources that any reporting bill would require.
19 So let's talk about what we can do to lessen that
20 and make it a bill that perhaps you won't support
21 in the end, but that would be more palatable to
22 you. Now I agree that weekly analysis of these
23 statistics is probably too much for us to ask,
24 weekly analysis for crime statistics is necessary
25 as you move people around through Operation

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2 Impact, and respond immediately to crime surges
3 which can occur when one criminal gets out of jail
4 and can occur like this, as opposed to traffic
5 situations which take a long time to develop
6 usually. So what would you recommend that would
7 make this bill less onerous and something that you
8 wouldn't as opposed to?

9 [Pause]

10 SUSAN PETITO: Mr. Chairman, Susan
11 Petito, Assistant Commissioner Intergovernmental
12 Affairs. We would hesitate to make any
13 suggestions about in quotes improving the bill
14 because of the philosophical difference that we
15 have. We certainly do have information available
16 in our databases which we use for very specific
17 purposes, but I think our overwhelming argument is
18 that this data does not add to either the mission
19 of the police department in addressing traffic
20 safety or provide meaningful data to the public,
21 so I don't think that there is a way that we can
22 cure that by making it easier to produce it. I
23 think our underlying philosophical difference
24 makes it impossible to in a sense negotiate some
25 terms of the bill.

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CHAIRPERSON VALLONE: Well I'd like to move past the philosophical differences because you did specifically say you disagree with this philosophically, but also that it's going to require 23 members of the department, uniform and civilians, to collect and review this data despite the fact that former Chief Scagnelli says it's easily providable information. So if it's going to take 23 members to do this on a weekly basis, what would it take to do it on monthly basis, what would it take to do it on a half yearly basis?

JOHN DONOHUE: The way we analyzed and the methodology that we derived the 23 people and its persons, whether uniform, civilian, or supervisory in rank, a synthesis of the number of inquiries that were received at the commissioner's level regarding crime, so we took as a baseline the inquiries that receive regarding crime that's posted on our website, the CompStat data, and analogized that data which is posted weekly and available for public consumpt--biweekly available for public consumption and assumed the number of inquiries that were received from that would be largely similar to the increase that would be

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2 receive regarding both the traffic accident data
3 and the summons data. And the projection was,
4 through all the different administrative chains of
5 commands, would not have a direct or a one-for-one
6 correlation so it wouldn't require one additional
7 police officer in any particular precinct, but
8 would require additional functional equivalent.
9 So that is an incremental cost for the additional
10 data being made public and what that means is both
11 insuring, obviously, our data is accurate and is
12 timely, it would require more officers at the
13 precinct level because there are vacation times
14 that would have to be accommodated, so you would
15 have to have additional resources that would be
16 plugged in at the precinct level to more timely
17 provide that information.

18 So taking all of the requirements
19 that are in the current bill, assuming that it was
20 similar to the amount of inquiries that we receive
21 regarding crime, and the number of data points
22 that are necessary for this particular bill what
23 is contemplated is that 9,220 data points on a
24 weekly basis would be available on the department
25 website without any context, which would then

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2 raise questions. So I think it's a fair
3 assumption that there would be more questions
4 coming in about this data on top of that.

5 More likely at the administrative
6 levels is where there would be the need for full-
7 time personnel, so not just the functional
8 equivalents in the precincts and at the borough
9 commands where there'd be incremental costs, but
10 literally in Chief Tuller's office, in my office,
11 Office of Management Analysis and Planning to
12 respond to citizen concerns, to respond to letters
13 from elected officials such as yourselves as to
14 explain why certain things happens or even
15 constituent concerns that you forward to us. It
16 does take time and actually it takes significant
17 amount of resources to respond to those, we feel
18 obligated that every letter that comes in, we
19 should respond to and that's why we come up with
20 that functional equivalent of 23 additional
21 resources. We are down 11% number of police
22 officers since 2001 and there have been questions
23 as to what would be the breaking point for--what
24 effect that have on our ability to fight crime and
25 there has been through the beginning of this year

1 through beginning of last week slight increases in
2 six of the seven major felony crime categories.

3 So it's not a one-for-one, but these additional 23
4 functional people will have an impact, I can't
5 tell you that it's a perfect storm that would
6 occur because of these 23, but each resource is
7 crucial for us.

8
9 CHAIRPERSON VALLONE: No one is
10 more aware of that outside the police department
11 than I am and no one's been a stronger supporter
12 of you getting more resources and try to raise a
13 [off mic] call about the fact that you're strained
14 almost past the NYPD's limit, but let's get back
15 to this bill for a second. If you estimate 23
16 members would have to work on this to provide the
17 information on a weekly basis, is it safe to
18 assume that there would be less members than that
19 involved if it was done on a quarterly or a half
20 year basis?

21 JOHN DONOHUE: Potentially, yes.

22 CHAIRPERSON VALLONE: Okay. I've
23 got a lot more questions but there are a lot of
24 Council Members who have questions, but first let
25 me introduce some members who have joined us.

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2 Council Member Erik Dilan was here and stepped
3 out, Council Member Jim Gennaro, I know I saw him
4 walk in also, and I'd like to welcome our newest
5 member, Council Member Greenfield, thank you for
6 joining us and it's a pleasure to have you on this
7 Committee.

8 I'm now going to--I have got a lot
9 more questions, but I want to get to my
10 colleagues, so I'm going to move to Council Member
11 Vacca.

12 COUNCIL MEMBER VACCA: Thank you,
13 Mr. Chair, and as Chair of the Transportation
14 Committee, I'm very interested in traffic calming
15 measures, how we can make our streets safer, so I
16 preface my remarks with that.

17 But I have to indicate I'm
18 disappointed with the testimony. When I review
19 this testimony, much of it is not relevant to the
20 bill and I think that this testimony points out
21 the need for even greater transparency than the
22 bill proposes and I'm going to be looking at it in
23 that vein. You mentioned about TrafficStat
24 meetings and TrafficStat information, that
25 TrafficStat information does not analyze traffic

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2 accidents and the only appropriate measures you
3 take which you allude to in paragraph three is
4 enforcement. So when we raise the issue of
5 analyzing traffic accidents, that's done by the
6 Department of Transportation basically, you may
7 submit reports to them, you may give them accident
8 reports and similar reports, but the reality is
9 that citizens in this city want to know accident
10 data so that they can make educated requests to
11 the New York City Department of Transportation.
12 Right now, they don't have that information.

13 I know that we were talking before
14 about philosophical differences, I don't
15 understand how we have philosophical differences
16 when it comes to the public's right to know or the
17 public's right not to know. It's not a
18 philosophical difference, we should all be on the
19 same page, the public has a right to know.

20 And in paragraph four and even
21 other paragraphs, you basically are telling the
22 Committee to leave us alone, we know what's best.
23 I will not leave you alone because you know what's
24 best. I want to have input into that process, I
25 think the New York PD is doing a fantastic job in

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2 our city and I agree with the chair in that remark
3 and you have been fantastic, I support you, but I
4 think that citizens have to have input into the
5 process because cumulatively we know what's best,
6 not individually. People who meet behind closed
7 doors who do not live in communities requesting a
8 speed bump or a traffic light or a stop sign often
9 do not know what's best for that block because
10 they do not live there.

11 Some of the things you mentioned,
12 you know some of the things I'd like? You
13 mentioned traffic enforcement tickets and that you
14 give tickets based on accidents, I know you do,
15 but you know what I'd like to know? I'd like to
16 know how many of those traffic tickets are given
17 at the end of the month. The people in my
18 community and in this city would like to know why
19 is it so often that traffic enforcement tickets
20 are given at the end of the month. Well if this
21 bill passes, we have those statistics because some
22 people suspect that those tickets are given at the
23 end of the month because traffic enforcement
24 agents are being used primarily to generate
25 revenue and not often addressing traffic issues

1
2 that community people want addressed, so therefore
3 it has been alleged that traffic enforcement takes
4 place predominantly at the end of the month
5 because then agents have to indicate to the PD how
6 many tickets they issued for that month. I'm not
7 saying anything, I'm saying this has been alleged,
8 but I have a right to know. I have a right to
9 know.

10 You mentioned about the Traffic
11 Safety Team and you do allude to the reality that
12 that report may or may not be in writing, the
13 report of the precincts' Traffic Safety Plan may
14 or may not be in writing, well I think it should
15 be in writing because that document should be
16 shared. You know, I was a district manager for a
17 Community Board for 26 years, I'm a councilman for
18 four years, I was a member of a precinct council,
19 I never saw the Traffic Safety Plan, I never saw
20 any Traffic Safety Plan. So my question is, is
21 that online, is that transparent, how do we get a
22 copy on a community level basis.

23 I sympathize with you saying that
24 this is an issue where--I sympathize with you
25 saying that New York City PD has a manpower

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2 crisis, I do echo the remarks of my chairman that
3 we should be doing something about that and
4 supporting more police, but when you say that it's
5 going to take 23 people to update the website with
6 data, I don't think 23 people are updating CNN's
7 website with breaking news every day. I think
8 that that figure, if that's the case--

9 [Crosstalk]

10 COUNCIL MEMBER VACCA: --is
11 something that defies imagination. Now I'm sorry
12 for making a statement, I do have questions, but
13 rather than minimizing people's input, I think we
14 have to maximize it. Well let me go back to my
15 statements and let's see where we can start. I
16 don't accept as a premise philosophically or non-
17 philosophically that the budget crisis should
18 reduce the ability of any agency to be
19 transparent, so that I don't accept. Can you say
20 to me--all right, can you indicate to me where is
21 the Traffic Safety Plan that you allude to? Is it
22 in the precincts? It is not online, where is this
23 Traffic Safety Plan and how would I get a copy of
24 it today?

25 [Pause]

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2 JAMES TULLER: Traffic safety plan
3 is in the precinct, it's prepared by the Traffic
4 Safety Team.

5 COUNCIL MEMBER VACCA: Am I
6 entitled to receive--is that a public document; is
7 that online anywhere; is it given to the Community
8 Board district manager, councilperson, anyone?

9 SUSAN PETITO: Councilman, it's an
10 internal document, it's meant for intra-agency
11 deliberation and discussion so it is not a public
12 document.

13 COUNCIL MEMBER VACCA: So
14 therefore, we don't have access to what you are
15 recommending from a public safety perspective when
16 it comes to pedestrian and motor vehicle safety,
17 okay. I want to get that straight. You talk
18 about TrafficStat, TrafficStat, I have a copy of a
19 TrafficStat from April 2004, nowhere does the
20 TrafficStat report go into preventative
21 recommendations, nowhere does it go into policy,
22 nowhere does it go into analysis, it is strictly
23 statistics, 28-day statistics, year to date
24 statistics, it's strictly stats, it's strictly
25 reporting what is going on there in the community.

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So for the record I wanted to enter that.

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Your meetings that take place, the meetings that take place between platoon commanders, executive officers, training sergeants, Traffic Safety Officers, do you relay the results of those meetings to the Department of Transportation since they are interagency, you alluded that being interagency, this seems to be an intra-agency meeting within the PD, do you relate that to the New York City Department of Transportation?

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JAMES TULLER: Part of the process at times in preparing the plan involves DOT so they're part of that process.

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COUNCIL MEMBER VACCA: They're part of your meeting process or they're part of learning for what they're learning--

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JAMES TULLER: They stay in city-- DOT come to the TrafficStat meeting, in addition to that, at the local level, City DOT meets with the Traffic Team.

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COUNCIL MEMBER VACCA: How often are your TrafficStat meetings?

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JAMES TULLER: Once a week.

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2 COUNCIL MEMBER VACCA: And you mean
3 once a week when you meet--this is a citywide
4 meeting.

5 JAMES TULLER: We bring in a
6 borough at each meeting.

7 COUNCIL MEMBER VACCA: There's a
8 borough at each meeting.

9 JAMES TULLER: Yes.

10 COUNCIL MEMBER VACCA: And at every
11 meeting, there's a Department of Transportation
12 representative and a representative of New York
13 State DOT every week?

14 JAMES TULLER: The commissioner
15 from the borough that is attending TrafficStat is
16 there.

17 COUNCIL MEMBER VACCA: Say that
18 again?

19 JAMES TULLER: The DOT Commissioner
20 from the--

21 COUNCIL MEMBER VACCA:
22 [Interposing] Of the borough.

23 JAMES TULLER: --respective borough
24 that is attending TrafficStat is present and he or
25 she is part of the process.

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2 COUNCIL MEMBER VACCA: The process
3 by which you analyze or the process by which you
4 report? Is this a reporting meeting on accidents
5 or is this an analytical meeting looking to
6 resolve issues?

7 JAMES TULLER: This is both, we
8 analyze, we put pictures, images up on a screen,
9 we look at the accident prone location, we discuss
10 it, we have the precinct traffic team discussing
11 what they have seen, we go out to the field and we
12 take those photos that are displayed at
13 TrafficStat, we look at it, we have some ideas as
14 to how we could reduce the accidents at the
15 location based on reading the reports, going out
16 to the location, coming in to TrafficStat,
17 discussing it with the traffic team along with the
18 DOT Commissioner that's president. And if
19 necessary, if we don't have enough information at
20 the TrafficStat to complete our analysis, the DOT
21 Commissioner or the DOT personnel will go out with
22 our traffic team back to the location to further
23 study the location so a plan can be implemented
24 based on the analysis.

25 COUNCIL MEMBER VACCA: But I think-

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2 -and I will conclude here--I think that our
3 discussion, your response to me, my statements to
4 you and my questions to you indicate one thing,
5 that a lot of us are trying to get traffic
6 improvements and we feel we have our hands tied
7 behind our back because we do not know what is
8 going on. We do not know what is being assessed,
9 we don't even have the capacity to tell you or DOT
10 that on my block there were three accidents on
11 these specific dates, we don't even have that
12 capacity and that should be known to the public,
13 that is public information. Whether it happened
14 on my block or five blocks away or whether I'm a
15 councilman or a district manager or whether or not
16 I'm a head of a civic association, we want to
17 advocate for our residents. Right now, it's very,
18 very difficult and this bill I think is just the
19 beginning, but I think, because I'm also concerned
20 with accidents relating to truck traffic and I
21 have legislation I'm working on regarding truck
22 traffic, perhaps we could include it in here, but
23 we have gigantic trucks on residential streets
24 blocking stop signs, blocking access to driveways,
25 this issue has to be addressed too, so the number

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of truck accidents.

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So I hope that you will reconsider your position on this bill and I hope that there's a way to work it out as the chair has indicated, but I do want you to know that we want to be let into the process. Knowledge is power, we know you make policy, we know DOT makes a final decision and we're not looking to infringe upon that, but we are looking for the basic knowledge that will allow us to get in there so that we will know, so that we will know how we can best advocate for safety. Thank you.

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CHAIRPERSON VALLONE: Thank you, Council Member Vacca. Let me say that I agree, the police department is collecting this information, they have admitted how useful that information is, which is why they collect it, but basically saying that only they should have it because they are the experts and there is a former chief of transportation who disagrees, there's a former DOT Commissioner here, Riccio, who disagrees, they are experts, there are transportation experts in the room who disagree and we as Council Members have an oversight

1
2 function to perform, we may not be traffic
3 experts, but we were elected to represent 170,000
4 to do oversight over the NYPD and other agencies
5 and we need information to do that oversight, so
6 there are very many valid reasons why this
7 information needs to be out with people outside
8 the NYPD. Let's go now to Council Member
9 Garodnick for questions.

10 COUNCIL MEMBER GARODNICK: Thank
11 you, Mr. Chairman. Chief, thank you for your
12 testimony, though I must admit, I'm largely
13 confused as a result of having heard the colloquy
14 between you and my colleague, so I just wanted to
15 see if I can straighten a couple things out.
16 First is just the philosophical issue, this has
17 come up a couple of times already. On philosophy,
18 would you agree that the more traffic data is
19 available, the more capability there is to prevent
20 accidents, injuries, and the loss of life that too
21 often occurs on New York City streets?

22 JAMES TULLER: It's the analysis
23 that gets it done.

24 COUNCIL MEMBER GARODNICK: Okay.
25 So that's fair, but the question is a very simple

1

2 one, it's that would you philosophically agree
3 that the more data that is out there, the more
4 capability that there is to prevent accidents?

5 JAMES TULLER: Not necessarily,
6 that's been my point, even in my testimony.

7 COUNCIL MEMBER GARODNICK: Okay.
8 So that truly is a difference in philosophy and it
9 shows that the police department is not prepared
10 to go the way that all city agencies will be
11 going--toward openness, transparency, access on
12 the Web, there is a New Yorker out there who could
13 take this data and make an iPhone app out of it in
14 30 minutes and allow any New Yorker to see where
15 the traffic accidents are taking place, where the
16 injuries are, and it seems that the NYPD is
17 resisting what will be ultimately a process which
18 will lead all city agencies to including all of
19 its collected data out there for the public.

20 Are you familiar with Michael
21 Scagnelli?

22 JAMES TULLER: Yes.

23 COUNCIL MEMBER GARODNICK: He was
24 the chief of transportation of the New York City
25 Police Department?

1

JAMES TULLER: Yes.

2

3

COUNCIL MEMBER GARODNICK: He was
one of your predecessors?

4

5

JAMES TULLER: Yes.

6

COUNCIL MEMBER GARODNICK: Do you
value his opinion?

7

8

JAMES TULLER: It depends on which
discussion we're having.

9

10

COUNCIL MEMBER GARODNICK: Okay.

11

Well let's talk about this discussion. Chief
Scagnelli is testifying today that this--

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13

MALE VOICE: He's not testifying.

14

COUNCIL MEMBER GARODNICK: --

15

testifying--

16

[background noise]

17

MALE VOICE: --submitted his

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testimony.

19

COUNCIL MEMBER GARODNICK: -in

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submitted form that the central lesson of

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TrafficStat is that the more traffic data is

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available, the more capability there is to prevent

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accidents, injuries, and the loss of life that too

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often occurs on New York City streets. So I will

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pose the question to you, do you disagree with

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retired Chief Scagnelli on that point?

[Pause]

JAMES TULLER: I don't know if I heard the complete quote on that.

COUNCIL MEMBER GARODNICK: I'll give it to you.

JAMES TULLER: Okay.

COUNCIL MEMBER GARODNICK: Just wait one sec. He says, the central lesson of TrafficStat is that the more traffic data is available, the more capability there is to prevent accidents, injuries, the loss of life that too often occurs on New York City streets.

JAMES TULLER: Yes, in the TrafficStat forum.

COUNCIL MEMBER GARODNICK: Say more.

JAMES TULLER: Ask me a question.

COUNCIL MEMBER GARODNICK: What do you mean by that? You said yes, the TrafficStat forum, what does that mean?

JAMES TULLER: When we're in our command and control center and those images that I discussed and we have, and I discussed that the

1
2 stats are the starting point, that whole analysis
3 takes place mostly in the precinct, but it comes
4 into the TrafficStat forum and we go over accident
5 prone locations. So the TrafficStat forum, if I
6 understood the question correctly, is where that
7 would be very helpful, yes, the stats are very
8 helpful there.

9 COUNCIL MEMBER GARODNICK: Is
10 TrafficStat a compilation of numbers or is
11 TrafficStat a compilation of numbers plus an
12 analysis by the various people who participate in
13 the conversations?

14 JAMES TULLER: Yeah, it's a process
15 with the numbers and the analysis.

16 COUNCIL MEMBER GARODNICK: Okay.
17 So let's say we were to just separate off the
18 analysis for a moment 'cause obviously a fair
19 amount of work goes in and we appreciate that, the
20 police department, DOT, etc., others are looking
21 into the data to figure out what it means. The
22 data itself has value, it has value to the public.
23 Is there any reason why the police department
24 would not simply share that data with the public
25 for its own interpretation and analysis?

1
2 JAMES TULLER: As I testified, the
3 numbers themselves do not have any meaning. It is
4 the TrafficStat format and analysis, the whole
5 process that we do with not only the police
6 department, but DOT and any other agency that may
7 be involved in accidents and traffic, so it's the
8 complete process.

9 COUNCIL MEMBER GARODNICK: I don't
10 understand what that means. You say that the
11 TrafficStat data has no meaning and yet there are
12 people who are looking at it and interpreting it.
13 How can it be that it has no meaning independent
14 of its analysis? I mean, people are looking at
15 numbers and they're figuring out the number of
16 injuries or the number of accidents precinct by
17 precinct, isn't that what they're doing?

18 JAMES TULLER: Yeah, but there's a
19 lot of information, there's a lot of numbers, that
20 analysis takes place with the traffic team. The
21 context of the numbers is where that analysis
22 takes place, that's the way the analysis begins.

23 COUNCIL MEMBER GARODNICK: Okay.
24 Just I want to make sure I understand, you say the
25 context of the numbers is where the analysis takes

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2 place and where the analysis--

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JAMES TULLER: Right.

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COUNCIL MEMBER GARODNICK: --

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begins. I don't know what that means.

6

JAMES TULLER: When we get the

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accident reports and we start collecting the

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accident information and we start looking at the

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locations and how many, and if an accident prone

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location comes up, then we start our analysis

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based on those numbers. If it's one accident

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opposed to 30 accidents at a different location,

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two different locations, we're going to go to

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where there's 30 accidents.

15

COUNCIL MEMBER GARODNICK: Got it.

16

So you make your decisions based on an analysis of

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the data. Okay. So you have a compilation of the

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accident locations all around the city of New

19

York.

20

JAMES TULLER: Yes.

21

COUNCIL MEMBER GARODNICK: And is

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that kept in some sort of an online or a database

23

of some sort?

24

JAMES TULLER: Yeah, that goes into

25

a Traffic Management Center in the TAMS system.

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COUNCIL MEMBER GARODNICK: Okay.

2

JAMES TULLER: The accident

3

reports.

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COUNCIL MEMBER GARODNICK: Okay.

5

So it's kept in a database. And it includes
accident locations? What else does it include?

6

7

JAMES TULLER: The information on

8

the driver, the accident locations, the time of

9

day, whether the individual had a driver's

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license, whether the individual was DWI, it

11

consists of statements from the drivers.

12

COUNCIL MEMBER GARODNICK: Okay.

13

And you have all that in a database today.

14

JAMES TULLER: No, I'm sorry, it's

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not in TAMS, it's on the accident report, so

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there's some basic information and the reference

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that I made to the statements, that goes on the

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accident report, so you would have to look at the

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hard copy of the--

20

[Crosstalk]

21

COUNCIL MEMBER GARODNICK:

22

[Interposing] That's for whether or not somebody

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was a DWI, right? Or--

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JAMES TULLER: Or--

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COUNCIL MEMBER GARODNICK: --

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whether they were--perhaps even the time of day.

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JAMES TULLER: Well the time of day

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is in the TAMS system.

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COUNCIL MEMBER GARODNICK: Okay.

7

JAMES TULLER: The narrative on the

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accident report would indicate driver A states,

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driver B states--

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[Crosstalk]

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COUNCIL MEMBER GARODNICK:

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[Interposing] Got it, so tell me what's in TAMS,

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accident location, time of day, what else?

14

[Pause]

15

JAMES TULLER: There's a lot of

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information that goes in there, I just want to

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make sure it's accurate. Yeah. If we don't have

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a copy of that information 'cause this information

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and there's a whole host of things that go in

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there. [Pause] The month, the year, the

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precinct, the location, and the cross street.

22

COUNCIL MEMBER GARODNICK: And

23

that's all on TAMS.

24

JAMES TULLER: Yes.

25

[Pause]

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2 COUNCIL MEMBER GARODNICK: And how
3 does TAMS relate to the TrafficStat data? Is TAMS
4 the data that your TrafficStat team looks at?

5 JAMES TULLER: Well they look at
6 the accident reports themselves--

7 [Crosstalk]

8 COUNCIL MEMBER GARODNICK:
9 [Interposing] Okay. But putting aside the
10 accident reports, TAMS is available to them to
11 review for consideration of where the locations
12 are, the time of day, the date, the precinct, and
13 the cross street, right?

14 JAMES TULLER: Yes.

15 COUNCIL MEMBER GARODNICK: Okay.
16 [Pause] Chief Scagnelli says that this
17 information already exists in a form that could be
18 easily released and made available to the public.
19 Is there any obstacle to releasing the TAMS data
20 to the public?

21 [Long pause]

22 JOHN DONOHUE: The information
23 that's in TAMS is an electronic database, but what
24 the personnel at the precinct level do, and as
25 we'll get back to both the TrafficStat meetings

1
2 and the traffic team in the precincts, they look
3 at the individual accident reports. There is a
4 very small pieces of information from the accident
5 report itself which are publicly available online,
6 but they're complicated enough with like six point
7 font that the police department doesn't take the
8 time to do all the data entry, as a matter of
9 fact, it is a state DMV obligation to do this. We
10 don't and we can't possibly do all the data entry,
11 we maintain these for a short period of time and
12 then we send them up to the DMV for their data
13 entry. I don't think--I know we would not have
14 the capacity in any way to do additional data
15 entry from the accident reports but it is the
16 analysis that the chief keeps referring to that
17 puts the limited data that we have in TAMS into
18 context, that's what the accident reports do,
19 that's what TAMS is meant for. It's the starting
20 point for the questions and I just reiterate what
21 the chief said.

22 COUNCIL MEMBER GARODNICK: Fair
23 point, so let's talk about the starting point for
24 the questions and I'll wrap up in a sec. But
25 already the data is entered, the following data:

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2

Accident locations, time of day, day, year,

3

precinct, and cross street is already data entered

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by the police department into TAMS, that is there,

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that is done today, right?

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JAMES TULLER: I think you just

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cited what I referred to.

8

COUNCIL MEMBER GARODNICK: Correct.

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JAMES TULLER: Right.

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COUNCIL MEMBER GARODNICK: Yeah, I

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was just reading back what I think I got from you.

12

JAMES TULLER: Right.

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COUNCIL MEMBER GARODNICK: Okay.

14

So that stuff is in there, so the information that

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is in TAMS already would not require any

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additional police officers, wouldn't require 23

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people to data enter or anything like that just to

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have the benefit of the information that is in

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TAMS, correct?

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JAMES TULLER: Well I think we go

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back to, I guess to what--

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COUNCIL MEMBER GARODNICK:

23

[Interposing] Well just let's please just help me

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with the answer to that question because if that

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information is there already, we're not asking you

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2 if we were to focus on TAMS, we wouldn't be asking
3 you to add any additional resources for data
4 entry, is that right?

5 [Pause]

6 JAMES TULLER: Not for data entry,
7 okay.

8 COUNCIL MEMBER GARODNICK: Right,
9 and it's in an electronic database as your
10 colleague noted before.

11 JAMES TULLER: Yes.

12 COUNCIL MEMBER GARODNICK: Okay.
13 Okay. Well I think that probably answers most of
14 the questions that I need to know because, while I
15 appreciate that there is additional analysis that
16 is done by NYPD and DOT and we value your work and
17 know that it is serious and see your commitment to
18 the issue, even just from the existence of
19 TrafficStat and it's process, but the information
20 that's on TAMS should be in the public domain.
21 And I say again that the moment that this
22 governmental data, whether it's NYPD data or DOT
23 data or Department of Health data, the moment that
24 this becomes publicly available in some form that
25 a New Yorker or someone anywhere can actually make

1
2 use of, make it into a usable form, you may find
3 that there are resources that will develop that
4 actually could aid the police department in a way
5 which you might never have even conceived of.

6 So I appreciate your testimony, I'm
7 sorry to push on a few of the finer points here,
8 but I think I now understand that there are
9 certain data out there that are already collected
10 and certainly could benefit from being put into
11 the public domain. So thank you very much, Chief.

12 CHAIRPERSON VALLONE: Thank you,
13 Council Member, that information will be very
14 useful as we move forward. We now turn to Council
15 Member Dan Halloran.

16 COUNCIL MEMBER HALLORAN: Good
17 morning, Chief.

18 JAMES TULLER: Good morning.

19 COUNCIL MEMBER HALLORAN: I'm going
20 to focus on three areas, the first is under the
21 current Administrative Code, Section 14150 you are
22 required--by you, I mean the department--to report
23 to the New York City Council certain statistics--
24 parkers and movers, type of summonses and that has
25 to be broken down by precinct. So every three

1
2 months you're required to provide the New York
3 City Council with that information. I presume
4 that there are police officers who are engaged in
5 producing that information, culling it from the
6 various precincts and then presenting the City
7 Council with a comprehensive report quarterly with
8 regards to that data. So when you say to me that
9 you would need 23 uniform members--and by the way,
10 how many members of the department are there?

11 JOHN DONOHUE: As of the end of
12 last month, there was 35,092 and that's a 11%
13 decrease.

14 COUNCIL MEMBER HALLORAN: Okay.
15 But there are 35,000 members of the department and
16 there are how many precinct commands in the city
17 of New York?

18 JOHN DONOHUE: There are a lot more
19 resources than just precinct commands, but there--

20 COUNCIL MEMBER HALLORAN: I--

21 [Crosstalk]

22 COUNCIL MEMBER HALLORAN: --that.

23 JOHN DONOHUE: --there are 76
24 precincts--

25 COUNCIL MEMBER HALLORAN: Okay.

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JOHN DONOHUE: --but you also realize that there's transit districts and--

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COUNCIL MEMBER HALLORAN: Sure.

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JOHN DONOHUE: --PSAs, which are similar to a precinct.

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COUNCIL MEMBER HALLORAN:

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Absolutely, so when you tell me that there would be a need for an additional 23 uniform members or uniformed and civilian members to compile this data, you're talking about, just if we were looking at precincts alone, one in every three precincts requiring an additional person for manpower to produce this data, would that be fair to say?

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JOHN DONOHUE: I don't want to make that--that's the logic leap that I didn't want to have happen. It's really the functional equivalent, it's the incremental costs that we--

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COUNCIL MEMBER HALLORAN: Okay.

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JOHN DONOHUE: --that we derive through that methodology that I explained earlier, but it's not a one for one, in fact, it would probably be more people at the administrative levels than at the patrol levels.

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COUNCIL MEMBER HALLORAN: Well

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that's--

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JOHN DONOHUE: [Interposing]

5

There's only one place they come from.

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COUNCIL MEMBER HALLORAN: --that's

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interesting because, at least in my time when I

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worked in the New York City Police Department and

9

that was pre-computers really so I understand

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things are a little different now, when a

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complaint, for example, came in about an accident

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that complicated form you showed us, if the police

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didn't show up at the scene, you actually make the

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civilians fill out that report that supposedly

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overtly complex report, but you made civilians

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fill it out and then hand it into a PAA and then

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they would enter that data into a primitive system

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then, I admit, but I'm sure not so primitive

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today, and those PAAs in the 124 room were

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actually taking the data from that DMV report and

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entering it into a computer. And so as somebody

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with a technology background, I would say that

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well if that data is being entered into a computer

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there, all those data points you just talked about

25

exists somewhere in the NYPD, is that not

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accurate, Chief, first, is that not accurate?

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JOHN DONOHUE: I'm being told that it's the exact same system that has been around for 15 years approximately.

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COUNCIL MEMBER HALLORAN: Okay. Well it was a little bit before, but, yeah, so is it accurate when I say that a PAA in that room is taking that data and entering it into a computer?

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JOHN DONOHUE: I think that's where things have changed.

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COUNCIL MEMBER HALLORAN: Okay.

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JOHN DONOHUE: Getting to the point of the traffic team and the precincts and the gravity that we place on this, quite frankly, it's one of our indicators that we have in the MMR, it's one of our critical objectives and one of the things that we report on, fatalities and pedestrians and motorists fatalities, so the importance that the data takes now has been moved to some--it's not just the 124 room--

22

COUNCIL MEMBER HALLORAN: Mm-hmm.

23

24

JOHN DONOHUE: --and not just stationhouse or police administrative aides--

25

COUNCIL MEMBER HALLORAN: Mm-hmm.

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2 JOHN DONOHUE: --it may be some in
3 some commands or it may be police officers like we
4 said, the traffic, the highway safety officer,
5 Traffic Safety Officer in the precincts.

6 COUNCIL MEMBER HALLORAN: Sure,
7 but, Chief, my real point is--and look, you guys
8 do a hell of a job with way too little and you're
9 not going to ever get from me or the chairman any
10 qualms about that, but knowing how the system
11 works from the inside and just I understand you
12 don't want people to look at the data and jump to
13 conclusions which may not really be a function of
14 the data that you're collecting, but can you
15 really sit there and tell me that this electronic
16 data isn't available in an electronic format that
17 we could disseminate, regardless of whether you
18 think it could be misinterpreted by parties
19 looking at it, does it in fact exist?

20 JOHN DONOHUE: As we've testified
21 to, there is some--

22 COUNCIL MEMBER HALLORAN: Okay.

23 JOHN DONOHUE: --data
24 electronically that exists.

25 COUNCIL MEMBER HALLORAN: And that

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2 data would not require 23 people to put it through
3 the system to turn it out, you're talking about 23
4 people if you wanted to do the sort of data
5 analysis that later goes on to get that data out
6 in a form that you feel is more publicly
7 digestible as opposed to raw data.

8 JOHN DONOHUE: I would amplify that
9 by saying because it would become publicly
10 digestible and because of the importance that
11 police department data has, and my office is the
12 one that generally publishes data for external
13 consumption, and that by raising it to that level
14 where internally we can have a deliberative
15 process and where the chief through the
16 TrafficStat process can further refine and get
17 better information before making action or taking
18 action on information, I think to better refine it
19 and ensure that it is even of a higher quality
20 than raw quality that we use internally, I think
21 that does add additional personnel and I think
22 that's why, and it's not what I think, I
23 absolutely know why that auditing function, the
24 quality assurance function--

25 COUNCIL MEMBER HALLORAN: Mm-hmm.

1
2 JOHN DONOHUE: --the data
3 management functions become important and the
4 incremental cost, I keep using those words, is not
5 a one for one at the precinct level--

6 COUNCIL MEMBER HALLORAN:
7 Understood.

8 JOHN DONOHUE: --it may only
9 require a .2 or a .1 of a police officer--

10 COUNCIL MEMBER HALLORAN:
11 [Interposing] But in aggregate--

12 JOHN DONOHUE: --at a precinct
13 level, you add that, plus the people in our IT
14 section, the people in our public information
15 office, the additional analytics that'll be
16 required when questions inevitably come up, I can-
17 -

18 COUNCIL MEMBER HALLORAN: Mm-hmm.

19 JOHN DONOHUE: --assure you I field
20 more questions, the police commissioner fields
21 more questions, once more data becomes available.
22 We've got to answer it and those incremental costs
23 that will detract from or require additional
24 resources that we currently don't have, that's
25 where we come up with those numbers.

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COUNCIL MEMBER HALLORAN: Chief Tuller, let me just ask you one question, very, very simple one, the functional data of the location and intersection of an event, the date and time of the event, and whether a summons was issued with regards to an accident, just that information, would you have an objection to just that information, the date, the time, the intersection, and whether a summons was issued as a result of an accident, would just that data alone be something that would be [off mic] for the department to come out monthly, say, so that a Community Board could look at intersections and say there's an accident problem?

JAMES TULLER: [Off mic] you answer.

COUNCIL MEMBER HALLORAN: Would that be something doable?

JAMES TULLER: I'm going to ask the commissioner to--

[Pause]

COUNCIL MEMBER HALLORAN: Okay.

JAMES TULLER: --because I think she answered that question before so--

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[Crosstalk]

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COUNCIL MEMBER HALLORAN:

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[Interposing] Okay. Sure, thank you, Chief.

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JAMES TULLER: Thank you.

5

SUSAN PETITO: Yes, Council Member Halloran, again, we believe that that data is not as useful as you believe it is--

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COUNCIL MEMBER HALLORAN: Okay.

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SUSAN PETITO: --I believe, and I think that, again, we have a philosophical difference about whether or not any conclusions can be drawn from that data. So at this point, yes, I would have to say we would have a problem with releasing that.

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COUNCIL MEMBER HALLORAN: Just I

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an engineer out who does a manual count; and the

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2 third component is its proximity to sensitive
3 areas, whether that's a school or a particular
4 type of hospital or something like that. So if
5 one-third of the information that the DOT is going
6 to rely on to make that assessment and Community
7 Boards frequently rely on to make a recommendation
8 to DOT to put in a stop sign or a traffic control
9 device is the number of intersection accidents or
10 accidents at a location, you really don't feel
11 that even that little piece of information is
12 something that the community should be made aware
13 of? I mean, that you're really saying that?

14 SUSAN PETITO: I think what we're
15 saying is that we share that information with DOT,
16 DOT has access to our accident prone locations,
17 they have access to our TAMS system and so they
18 have that access, they make that determination as
19 part of their analysis. Unfortunately, I don't
20 know enough about their process to speak to it, I
21 don't think that it would be a formula, say, that
22 it would be if you have X number of accidents and-
23 -

24 [Crosstalk]

25 COUNCIL MEMBER HALLORAN:

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2 [Interposing] It's a factor, it's a factor--

3 SUSAN PETITO: Right, right.

4 COUNCIL MEMBER HALLORAN: --there
5 are three factors.6 SUSAN PETITO: But I don't know if
7 those are the only factors or if their analysis is
8 more extensive than that, those probably are data
9 points that they need in order to conduct their
10 analysis which goes to our point ultimately is
11 that this information by itself, without the
12 context to evaluate it and without the experience
13 of certainly the police professionals who know the
14 area and the kind of enforcement that would be
15 helpful there, that is present there, without all
16 of that surrounding information and expertise, we
17 don't see that this X number of summonses in X
18 time period is a useful piece of information, it's
19 certainly a curiosity to people, but when it has a
20 cost for us to produce, we really have to look at
21 whether or not it furthers a goal and we sincerely
22 believe that it does not.

23 COUNCIL MEMBER HALLORAN: Okay.

24 So--

25 CHAIRPERSON VALLONE: [Interposing]

1

2 Councilman, may I just jump in--

3 COUNCIL MEMBER HALLORAN: Sure.

4 CHAIRPERSON VALLONE: --one second
5 and make an announcement. We only have this--the
6 hearing ends at one and we've got 16 people signed
7 up to testify and we've got Council Member
8 Greenfield to go next with the police department
9 so we could--I just want to move things along as
10 quick as we can.

11 COUNCIL MEMBER HALLORAN: Thank
12 you.

13 CHAIRPERSON VALLONE: Thanks.

14 COUNCIL MEMBER HALLORAN: Just one
15 question if you know, if you were simply providing
16 the information about locations, dates, and times
17 of accidents, would that require additional
18 manpower on the scale of what we had discussed
19 previously?

20 JOHN DONOHUE: You change the
21 inputs, you change the outputs.

22 COUNCIL MEMBER HALLORAN: Okay.
23 Would it be less?

24 JOHN DONOHUE: I'd want to take a
25 look at it--

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COUNCIL MEMBER HALLORAN: Okay.

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JOHN DONOHUE: --you change the inputs, you change the outputs.

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COUNCIL MEMBER HALLORAN: Thank you, Chief, appreciate it.

6

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CHAIRPERSON VALLONE: Thank you, Council Member. Let's go to Council Member Greenfield for his first questions as part of the Public Safety Committee. We've also been joined by Council Member Gentile and let me say great it is to have Council Members like the ones here on this committee, we've got Council Member Gentile, a former prosecutor, Council Member Halloran, a former police officer and you can see how useful that information is, and now we've got a completely new perspective that we haven't had on this committee, so I think that's why we've got the best committee here out of all of them, but I'm biased.

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[Off mic]

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COUNCIL MEMBER GREENFIELD: Thank you. Let me just state from the outset that, you know, I'm actually a big fan of the NYPD, I'm a fan of the work that you're doing specifically in

1
2 my neighborhood, we have terrific police officers,
3 we have a great inspector, Sprague at the 6-6, we
4 had a terrible incident today where overnight five
5 Torah scrolls were stolen from the synagogue and I
6 know that they're doing everything they can. And
7 I also believe that you don't have the resources
8 that you need and I assure you that I will join in
9 my colleagues and the chairman and the other
10 members to do everything we can to fight to ensure
11 that in the budget process people recognize that
12 the NYPD is really our top priority.

13 So that being said, I was just
14 taking a look over here at some of the background
15 information and the testimony, I'm just curious
16 about something. You know, in some of our
17 background information over here based on, I
18 guess, a study that was done by Transportation
19 Alternatives, they seem to believe that a lot of
20 the energies, or at least a disproportionate
21 amount perhaps of the focus in terms of ticketing
22 is on things like expired inspection certificates,
23 dark window tints, unfastened seatbelts, cell
24 phone use, and other sorts of things. Is that a
25 fair assessment?

1
2 JAMES TULLER: That's part of the
3 process, but you said focus, so I know what the
4 word means, but--

5 COUNCIL MEMBER GREENFIELD:
6 [Interposing] In terms of a percentage, I'm just
7 trying to sort of get a sense, I'm a little bit
8 new here, so I'm just trying to get a sense, in
9 terms of the--

10 JAMES TULLER: Me too.

11 COUNCIL MEMBER GREENFIELD: --oh,
12 great, so we have something in common. So in
13 terms of the percentage, the percentage of moving
14 violations that are issued, do you have sort of
15 have a breakdown in terms of how many are issued
16 for things like speeding and red tickets and
17 reckless driving versus things like, you know,
18 expired registrations and lack of seatbelts?

19 JAMES TULLER: I don't have that
20 breakdown with me.

21 COUNCIL MEMBER GREENFIELD: You
22 don't have that breakdown.

23 JAMES TULLER: No.

24 COUNCIL MEMBER GREENFIELD: Okay.
25 Just in general, is it fair to say that a lot of

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2 the resources, especially I imagine, Chief, that
3 you supervise the traffic enforcement agents,
4 right, they fall under your command, is that
5 correct?

6

JAMES TULLER: Yes.

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COUNCIL MEMBER GREENFIELD: Okay.

8 In terms of the breakdown of tickets, is it fair
9 to say that there are many more tickets that are
10 coming in from the traffic enforcement agents than
11 are from police officers in terms of moving
12 violations and the like?

13

[Pause]

14

JAMES TULLER: ...Movers, they don't
15 issue movers, but they--

16

COUNCIL MEMBER GREENFIELD:

17

[Interposing] No, correct, but in terms of the
18 percentage of the tickets that are being issued by
19 the NYPD, is it fair to say that many more tickets
20 are coming from the traffic enforcement agents
21 than those for park--let me rephrase it. Is it
22 fair to say that there are many more parking
23 tickets issued than there are moving violations?

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JAMES TULLER: Yes, yes.

25

COUNCIL MEMBER GREENFIELD: That's

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2 fair--

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JAMES TULLER: Yeah.

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COUNCIL MEMBER GREENFIELD: --okay.

5

So here's my question, you know, I know that

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obviously parking tickets are important, we all

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want parking enforcement, nobody wants to drive

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down a block that's triple parked and at the same

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time, let's be honest, they're clearly a revenue

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maker for the city, I think the city brings in

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around a billion or so dollars a year, is that

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roughly the number in term of parking tickets?

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JAMES TULLER: May, yeah--

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COUNCIL MEMBER GREENFIELD: Yeah,

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okay.

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JAMES TULLER: --I don't have the

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exact numbers, that's why I--

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[Crosstalk]

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COUNCIL MEMBER GREENFIELD:

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[Interposing] So my question is, is there a way--

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and by the way, I want to be clear, this is not

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critical, this is just sort of just something to

23

think about, is there a way to sort of move the

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focus from parking tickets more towards moving

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violations? And I ask that specifically because I

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2 have to tell you, from my perspective and
3 representing the constituents and, as the
4 chairman, points out, we all represent roughly
5 between 165 and 175,000 people, I think that in my
6 neighborhoods, we would much prefer to see
7 stricter enforcement on moving violations, you
8 know, when someone barrels down a block where kids
9 are playing at 90 miles an hour, right, you know,
10 that's a guy who, quite frankly, I have no problem
11 if he gets ticketed for \$1,000, versus the today
12 it seems to be that there is a very significant
13 emphasis and focus specifically on parking tickets
14 specifically because of the revenue. So I guess
15 my question is, is it possible to make up the
16 revenue if we reduce the number of parking tickets
17 and increase the number of moving violations, is
18 there a way to sort of make up for that in revenue
19 and would there be some reasonable way for you
20 folks at the NYPD to actually do that?

21 JAMES TULLER: You're assuming I
22 have a concern about revenue.

23 COUNCIL MEMBER GREENFIELD: Okay.
24 Fair enough.

25 JAMES TULLER: Because I don't.

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COUNCIL MEMBER GREENFIELD: Okay.

3

Well then I'm backing up and then I'm just curious

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if you don't mind, so if there is no concern on

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revenue, why does it seem like there's such an

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emphasis specifically on giving out these parking

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tickets? I'll rephrase my question--

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CHAIRPERSON VALLONE: Well Council

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Member--

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COUNCIL MEMBER GREENFIELD: --why

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is the--

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CHAIRPERSON VALLONE: --Council

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Member, Council Member, let me just jump in a

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second and because you're new, I'm going to let an

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answer to this question go, but the questions have

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to have to do with the actual--

17

COUNCIL MEMBER GREENFIELD:

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[Interposing] Oh, no, no, it's very relevant

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because it comes back to--

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CHAIRPERSON VALLONE: --to hearing

21

topic.

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COUNCIL MEMBER GREENFIELD: --it

23

comes back to the data issue in terms of

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understanding the access that the public has in

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terms of data, so I do think--

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CHAIRPERSON VALLONE: Right.

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COUNCIL MEMBER GREENFIELD: --it is

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relevant and--

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[Crosstalk]

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CHAIRPERSON VALLONE: [Interposing]

7

And I happen to agree with you about the parking

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ticket situation, so let's--hopefully you get an

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answer to your question but let's--

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COUNCIL MEMBER GREENFIELD:

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[Interposing] I'll wrap this up, but I do think--

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CHAIRPERSON VALLONE: Thank you.

13

COUNCIL MEMBER GREENFIELD: --it's

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relevant because I do believe that it does belie

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into the question in terms of whether or not we do

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have a need for greater data, so that's really why

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I believe it does tie-in. So yes, if you don't

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mind, Chief.

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JAMES TULLER: Well parking

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enforcement agents and police officers, two

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different functions. The parking enforcement

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agents are involved in safety issues, quality of

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life issues. When I address a new class of

24

traffic enforcement agents coming in, I tell them,

25

ask anybody in a room, should we do away with you,

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2 and I'm not saying that that's what you're
3 suggesting 'cause your question is different,
4 everybody would say yes, I doubt--most people in
5 this room would probably say yes, but what I tell
6 them is guaranteed by tomorrow at this time,
7 people would be demanding for them to come back
8 because it's about quality of life, it's about
9 safety, that's what their mission is, quality of
10 life, safety, maintaining order, that's what those
11 parking summonses do, they maintain order in this
12 city, they maintain the quality of life and there
13 are safety issues behind that, so that's the
14 purpose. Now if you're asking--if I understood
15 your question correctly, and if I didn't, just
16 please, if you're asking me if the agents should
17 now be involved in issuing moving violations, was
18 that the question in there?

19 COUNCIL MEMBER GREENFIELD: No,
20 first of all, I just want to take a step back,
21 this may be shocking to you, but I actually agree
22 with you, I think parking agents or traffic
23 enforcement agents--

24 JAMES TULLER: [Interposing] Then
25 we can go home?

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COUNCIL MEMBER GREENFIELD: --are very--well I'm the new guy, you have to satisfy the rest of the--

JAMES TULLER: Okay.

COUNCIL MEMBER GREENFIELD: --crew here. But I do think traffic enforcement agents play a vital role, at the same time, I'm concerned that perhaps there are either too many traffic enforcement agents or that they're giving out too many parking tickets, at least what I'm experiencing. And so my question to just keep it focused is specifically this, in terms of the resources that the NYPD has, and no question there are limited resources--and once again I want to assure you that I will join in my colleagues in fighting as hard as we can to get you the resources you need, and if this bill passes and it costs you money, we'll try to get you that money as well--but to be clear, in terms of those resources, would it potentially make sense to place perhaps more of a focus, I'm not saying get rid of the TEAs, place more of a focus on hiring folks who can enforce moving violations which are not necessarily quality of life, but actually

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2 threaten physical life, and so that's really my
3 question. Is there a way perhaps to shift
4 resources away from the traffic enforcement agents
5 and towards officers so that we can actually catch
6 the bad guys who are actually killing innocent
7 people?

8 JAMES TULLER: Well that would
9 require hiring more police officers. But if
10 you're asking again about the focus, the agents
11 that we have serve the needed purpose, so the
12 numbers that we have serve a purpose, to change
13 the focus--and if you're asking to bring more
14 people on board that would be authorized to issue
15 moving violations, that would mean more police
16 officers and we are down 6,000 police officers--

17 [Crosstalk]

18 COUNCIL MEMBER GREENFIELD:

19 [Interposing] No, I guess my specific question,
20 can we--I'll wrap it up, Mr. Chairman--can we fire
21 some of the traffic enforcement agents and instead
22 hire some more police officers?

23 JAMES TULLER: Well I wouldn't want
24 to see that, but that's a budget issue, so...

25 COUNCIL MEMBER GREENFIELD: It's a

1
2 possibility. Final question, do these officers
3 have particular quotas, these traffic enforcement
4 agents?

5 JAMES TULLER: No.

6 COUNCIL MEMBER GREENFIELD: They
7 don't.

8 JAMES TULLER: No.

9 COUNCIL MEMBER GREENFIELD: Okay.
10 So there's no motivation for them to give out more
11 tickets, or there's no minimum in terms of the
12 amount of tickets they have to give out?

13 JAMES TULLER: They have to look at
14 the violation, when they encounter a violation,
15 then that's when they issue the summons.

16 CHAIRPERSON VALLONE: Okay. Thank
17 you, Council Member.

18 COUNCIL MEMBER GREENFIELD: Okay.
19 Thank you very much, and thank you for your
20 testimony and thanks for coming, Chief.

21 JAMES TULLER: Thank you.

22 CHAIRPERSON VALLONE: Chief, I
23 saved my questions for the end and now I can't ask
24 them so I do have a whole--we will be in contact
25 after this, I was still very confused as to what

1
2 information is actually collected right now and
3 what we would need to additionally collect, but we
4 will have some discussions with--well our staff
5 will have discussions after today because I want
6 to get to the advocates and give them some time to
7 speak. So thank you very much for coming down
8 here and providing this information, and though we
9 do have some disagreement, we look forward to
10 working with you to hopefully craft something that
11 you would not be as opposed to as you are right
12 now and there are ways that we can do that that
13 we've determined today. So thank you for your
14 testimony and we look forward to working with you.

15 JAMES TULLER: Thank you and to the
16 Council Members, thank you.

17 CHAIRPERSON VALLONE: Our next
18 panel will be Lou Riccio, former DOT commissioner;
19 Paul Steely White from Transportation
20 Alternatives; [pause] and Peter Gold--how do you
21 pronounce that? Goldhauser?--sorry, Yasser, it's
22 hard to read the handwriting from Transportation
23 Alternatives. [Long pause] Mr. Riccio, I know
24 you have a flight or something to catch, so I'm
25 going to--

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[Off mic]

CHAIRPERSON VALLONE: Teach a class, even more important, so I'm going to let you go first and then you don't have to stay around for the rest of the testimony, okay. Thank you.

LUCIUS RICCIO: Okay. I haven't done this in quite a while so I have to learn to--

[Crosstalk]

CHAIRPERSON VALLONE: [Interposing] Identify yourself for the record and--

LUCIUS RICCIO: Yes.

CHAIRPERSON VALLONE: --start.

LUCIUS RICCIO: Thank you, Mr. Chairman. Good morning, my name is Lucius Riccio. I am a lecturer in management at Columbia University's School of International and Public Affairs and at its School of Engineering and Applied Science. And as some of you may recall, between 1979 and 1993, I held several positions in government including Commissioner of New York City's Department of Transportation. Prior to that, I served in a number of positions in the law enforcement and criminal justice field. I served

1
2 in Mayor Lindsay's Criminal Justice Coordinating
3 Council, as Assistant Director for Research of the
4 Ford Foundation-funded Police Foundation in
5 Washington D.C., as a consultant to the Federal
6 Judicial Center of the Supreme Court of the United
7 States, and as a staff member of the President's
8 Commission on Law Enforcement Productivity.

9 I'm here today to support the
10 Saving Lives Through Better Information Bill.
11 Although great progress has been made in reducing
12 the plague of traffic fatalities and serious
13 injuries in New York City over the past two
14 decades, we still have a ways to go to make this
15 truly a safe city. This bill goes a long way to
16 advancing our capacity to understand and overcome
17 the conditions that lead to these horrible deaths
18 and serious injuries.

19 At Columbia I teach rational
20 decision making. In my courses I teach the well-
21 researched principle that the effective use of
22 information can have great power and influence on
23 improving the quality of decision making and
24 policy formation. This bill promotes a policy
25 that encourages the collection and dissemination

1
2 of comprehensive, meaningful data for advanced
3 analysis. That process can only lead to improved
4 management of the deployment of resources as well
5 as smarter policy choices. How it is in this
6 country we spend hundreds of millions of dollars
7 to understand how a few hundred people die in
8 airplane crashes yet we spend relatively pennies
9 to understand how 35 to 40,000 people die in
10 traffic crashes. How is it that we have detailed
11 information about plane crashes, but pitiful
12 little detail about how thousands die from
13 automobiles? This bill promotes the advancement
14 of our knowledge of the why and how of crashes and
15 the what and when of the things we must do to
16 protect the public.

17 The big successes of New York City
18 government have come from scientific, data-driven
19 policies that deploy scarce resources where they
20 can achieve the most significant results. One of
21 the city's greatest successes, and I should say
22 one of American government's greatest successes,
23 is the New York City CompStat program. That
24 program is a perfect example of how improved
25 collection, reporting, analysis, and

1
2 interpretation of data can lead to tremendous
3 improvements in police service. This bill seeks
4 to do that for traffic fatalities.

5 For the improved safety of all New
6 Yorkers for generations to come and all those who
7 visit the city, I congratulate the City Council on
8 proposing this bill and I ask you to vote yes.
9 Thank you.

10 CHAIRPERSON VALLONE: Thank you.

11 [Off mic] Commissioner--professor?

12 LUCIUS RICCIO: Lou is fine.

13 CHAIRPERSON VALLONE: Not
14 professor. Paul? Thank you.

15 PAUL STEELY WHITE: Good morning,
16 my name is Paul Steely White, I'm the Executive
17 Director of Transportation Alternatives. We are a
18 non-profit advocacy organization with over 8,000
19 dues paying members and over 35,000 active
20 supporters working for safer streets for New York
21 City pedestrians and cyclists.

22 Transportation Alternative strongly
23 supports the Saving Lives Through Better
24 Information Bill. This legislation will improve
25 transparency in government, enable government

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2 agencies to more precisely and efficiently focus
3 their limited resources, and it will ultimately
4 improve the safety of millions who walk, bike and
5 drive in New York City.

6 As the executive director of an
7 organization to whom elected officials, media, and
8 civic groups frequently turn to in their search
9 for information about summoning for dangerous
10 driving violations or crash records, I can say
11 that the data we currently have on hand is
12 woefully insufficient. Right now, the only way
13 for a New Yorker to obtain information about
14 traffic-related crashes or summoning activity for
15 dangerous driving is to send a Freedom of
16 Information Law request to the New York State
17 Department of Motor Vehicles. The data is often
18 two years-old. Think about it, right now,
19 community groups and elected officials like
20 yourselves are often forced to make decisions that
21 directly affect life and death, based on old
22 information.

23 Let there be no doubt about how in-
24 demand and indispensable this information is.
25 Back in 2004, we launched our website called

1
2 CrashStat.org. Today, any New Yorker can go
3 online to that website and see a map of crashes
4 involving bicyclists or pedestrians on their
5 street between 1995 and 2005. We built this
6 website because of an overwhelming demand for
7 crash data from schools, residents, community
8 groups, and members of the press who were working
9 to quantify and reduce the dangers on their
10 streets. CrashStat was a start, but it's
11 inadequate in its ability to inform policy
12 decisions, or enable residents and elected
13 officials to have a clear picture of what has
14 happened on their streets in the past week, the
15 past month, or even the past five years.

16 I will cut to the conclusion here
17 to give others more time to speak because you will
18 be hearing today from emergency room doctors,
19 representatives of our senior communities, former
20 law enforcement officials, and families of crash
21 victims who all support this bill because they
22 also understand, as the gentleman to my right
23 stated, that more information will save lives.
24 Thank you.

25 Oh, if I may, one slight

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2 recommendation we have to improve the bill. As
3 written, it's not clear that the NYPD would also
4 report injury data, so as more information about
5 what's in the TAMS database becomes available, if
6 injury data and the severity of those injuries
7 could also be made public.

8 CHAIRPERSON VALLONE: Okay. Thank
9 you. The one question I have only due to time
10 sake is for either of you to address what--the
11 testimony you just heard regarding especially
12 someone with the background that Mr. Riccio has--
13 regarding their inability to provide this
14 information and if you have any suggestions or
15 comments on what they said.

16 LUCIUS RICCIO: Well I think the
17 Council handled that issue very well and asked the
18 right questions and I think it's a matter of the
19 police department going back and rethinking how
20 their data systems work, I don't think this should
21 be a monumental task for them in this day and age
22 of technology to provide the information that they
23 already contain in one form or another, and I
24 think you were very gracious, Mr. Chairman, in
25 offering to work with them if they have resource

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issues.

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I would say this, we're just scratching the surface here about understanding what goes on. Crashes can be stopped, these things don't have to happen, we accept them for all the wrong reasons. And as Paul just mentioned, you know, there's still 10,000 people being injured every year in New York City and these injuries in many cases are life disabling, debilitating kinds of injuries. This is a major, major problem and I congratulate the Council for pushing this topic in this way and I would ask you to go even further as we progress along this way to get the people responsible for monitoring these kinds of things to get better information, not just release this, but get much better information. We should set as a target to eliminate crashes in New York City and do whatever we have to do to reduce deaths and injuries and with the long-term goal of eliminating them.

PAUL STEELY WHITE: Yes, I agree, it sounds like it's more of a philosophical issue than a data issue just from hearing the back and forth this morning. In my humble opinion, the

1
2 NYPD thinks that other people don't have anything
3 to offer when it comes to perspective, analysis,
4 or solutions and I think that's wrong. I also
5 just want to, not correct, but add to what Lou
6 said about 10,000 injuries per year, that's only
7 to pedestrians, if you include drivers and about
8 3,000 injuries to cyclists, it's about 70, 72,000
9 per year, and, as Lou points out, a good portion
10 of those are severe injuries that change people's
11 lives in some very fundamental and difficult ways.
12 So I think we all agree that this is a noble
13 cause.

14 CHAIRPERSON VALLONE: Obviously I
15 agree, I mean I had these same fights with the
16 police department when it came to crime in parks
17 and crime in schools and especially when it comes
18 to schools, I can't imagine why that necessary for
19 wouldn't be public to parents, you could go on a
20 website and find out the school lunch, but not the
21 amount of crime in that school, and, you know, we
22 had the same back and forth with the police
23 department and we prevailed and we probably will
24 this time too, I can't speak for the entire
25 council, but I support this, I'm sure the

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2 committee will.

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But I think what's behind their reluctance is just the fact that whenever they do release information, it's almost always misinterpreted, but that's just life, you know, they get some bad stories by reporters that just go for the headline when it comes to certain information that's released by the police department and they basically just don't want to put up with that anymore, but that's not a way we can create policy here in New York City.

PAUL STEELY WHITE: I think one thing that might help that is for everyone to realize that we all have responsibility for this and one development that's been very encouraging is that the New York City Department of Health has become more involved in this issue and taking responsibility for it. So I don't think the NYPD has to feel that releasing the information in any way detracts from their excellent record on this issue or that they're bearing the brunt of public criticism. I think that the mayor probably needs to do a better job of taking responsibility and encouraging all city agencies to share the

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2 responsibility.

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4 LUCIUS RICCIO: Yes, and if I may
5 add to that as a former bureaucrat myself, I think
6 it's a natural tendency to be cautious with the
7 release of information, but in this case, I think
8 the police department has so much to be proud of
9 and, quite frankly, they're our heroes in so many
10 respects and that I think this will be benefit
11 them, not only help them make better policy, but I
12 think people will see that they're doing fine
13 work, and if they're not, they should recognize
14 that and make the adjustments as they have in the
15 past. So we're not here to say anything--

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[Crosstalk]

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LUCIUS RICCIO: --as you've said--

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CHAIRPERSON VALLONE: Right.

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19 LUCIUS RICCIO: --we think they're
20 terrific and we want them to do more and we think
21 this will be a help to them.

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CHAIRPERSON VALLONE: I agree. We
were joined briefly by Council Member Helen
Foster, I have to put that on the record. And I'm
going to move onto our next panel, but we will
continue to work with both of you as we amend this

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2 bill and--

3 [Crosstalk]

4 LUCIUS RICCIO: [Interposing] Thank
5 you for the opportunity.6 CHAIRPERSON VALLONE: --it to be an
7 even better bill. I'm going to call up William
8 Stoner from the AARP, Santos Crespo from Local
9 372, which represents our school crossing guards,
10 and Kyle Wiswall from the Tri-State Transportation
11 Campaign. [Long pause] Okay. Why don't we start
12 with you since you were there first.13 WILLIAM STONER: Thank you.
14 Esteemed Council Members, I thank you for the
15 opportunity to address this committee today on
16 Intro 120. My name is William Stoner, I'm the
17 Associate State Director for Livable Communities
18 for AARP. On behalf of our 750,000 members across
19 New York City and the seven volunteers we have in
20 the room today, I offer this testimony.21 We commend Councilwoman Lappin and
22 her colleagues for championing this effort to post
23 statistics on NYPD websites for public
24 information. The information provided will aid
25 community groups and residents in getting traffic

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2 safety data pinpointing trouble intersections and
3 help the community respond faster to consistent
4 threats in real time. AARP recently spent about
5 six months working with Tri-State Transportation
6 Campaign to gather similar data for five upstate
7 counties. The information had to be requested
8 from DOT, deciphered, and then entered into a
9 format that could be understood. Meanwhile, the
10 information clearly shows that there are
11 significant hotspots in these counties where 12 or
12 more incidences have occurred over a three-year
13 period. Yep, I said 12. If this data was
14 consistently available to the public, I wonder how
15 many incidences could have been avoided simply by
16 acting on the available information.

17 Just last week, as many of you
18 know, AARP partnered with Councilwoman Quinn,
19 Lappin, and Vacca, the Department for the Aging,
20 JASA, and many other Council Members and community
21 groups to assess more than 100 intersections
22 around New York City, 500 across New York state.
23 We look forward to working with all of these
24 partners in conjunction with the New York City DOT
25 to address the most egregious intersections

1
2 quickly. As part of the statewide complete
3 streets week effort, we also use the upstate data
4 to do assessments and make recommendations for
5 improvements at those hotspots. This effort in
6 New York state and New York City is continuing
7 past last week and the data will most definitely
8 help target our members' efforts in these
9 continuing efforts across communities of New York
10 City and New York state.

11 As you well know, over the next few
12 years the percentage of people over the age of 65
13 will reach 20% in New York City. New York state
14 has the third highest pedestrian fatality rate in
15 the country for people over 65. We can do better
16 than this. By 2030, every boomer will be over 65,
17 every boomer in the world, and the fastest growing
18 age group is 85 plus, second fastest is 100 plus.
19 We at AARP have more than 30,000 members over the
20 age of 100 and we expect that number to continue
21 to grow, but we must be able to empower our
22 citizens with information so that they can in turn
23 work to make the necessary improvements in their
24 community. To that end, it is clear that New York
25 City residents and community partners should have

1
2 real-time access to data that is easily understood
3 so that we can work together to make improvements
4 as these so-called hotspots present themselves.

5 Waiting months or even years can mean the
6 difference of life and death for some of our most
7 vulnerable citizens. AARP is happy to support
8 this initiative and encourage a speedy response to
9 this proposal. Thank you. Respectfully
10 submitted.

11 KYLE WISWALL: Good morning, good
12 morning, thank you for the opportunity to testify.
13 My name is Kyle Wiswall, I'm the General Counsel
14 of the Tri-State Transportation Campaign. We're a
15 non-profit transportation advocacy group working
16 for a more sustainable transportation network in
17 New York, New Jersey, and Connecticut.

18 I'm here this morning in support of
19 Intro 120. This legislation will create an
20 important tool in reducing traffic injuries and
21 fatalities through the public release and
22 organization of traffic-related safety statistics
23 by making widely available to who, what, and the
24 where of traffic violations, injuries, and
25 fatalities, advocates and agencies alike can more

1
2 effectively focus their resources to create safer
3 streets and reduce tragic traffic incidents. Will
4 just gave an example of how we work together
5 upstate to use similar information to highlight
6 hotspots. In the city, this information can be
7 used in exactly the same way. For instance, where
8 a large number of pedestrian injuries occur,
9 communities can explore options following study to
10 identify causes, where appropriate, for installing
11 safety infrastructure, such as pedestrian islands,
12 which are especially important in neighborhoods
13 where large populations of seniors and children
14 resides, these populations being particularly
15 susceptible to traffic-related injury and death.

16 The requirements mandated are not
17 onerous. The traffic data to be made available is
18 already collected by the NYPD. A similar
19 disaggregation of data and public release is
20 already done by the NYPD with regard to crime
21 statistics as part of their CompStat program and
22 the NYPD already collects summonsing information
23 for traffic and moving violations through its
24 reporting tool, TrafficStat.

25 In return, the public and the city

1
2 gain this effective tool to improve our
3 communities and make our neighborhoods safer,
4 transportation departments will have easily
5 accessible information to reduce fatalities and
6 injuries along dangerous roads and intersections.

7 As we've heard already several
8 times, but it bears repeating, 2009 saw 250 New
9 York pedestrians killed on New York City's roads
10 and the injuries numbered over 10,000. These are
11 the numbers that Intro 120 seek to reduce. Now
12 these numbers are falling and the NYPD deserves
13 commendation for that, but, again, every one of
14 these is one too many.

15 As a next step after the passage of
16 120, we urge the Council also to look into Intro
17 775 filed at CDNA at the end of last year which
18 has similar reporting for truck incidents. Thank
19 you very much for the opportunity to testify.

20 SANTOS CRESPO: Chairman Vallone
21 and Committee members, Local 372 thanks you for
22 giving us this opportunity to speak on behalf of
23 our 2,117 school crossing guards and the 1.1
24 million public school children who are their
25 life's work.

1
2 This amendment to the
3 Administrative Code of New York City is a positive
4 step in the right direction when it comes to
5 providing pertinent data to Community Boards and
6 private citizens concerning traffic and pedestrian
7 issues in the five boroughs. In recent years,
8 budget choices have had negative impact on ratio
9 of school crossing guards to students. Easy
10 access to this data should allow those requesting
11 additional school crossing guards or traffic signs
12 or signals for dangerous and sometimes deadly
13 intersections to make a more comprehensive
14 effective case for their demands. Having internet
15 access to the data might also demonstrate how
16 these intersections which have assigned school
17 crossing guards have fewer students injuries or
18 fatalities. In 1998, [off mic] school crossing
19 guard at the 109 Precinct and Joan Caspero
20 [phonetic], school crossing guard at P.S. 115 in
21 Sunnyside Queens was seriously injured while
22 consciously putting themselves in harm's way
23 trying to save the lives of two children in their
24 schools. In 2000, Sally Robinson, school crossing
25 guard and shop steward at the 71st Precinct

1
2 witnessed a traffic accident, called 911, and then
3 injured herself pulling the driver of the car out
4 from behind the wheel saving the driver from
5 further injury. And sadly, in 2001, school
6 crossing guard Betty Davis was killed in the line
7 of duty as she approached her post at the
8 intersection of Lyndon Boulevard and Cross Island
9 Parkway in Cambria Heights. I'm telling you these
10 stories because now after the media reports these
11 stories of school crossing guards, those unsung
12 everyday heroes and their acts of heroism are soon
13 forgotten. Soon after City Hall, it's business as
14 usual when it's time to cut on the budget.

15 It's my job to remind you that the
16 traffic signals and stoplights alone will not
17 protect our schoolchildren in the busy
18 intersection which they navigate every day going
19 to and from school. Our children need our school
20 crossing guards to watch their backs and City Hall
21 needs to adequately provide school crossing guard
22 coverage to our schools year round. It is our
23 hope that this amendment will enable better
24 coordination between the Department of Education
25 and the New York City Police Department to ensure

1
2 that a full complement of school crossing guards
3 is available to cover regular school hours, after
4 school, summer programs in public schools,
5 private, parochial, and charter schools. This
6 coordinated effort could also ensure that school
7 sites having particular traffic problems that
8 require additional school crossing guards will be
9 properly staffed.

10 At a time when examples of
11 transparency in government are hard to find, Local
12 372 commend those City Council members who support
13 this amendment for stepping up to the plate.
14 There is no greater cause than the safety of our
15 city schoolchildren and the unsung heroes who put
16 themselves in harm's way and sometimes intolerable
17 weather conditions because they feel it is their
18 duty to protect the children. Thank you.

19 CHAIRPERSON VALLONE: Okay. Thank
20 you for your testimony, it's going to be very
21 useful to us. We're not going to ask any
22 questions just because we have a lot of people
23 signed up, but thank you for your patience.

24 SANTOS CRESPO: Thank you.

25 CHAIRPERSON VALLONE: Next panel

1
2 will be Kathleen Treat from the Hell's Kitchen
3 Neighborhood Association; Martin Treat, CHECKPEDS
4 from the same organization; and oh boy, the
5 handwriting, it looks like [off mic] from
6 Community Board 4, somebody who failed
7 handwriting, Christine, okay, thanks. It's what
8 my mother says to me, failed handwriting in
9 school. So Kathleen, why don't we start with you
10 since--

11 KATHLEEN TREAT: [Interposing]

12 Thank you, Chair. My name is Kathleen Treat and I
13 am chair of the Hell's Kitchen Neighborhood
14 Association. In our neighborhood, the Port
15 Authority rules, the Lincoln Tunnel dominates
16 every aspect of our lives, and Lincoln Tunnel
17 traffic is killing us, picking us off one by one,
18 day in and day out. Pedestrians are powerless, we
19 cannot defend ourselves. Please pass this vital
20 legislation, give us the weapon we need to fight
21 back. Thank you.

22 MARTIN TREAT: Good morning, I'm
23 Martin Treat, Kathleen married me, and I'm a
24 founder of the Clinton Hell's Kitchen Coalition
25 for Pedestrian Safety, a group just about 10 years

1
2 old and I have gone to the precincts in my
3 community, there's about four of them, and tried
4 to get traffic information, I've met the traffic
5 officers, when I call again, they don't call me
6 back and they certainly don't invite me to the
7 meetings that were described by the chief today, I
8 didn't even know about them. This information is
9 available and they won't share it. I won't have
10 to go to those community council meetings anymore
11 for that particular reason, I can spend my time on
12 other quality of life issues of the neighborhood.
13 This is one of the best ideas having this website,
14 it will save all of us advocates so much time and
15 the precincts--be strong committee, the precinct
16 should be made, the NYPD should be made to
17 cooperate. Please approve this law.

18 CHAIRPERSON VALLONE: We've done it
19 before.

20 CHRISTINE BERTHET: Hello, my name
21 is Christine Berthet, I am representing Manhattan
22 Community Board 4, of which I am the Chair of
23 Transportation. Manhattan Community Board 4
24 supports bill 120 and asks you to support it as
25 well, a local law requiring NYPD to make traffic-

1
2 related statistics. Seventy-five percent of our
3 neighbors are concerned about their safety due to
4 traffic. And rightly so, the vulnerable users
5 fatality have decreased only by 18% since 2001,
6 while car drivers and passengers have fared much
7 better, 53%. And everything is in the number,
8 that is a very different picture than the 35%
9 overall decrease that you have heard today.
10 Really the vulnerable users are... Such crashes can
11 be prevented, along with street design,
12 enforcement plays an important part in the overall
13 strategy to achieve traffic safety. Our community
14 is clamoring for more traffic enforcement and
15 protection and since it is impossible to put an
16 officer at every intersection so that everyone can
17 see them, showing activity numbers and where they
18 are doing their job is a much more effective way
19 to convey action and give a sense of safety to our
20 street users.

21 We ask, as others, that injuries be
22 reported as well as fatalities. CB4 requests that
23 the data be aggregated not only by precinct, but
24 also by Community Board. Our district is
25 currently served by four different precincts, some

1
2 of them covering large swaths of Manhattan going
3 all the way to the east side. And this renders
4 the data by precinct much less meaningful to our
5 area, which has particular challenges like many
6 Lincoln Tunnel entrances.

7 We understand that in order to
8 tally this data and present it by precinct and by
9 Community Board, NYPD will have to geocode all the
10 data at the time of data entry, meaning that data
11 will be tagged in the computer system with precise
12 location, thus making it easy to present the data
13 in any grouping.

14 In addition, we suggest that the
15 underlying data by intersections should be made
16 available to the elected officials on a quarterly
17 basis, and I was encouraged to hear that it's also
18 the law.

19 We urge you to pass this common
20 sense law as soon as possible and provide NYPD
21 with the funds necessary to implement the
22 requisite technology. Thank you.

23 CHAIRPERSON VALLONE: Thank you
24 all. The next panel will be David Shephard, Dr.
25 Jamie [pause] like Ullman, and Dr. Linda Prine.

1
2 [Long pause] Okay. This time we'll start on my
3 left. Yes.

4 [Pause]

5 DR. LINDA PRINE: That better?

6 Okay. Hi, I'm Dr. Linda Prine, I'm a family
7 physician and I work in Lower Manhattan, and you
8 have my testimony so I'm going to just emphasize
9 one little part of it which is that as a primary
10 care physician, we're trying very hard to fight
11 this obesity epidemic in New York City and one of
12 the biggest barriers for us when we encourage our
13 patients to get more exercise is their perception
14 that the streets are dangerous. What studies have
15 shown is that commuting to work by bike or by
16 walking is a much more effective way to lose
17 weight than recreational exercise, so we would
18 really like people to bike or walk to work, but
19 they're afraid to because the streets are too
20 dangerous. So I think if we're to be able to have
21 data to show them where the streets are dangerous
22 and where the streets are safe, we really need
23 this bill to go through.

24 So that's sort of where I'm coming
25 from in terms of the public health issue of

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2

obesity and trying to overcome that epidemic

3

encouraging people to walk and bike more in the

4

city by getting safer streets. Okay.

5

DR. JAMIE ULLMAN: Good morning,

6

Mr. Chairman and Council Members. My name is Dr.

7

Jamie Ullman, I'm a neurosurgeon on faculty at the

8

Mount Sinai School of Medicine where my practice

9

is focused on, among other things, traumatic brain

10

injury at our Level I trauma affiliate in Queens.

11

During the past five years I have been the

12

principal investigator on a study analyzing the

13

pedestrian injuries at our hospital, and I grant

14

you this problem is really not small.

15

I'm here today to support Intro

16

120, the Saving Lives Through Better Information

17

bill. The information that this bill would unlock

18

concerns a major safety and public health issue in

19

New York City. Being struck by a car is the

20

number one cause of accidental death for New York

21

City children under the age of 14 and the second-

22

leading cause of injury-related death among senior

23

citizens.

24

The issue is an immense one for me

25

and my trauma surgery colleagues. I've been

1
2 witness to our admissions for pedestrian injuries
3 rising to the highest number in a full decade--and
4 this is even contrary to what the accident
5 fatality data submitted by the Department of
6 Transportation--and this superseded all other
7 reasons for trauma admissions.

8 We have collected data on more than
9 1,000 patients. Approximately 7% died from their
10 injuries, on average, these patients spend 10 days
11 in the hospital, removing them from their
12 families, communities, and places of employment.
13 We found that pedestrian injury affects people of
14 all ages, from children, young adults, to middle
15 age, to the elderly.

16 Through ambulance reporting, we can
17 map incident locations to determine the hotspots
18 where pedestrians are repeatedly being struck by
19 cars, but we have no data concerning the drivers
20 and use of distracting devices, such as cellular
21 phones or whether drivers themselves were
22 intoxicated, this has limited our analysis in
23 terms of defining risk factors leading to
24 pedestrian accidents. I have and I am continuing
25 to reach out to our community regarding the

1
2 significant problem of street safety in Queens and
3 throughout New York City.

4 There are doctors and health
5 professions working in all five boroughs to change
6 this, but the lack of current information remains
7 a critical obstacle to our efforts and details
8 regarding crashes of 10,000 pedestrians and 2,000
9 bicyclists that take place each year could throw
10 the doors wide open and enable us to focus limited
11 resources on places and factors that can save the
12 most lives.

13 And that's what this is really
14 about--saving lives. Nearly 300 of our neighbors
15 lose their lives on our streets every year. The
16 health community, from trauma centers to academic
17 researchers, is becoming increasingly involved and
18 vocal about the public health epidemic stemming
19 from dangerous streets, but we cannot base this
20 work on media reporting or records that are not
21 current. We need the same steady stream of data
22 that has underwritten the New York City's
23 scientific efforts to combat violent crime. The
24 weekly reporting of injury and fatality figures
25 will help us assess trends more rapidly, isolate

1
2 areas of conspicuous danger, and determine some
3 degree of causality for the victims that come
4 through our hospital emergency rooms and other
5 health facilities.

6 On behalf of myself as a citizen of
7 this great city and a physician, along with others
8 in the health professions who are deeply concerned
9 about this epidemic of pedestrian accidents, I
10 strongly encourage the City Council to pass this
11 bill and let's put this vital data in the hands of
12 a public willing to utilize it for improving
13 pedestrian safety in our city. Thank you.

14 CHAIRPERSON VALLONE: Thank you.
15 Mr. Shephard, thank you for coming in, our sincere
16 condolences on the loss of your fiancé.

17 DAVID SHEPHARD: Thank you,
18 Chairman Peter Vallone and other distinguished
19 members of this council. My name is Dave
20 Shephard, and I'm proud to represent my fiancé,
21 Sonya [off mic] Powell, I am proud to be here
22 represent her. I'm employed as a technologist
23 here in the city for United Federation of
24 Teachers.

25 Good morning, again, my name is

1
2 Dave Shephard, I lived in the Bronx. I'm here
3 today because the bill, Saving Lives Through
4 Better Information bill, touches my life in a very
5 personal way. On November 27 of 2009--excuse me--
6 my fiancé, Sonya Elorine Vivalyn [phonetic] Powell
7 was struck and killed on Baychester Ave as she
8 returned from Christmas shopping. She was 40
9 years old.

10 The past six months have been
11 incredibly hard. What sticks with you are the
12 endless questions: How many people were injured
13 or killed on this street in the weeks, months, or
14 even years that preceded this tragedy? Was the
15 local precinct enforcing against dangerous driving
16 in that area? If so, how many tickets did they
17 issue and when? Was there ever any action taken
18 against drivers with suspended licenses, like the
19 one who killed Sonya? Was her death part of a
20 trend for this area of the city, or was it the
21 result rather of a person's callous actions?
22 These are the questions that keep me up at night,
23 and the answers are difficult, if not impossible,
24 for a person like me to find.

25 The most recent data I was able to

1
2 secure for Baychester Avenue were yearly crash
3 figures ending nearly 12 months before Sonya's
4 death and even that information took a great deal
5 of difficulty to obtain. New Yorkers should not
6 have to work to answer such fundamental questions.

7 Because the investigation into the
8 crash that killed Sonya is still ongoing, there's
9 only so much I can say here today. But let me
10 simply end by telling you that Sonya was a
11 wonderful, loving person that her family, friends,
12 and I miss every day. And none of us would wish
13 that this would happen to Sonya to happen to
14 anyone else in the city. I urge you to pass this
15 bill, so that potentially life-saving information
16 doesn't remain behind closed doors and out of
17 reach. Sonya was a loving person who touched
18 everyone that she came in contact with. She was
19 employed as a nurse and she touched people from
20 different walks of life and she treated each
21 person as if they were her own mother and father,
22 she treated them with honor and distinction.

23 We should be proud of our police
24 department, they have done a great job of
25 protecting us and we know that since 9/11 their

1
2 plate has been full. But as an information
3 technologist for over 10 years, I know that
4 providing just a little bit of information to
5 management can sometimes lead to--or oftentimes,
6 rather, will lead to innovative solutions.
7 Sometimes a company will go 10, 20, 30 years and
8 you provide management with a little piece of
9 information and they'll use that information to
10 come up with innovative ideas that they didn't
11 think about for the past 30 years of operations.

12 Also want to say that in the Bronx
13 I have heard from friends that even walking on the
14 sidewalk in the Bronx can be dangerous and we all
15 know that from the statistics provided by
16 Transportation Alternative that children 14 and
17 under, one of the biggest cause of injury and
18 death is through auto accidents. We need to
19 allocate the funds, we need to work with the
20 Council and the police department to get this very
21 critical information where it can help us to come
22 up with innovative solutions to ensure that no
23 family has to go through the pain and the
24 suffering that myself--and I also want to say that
25 Sonya's aunt is here from England, Charmaine

1
2 Stevens--would have to go through again. Thank
3 you, sir, I appreciate it, thank you, ma'am.

4 CHAIRPERSON VALLONE: Well thank
5 you all. And Mr. Shephard, I've instructed my
6 staff to make sure that you are kept up to date on
7 the progress of this bill and, again, our
8 condolences and I'm sure Sonya would be very proud
9 of you today.

10 DAVID SHEPHARD: Thank you, sir.

11 CHAIRPERSON VALLONE: Thank you
12 all. Last panel today will be made up of Virginia
13 Valenti, Mary Beth Kelly, Elaine Abrams, and Anne
14 Emerman. [Long pause] Who goes first, we're
15 going to do a wrestling match to determine that
16 today, we're going to do something a little
17 different, okay? How about you, since you're
18 sitting there ready to go? Yes.

19 ELAINE ABRAMS: I'm Elaine Abrams,
20 and I'm a victim of an accident and a victim of
21 the police department. I want you to know the
22 police department's attitude towards someone who
23 was hit by a car. The policeman who came only
24 spoke to the driver, he never spoke to me. His
25 report had two glaring errors, he did not say that

1
2 the driver made a quick turn on the green light
3 when I had the white light. I stepped off the
4 curb, the driver made a quick turn, his argument,
5 I didn't see you.

6 [Off mic]

7 ELAINE ABRAMS: The report said the
8 driver--

9 FEMALE VOICE: Deluxe.

10 ELAINE ABRAMS: --went in back of
11 me, he did not, he went in front of me. There's a
12 space for amended on the report, he would not
13 change it. He came out after a week of my coming
14 to the station to have him change it, after a
15 week, he came out and said that's the report, if
16 you don't like it, change it yourself. I wrote to
17 every city agency including Kelly, who had
18 requested the report, and every time the agency
19 sent the paper back to the 19th Precinct, who
20 again wrote to me, if you don't like it, change it
21 yourself.

22 The police department does not care
23 about pedestrian safety. The mayor wrote to me
24 and he said, cars hurt, stay alert. The cars
25 don't have to be alert, the pedestrian does. A

1
2 traffic crossing guard said to me as he was
3 turning cars into me, lady, I'm not a crossing
4 guard, I'm here to move traffic. If this is the
5 attitude of the police department and the mayor,
6 what chance does a pedestrian have to cross
7 safely? I have seen pedestrians stand on the
8 side, afraid to cross the street because of wall
9 to wall traffic, Hell's Kitchen is one place, 2nd
10 Avenue on the lower 60s another. I've seen cars
11 turn and constantly, bumper to bumper, so you
12 can't cross with the white light.

13 What we need is the police
14 department to enforce the law. Cars go through
15 the beginning and end of red lights, policemen
16 standing right there, they do nothing. Cars block
17 the crosswalk, they do nothing. We need
18 enforcement and all they have to add to those
19 numbers they have is the cause of the accident and
20 I think you'll find that many time the cause is
21 the turning. What we need is a red arrow when the
22 pedestrian has a white light so those drivers
23 cannot turn as the driver did to me. Thank you.

24 [Off mic]

25 MARY BETH KELLY: I am Mary Beth

1
2 Kelly and I'd like to testify in favor of Intro
3 120.

4 The seemingly small incidental
5 violations of traffic safety laws can be deadly.
6 I know, I was there to witness the killing of my
7 husband, Dr. Carl Henry Nacht, by a tow truck that
8 failed to yield. The driver of that truck ignored
9 a 12 square foot sign instructing him to yield to
10 pedestrians and cyclists. That specific moving
11 violation, the failure to yield, is one of the
12 highest contributors to pedestrian injury and
13 death on the streets of New York City. As a
14 result of that rather ordinary breakage of the
15 law, our family was catapulted from the enjoyment
16 of the ordinary into the abyss of the awful. We
17 are all still trying to put the pieces of our
18 lives back together, almost four years later.

19 I would just deviate from the rest
20 of my testimony as I will hand it in and you'll
21 have it, but I want to say that I was moved to
22 tears by Mr. Shephard's testimony and I appreciate
23 so much your being here, I remember the rawness of
24 being several months out from my husband's death
25 and I applaud you for being here.

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One of the things that Intro 120 can also show is not just what's happening, but what's not happening. Although the Department of Motor Vehicles suspended the license of the person who was driving the truck that killed my husband, no summons was issued at the time for the failure to yield. Now one may ask why even though policemen came to the scene quickly, more than you could possibly imagine, the answer probably lies in the fact that the NYPD tow truck was the reason. Okay?

Part of what we would also see if we could have the statistics would be what that involves NYPD in terms of traffic violations are acknowledged or not, summoned or not.

Intro 120, the Saving Lives Through Better Information bill, should be an easy ask since we know how crucial the availability of information is to the process of change. We shouldn't have to wait years after events to know what moving violations occurred in our neighborhoods right now. We need to use it now where it can be life saving knowledge. Ironically, this information is already collected,

1
2 but unlike other crime statistics, it goes
3 undisclosed.

4 I just want to close by saying that
5 if we had a SARS virus and 250 people died in New
6 York City this past year, it would be front page
7 news--and this is to the press--please make this a
8 priority, let us know who the people are and what
9 happens to the lives of New Yorkers when they have
10 been hit, injured severely, or a member of their
11 family has been killed. None of us should be
12 living with this as the epidemic in our midst.
13 Thank you.

14 ELAINE ABRAMS: I would just like
15 to add, the reason that the summons is not issued,
16 believe it or not, because the policeman did not
17 witness the accident and I said was I supposed to
18 leave the house and call the police department and
19 say, hello, come watch me get hit by a car? But
20 that is the reason that summons are not issued
21 because the police did not witness the accident.

22 ANNE EMERMAN: Good afternoon,
23 Chairman Vallone. Before coming down this
24 morning, I got a call from a Lower East Side
25 community activist and member of Community Board 3

1
2 to tell me that Harry Wieder, a member of
3 Community Board 3, upon leaving their board
4 meeting last night was struck and killed by a taxi
5 cab. Harry Wieder is a member of Disabled in
6 Action, the 504 Democratic Club, and a disability
7 civil rights advocate, a gay rights advocate, a
8 little person, he was born a midget, traveled this
9 world about three feet and a few inches above
10 ground, walking to his car using his crutches, hit
11 and killed by a taxi cab last night. I have to
12 tell you I am very, very angry and angry about the
13 resistance of the NYPD for really what I consider
14 a very relatively minor improvement to create
15 pedestrian safety.

16 Again, my name is Anne Emerman, I'm
17 a member of Disabled in Action and the Gray
18 Panthers for the last three decades. I was also a
19 member of Community Board 6 in Manhattan for 16
20 years. And that Lou Riccio identified himself, I
21 too worked in the mayor's office during the
22 Dinkins Administration as the director the Mayor's
23 Officer for People with Disabilities, and I did a
24 stint at the City Council staffing, but became a
25 full standing committee on Mental Health and

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2 Disability.

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I urge this passage, it's a wee bill as far as I'm concerned, but another increment step to creating pedestrian safety. It's a tool for Community Boards, civic groups, and local elected officials to identify hotspots and put in plans for neighborhood safe routes for pedestrians, especially seniors, children, and people with disabilities. We are buoyed by the Transportation Alternatives studies Safe Routes for Children and Safe Routes for Seniors and we applaud you for that and we are also encouraged and buoyed that it is taken seriously by this city.

If Commissioner Sadik-Khan is called a zealot for attempting to create safe pedestrian way for creating malls and safe bicycle passageways, it's a badge of honor.

Children, short persons, the elderly, scooter, and wheelchair users, and I travel about four feet above the ground are usually fall under the line-of-sight of drivers in high cab vehicles. On April the 8th, 1996, I was crossing West 21st Street at 5th Avenue, diverted

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2 my path slightly to avoid a pothole. I heard a
3 shout and turned to see an 18-wheeler tractor-
4 trailer about to strike me. What I learned later
5 was a bicycle messenger traveling behind the truck
6 saw what was happening and sped up, got the
7 attention of the driver and shouted stop, and he
8 did upon impact. I was thrown to the pavement,
9 relatively minor injuries. My wheelchair was
10 crushed. It was the day after Easter Monday and I
11 consider that the first day of my second life, a
12 kind of a resurrection, if you will.

13 I began at that point, 15 years
14 ago, clipping newspaper articles--and you have my
15 deluxe testimony there with a whole lot of
16 newspaper clippings of people in wheelchairs,
17 scooters, and walkers who were killed in traffic
18 accidents, you're going to add Harry Wieder to
19 that list.

20 I also, with Disabled in Action,
21 began to develop a campaign and it did include
22 Transportation Alternatives. Two years before my
23 incident on the street, my husband, sitting in the
24 audience, was bicycling up First Avenue at 21st
25 Street, a car door opened and threw him into the

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2 traffic lane. Miraculously, no vehicle was behind
3 him to run him over. Unlike the community
4 activist in the Bronx and a healthcare worker and
5 well-respected community member just a couple of
6 weeks ago killed by a bus that rolled over her.

7 I have many--excuse me--clippings
8 which I've used in this campaign and we actually
9 demand that DOT slow down the traffic signals.
10 Studies have been made many times over in other
11 states and in other countries. They've determined
12 that it takes an elderly person walking across the
13 street a few seconds longer and I would like to
14 see all traffic lights prolonged by a few seconds
15 to give people a chance to get halfway across the
16 street. Also to create audible traffic signals
17 and use of internationally recognized symbols. I
18 can see that both Transportation Alternatives and
19 city DOT are using the universal design components
20 of the Americans with Disabilities Act to create
21 safer passageways.

22 Much has improved. I'm a person
23 with a disability since the age of seven and a
24 wheelchair user since then. In the 1950s through
25 the 1980s, as I was a student, a worker, a mother,

1
2 and a taxpayer, I rode in the gutter with the
3 traffic. I took our 3 and 4-year-old to a
4 neighborhood nursery school riding on my lap, took
5 her to medical appointments in traffic, in the
6 gutter. I had no other choice, the only way I
7 could mount sidewalks was at curb cuts, curb cuts
8 are where cars go in and out of garages or in and
9 out of a parking lot, there were no pedestrian
10 ramps.

11 As a mom, I joined Disabled in
12 Action in 1996, and became part of that civil
13 rights movement to force government to put in
14 pedestrian ramps, public transportation. I credit
15 borough Presidents Stein and Dinkins for putting
16 monies into the DOT budget to create, to start a
17 pedestrian ramp program, 200,000 by Stein, 1.2
18 million by David Dinkins. That pushed then-Mayor
19 Koch to create a citywide program. As pedestrian
20 ramps were going up on the Lower East Side in
21 Midtown and 125th Street. We have now a
22 pedestrian ramp program, but it took a lawsuit
23 both to get public transportation and to enforce
24 the pedestrian ramp program. Hopefully, the city
25 will be totally ramped by 2012.

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2 We've made progress, yes, but we
3 have a long way to go. Gray Panthers participated
4 in the Mayor and City Council's Age Friendly City
5 initiative to make the city safer, functional, and
6 available to the booming aging population--you
7 heard statistics on that. Intro number 20 is a
8 very small step as far as I'm concerned toward the
9 goal of safety, but it's an important step so pass
10 this law. And I would like this law--I in the
11 memory of Harry Wieder. Thank you.

12 CHAIRPERSON VALLONE: Thank you all
13 and you know we can never eliminate all accidents,
14 we can obviously do better and hopefully we will
15 pass this bill in memory of everyone that we--

16 ANNE EMERMAN: [Interposing]
17 Everybody who's been lost.

18 CHAIRPERSON VALLONE: --have lost
19 so thank you--

20 ANNE EMERMAN: Her husband.

21 CHAIRPERSON VALLONE: --for your
22 patience and for testifying today. I am going to
23 enter onto the record testimony from Rosemarie
24 Perry who's the chair of Public Safety Committee,
25 Community Board 9. I need to go to a domestic

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violence roundtable with Public Advocate Bill de

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Blasio at 1 p.m., so I want to thank you all for

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remaining 'til the very end and for your help in

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passage of this bill and look forward to working

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with everyone. Thank you. This meeting is

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adjourned.

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ANNE EMERMAN: Do you have a card?

C E R T I F I C A T E

I, Tammy Wittman, 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 Tammy Wittman

Date May 17, 2010