

**Joint Testimony of New York State Senator Daniel Squadron  
and New York State Assemblymember Brian Kavanagh**

**Before the New York City Council Committees on Transportation and Public Safety Joint  
Hearing: "Proceeding with Caution - An Examination of NYPD's accident response and  
enforcement of traffic rules relating to cars, bikes, and trucks"**

**February 15, 2012**

We are, respectively, Daniel Squadron, the State Senator representing the 25th Senate District including parts of Brooklyn and Manhattan, and Brian Kavanagh, the Assemblymember representing the 74th Assembly District on the East Side of Manhattan.

We would like to begin by thanking Public Safety Committee Chair Peter F. Vallone, Jr., Transportation Committee Chair James Vacca, and their colleagues on the City Council for holding this important oversight hearing today, and for the opportunity to provide testimony.

We introduced "Hayley and Diego's Law" codified in Vehicle and Traffic Law 1146 (VTL 1146), after the tragic deaths of Hayley Ng, 4, and Diego Martinez, 3, resulting from the careless act of a van driver in Chinatown.

The law became effective in October 2010 and imposes stiffer penalties on drivers whose failure to exercise due care results in the injury or death of pedestrians or bicyclists. The penalties for the first offense include a \$750 fine, 15 days of jail time, participation in a driver safety course, suspension or revocation of the driver's license or registration, or any combination of these penalties, and a misdemeanor charge on a second offense.

Over the last year, we have been working with advocates to monitor the implementation of the new provisions and ensure that they are being used to prevent careless driving and bring justice for victims and their families when bicyclists or pedestrians are injured or killed by the acts of careless drivers.

Currently, police officers in some jurisdictions believe that the law does not permit them to issue a VTL 1146 violation unless they personally witness the accident. This drastically limits the ability of an officer to issue a violation in accidents that are clearly the result of careless driving.

After consulting with the New York Police Department and district attorneys' offices in New York City, we recently introduced a new bill - S6416/A9219 - that will address the outstanding issue of enforcement. This new legislation gives police unambiguous authority to issue a VTL

1146 summons, even if the officer was not present at the time of the accident, as long as the officer has reasonable cause to believe the violation was committed by the driver.

There is precedent for this authority in the state Vehicle and Traffic Law in cases where an individual is operating a vehicle under the influence of alcohol or drugs and is involved in an accident. When the responding officer has reasonable cause to believe that the violation was committed by such person but was not present at the time of the accident; they can still make an arrest (VTL 1194).

We believe that providing law enforcement with this additional tool is one of the surest ways to hold careless drivers accountable for their dangerous behavior. This new legislation will make our original law more effective by ensuring that officers will issue a violation when careless driving warrants one.

We would like to thank Transportation Alternatives, the NYPD, and the offices of the Bronx and Manhattan district attorneys for their support in monitoring and strengthening this law. We look forward to working with advocacy organizations, the NYPD and departments throughout the state, district attorneys, the New York City Council, and our colleagues in Albany to pass S6416/A9219 this session.

Thank you again for your leadership on this important issue.

Nicole Bergman  
85 Livingston Street, Apt. 17N  
Brooklyn, NY 11201

*\*This testimony exemplifies an inevitable result of the NYPD's rigid "dead or likely to die" rule. AIS was called to the scene of the Sept. 4, 2010 crash involving Stefanos Tsigrimanis- but AIS called off their investigation because it seemed that brain surgery might save him. The surgery was unsuccessful, and Stefanos never recovered from his comatose state and eventually died. AIS returned to the scene to search for video and draw a diagram of the crash more than two weeks later.*

*If the NYPD's policy were less rigid, the AIS may have turned up meaningful evidence that shows the cause of the crash. Instead, Stefanos' family was denied closure.*

On Saturday Sept. 4<sup>th</sup>, 2010, I received a call from my boyfriend Stefanos' cellphone. A police officer was on the other end of the line. The officer told me that Stefanos was biking, had been hit by a car, and that the injuries were very serious, but he had no additional information. The officer asked about family, and I informed him all of Stefanos' family lived in Greece.

At essentially the same time, two police officers came to my door, to tell me the same thing – that Stefanos might die, that the crash was serious, and that they had no further information. Shock and panic set in. I didn't know what to do. When I inquired what the next steps were the officers informed me that it would depend on what they heard from the officers at the scene of the accident. Soon after, they received that call and I was informed that Stefanos was not likely to die. That meant I was supposed to go to the hospital. Thankfully, the officers drove me to there, for which I remain very grateful.

Stefanos, was young (29 years old) and healthy before the crash – he was a doctoral candidate at NYU. He was transported to a hospital with a trauma center so the doctors could give him a chance by performing emergency brain surgery. The doctors were very clear: this was the best they could do, but they could not do much – although he was young and healthy, his injuries were very serious. There was a lot of bleeding and swelling in his brain.

Six hours later, it appeared clear that the surgery hadn't saved him. His condition continued to decline: he was in a comatose state, on life support, and his pupils were fixed and dilated. But, the doctors said that we should give him 24 hours – all we were waiting for was a change in his eyes. He remained on life support for three days, during which time his mother flew in from Greece. There was never any change in his eyes and his body began breaking down showing early signs of brain death – he could no longer regulate his own blood pressure or temperature. His lungs collapsed. We made

arrangements for donation of his organs. He was declared dead on Tuesday, Sept. 7<sup>th</sup> however not unplugged from life support until Sept. 9<sup>th</sup> so the organ donor organization had time to make arrangements for transplants.

More than two weeks later, I received a call from a police officer, who had just received the paperwork explaining that Stefanos had died. The officer expressed his condolences, and said they were beginning their investigation. The police officer had interviewed the driver over the phone (he had since returned to his home state of Florida, and had not been informed that Stefanos had passed away.) He also informed me that he had asked the driver for photos of his car. Later on I found out that the police travelled to the scene of the crash, where they drew diagrams of the scene, canvassed for video and tried to follow up with witnesses. Of course, at this point the whole idea of conducting an “investigation” seemed beyond pointless. In my state of grief at the time, I didn’t have the capacity to express my rage at this.

All I expected from the investigation was closure, and the two week delay cost me that. The story behind the accident doesn’t ring true to me. In addition, the concept of starting an investigation on whether or not a victim is deemed “not likely to die” by first responders on the scene is ridiculous especially considering the nature of Stefanos’ injury. He was bleeding internally – how could they know how serious it was? Who made the call that he was not likely to die? I was told later on by the brain surgeon at the hospital that with type of damage done, even in the extremely unlikely chance that he had survived, Stefanos would have been in a vegetative state – no consciousness, no memory, no more higher function, nothing.

If the “story” of the crash had been based on more than the word of the driver, and if the police had proceeded with a serious investigation regardless of the what seems to be an arbitrary designation of likeliness of death, I could have some peace of mind, but as it is I am left wondering and unable to rid myself of these feelings of injustice and grief.

**Testimony to the Committee on Public Safety and the Committee on  
Transportation**  
**by: Samira Shamoon**

I am the mother of Rasha Shamoon and I don't want any mother to go through the pain I went through.

On August 5th, 2008, our youngest daughter, Rasha Shamoon, was struck and killed on the intersection of Bowery and Delancey. An SUV hit her while riding her bicycle. She was 31 years old and still had her whole life ahead of her.

Rasha was an honors student, had two master degrees, lectured in colleges, was a volunteer, a self-taught musician, artist, and had a black-belt in Karate.

Lets talk about how poorly the NYPD handled the case:

- 1) After the first call to let us know she was injured, we received no other information from the NYPD.
- 2) The first police report to the newspapers claimed that Rasha was at fault because she ran the red light and was not wearing a helmet. Rasha was an experienced and responsible bicyclist. Her whole bike was covered in reflector tape. She would never run a red light. She always wore her helmet. Even one of the passengers of the SUV that hit her stated he saw her wearing a helmet during his deposition. That never made it in the police report.
- 3) Now lets talk about the 21 year old driver. He had a history of reckless driving with 6 violations as well as a personal injury lawsuit. Did the police check his records before letting him go home? He didn't even get a ticket!
- 4) The driver only had a breathalyzer test. Meanwhile, Rasha had blood drawn for all types of drugs as well as alcohol. All of which were not present.

- 5) The police did not bother to question anyone other than the driver and his two friends in the car. There were at least nine calls to 911 and several other witnesses. No one else was questioned.
- 6) Even the statements they got from the driver and his friends were not accurate or complete. During our civil suit we learned that the front seat passenger saw a red light and it had only turned green just as they entered the large intersection. She was not crossing on a red light.

Rasha was pronounced guilty at the scene by the NYPD. We wanted to prove her innocence. We wanted the truth and we found it in civil court. Last week a jury heard the evidence and found the driver 95% responsible for the accident that caused Rasha's death.

I did not just lose my daughter, this great country. <sup>lost her</sup> <sup>too</sup> She was a good American citizen. An incredibly talented, caring, loving, beautiful and wise soul.

**Time's Up's Testimony to City Council Joint Committee Hearing****February 15, 2012**

250 Broadway - Committee Rm, 16th Fl.

Committee on Public Safety &amp; Committee on Transportation

More than 150 pedestrians and cyclists are killed by automobiles in NYC every year. In the vast majority of these cases, the NYPD never releases the accident report to the public or the family of the victim. Many family members and attorneys have filed Freedom of Information Law requests for these accident reports, only to be told they cannot have them because the matter is under investigation. Yet consistently, years have gone by, no one has been charged for these deaths, and the accident reports have not been released.

Time's Up! has long suspected that this is because the NYPD is hiding the facts that they have not done a thorough job investigating pedestrians and cyclists killed by automobiles, and that they have not prosecuted motorists for killing these more vulnerable road users.

The case of Mathieu Lefevre proves that our suspicions were correct. Mathieu was struck and killed by a flatbed truck on the corner of Morgan and Messerole the night of October 18th, 2011. The NYPD refused to give the grieving family the accident report so they could know what happened to their child. The Lefevre family filed a Freedom of Information Law request to get the accident report. The NYPD denied their FOIL on the grounds that the case was still under investigation. But in the midst of unimaginable grief, the Lefevre family persevered. They attended public hearings and staged rallies, and their indomitable spirits overcame the NYPD's bureaucracy and obtained the information they sought. They found out that not a single photo was taken of the scene of the crime. The NYPD claims that this was because their camera was broken despite the fact that police carry phones and nearly every phone has a camera. The Lefevre family found out that the forensics team was not called to the scene of the crime. They found out that the flatbed truck that killed their son had not been inspected or taken into evidence. They found that their son's cracked helmet was left at the scene of the crime instead of being taken into evidence. They found that the police had not even issued the driver of the flatbed truck a summons for operating a motor vehicle "without due care," so why was their FOIL request denied due to a pending investigation. The Lefevre family also found out that although the NYPD had not taken a single picture of the scene of the crime, they had done background checks on their family members and taken dozens of photos of them at rallies and hearings that they had attended to find out the truth about what had happened to their son and what the NYPD was going to do about it. This is a clear example of the NYPD's modus operandi around pedestrians and cyclists killed by automobiles – to withhold the accident reports from grieving families, fail to prosecute motorists, and independently investigate anyone who seeks the truth. Well, the Lefevre family is here to tell the NYPD that they are not going to do this to their family or any other family that is victimized by the actions of motorists and the NYPD. And Time's Up! is here to support them.

We are here to call on the city council to pressure the NYPD to fully investigate cases in which pedestrians and cyclists are killed by automobiles, to release those investigations to the families of the victims, and to prosecute motorists who kill more vulnerable road users to the full extent of the law.

This city council, and especially it's Transportation Chair, have spent the last year opposing the implementation of bike lanes which are proven to save the lives of pedestrians, cyclists, and motorists alike. We are imploring you to reevaluate the focus of your work, and to fight to save lives instead of put them in jeopardy. Every cyclist knows that we are treated like second class citizens when we use streets in NYC. Automobiles do not behave with due care. They often jeopardize our lives, and all too often, they take them. We believe this is largely because their behavior is nearly condoned by the powers that be by not investigating and prosecuting motorists who violate traffic laws, especially when those violations kill pedestrians and cyclists.

Lastly, we would like the council to consider writing new legislation for motorists who do kill pedestrians and cyclists while driving "without due care." This is currently only a summons-able offense, not a criminal one. If killing a pedestrian or cyclist is considered driving "without due care" then clearly more care needs to be given. Drivers need to be more aware of the consequences of their actions, and they will not do so if the law continues to consider their deadly lack of care some kind of mistake. Besides driving without due care, there is no other means by which someone could accidentally kill another human being and only be given a summons. We need to close this deadly loophole in the law for the safety of all road users.

In many other countries and even in other states in this country, there are much stricter laws for automobiles. Motorists are required to anticipate the presence of pedestrians and cyclists and are held accountable for any collision with these more vulnerable road users. These laws eliminate the idea that any deadly action while behind the wheel of a car can somehow be considered a non-lethal accident. If people are going to operate a vehicle that has the ability to kill, they should do so responsibly enough that there is no chance they ever will kill another human being. And if they don't operate those vehicles responsibly enough, and a life is lost, the law should hold them accountable.

Sincerely,

Time's Up!

Human Services Club  
Joins Forces with the  
Sociology Club

Thursday

January 23rd

1:15 PM Free Pizza

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Everyone is welcome!



**Statement of Erika Lefevre**  
**Joint Hearing of the New York City Council Public Safety and Transportation Committees**  
**February 15, 2012**

Every police car in New York City is emblazoned with three basic promises the New York Police Department makes to this city: courtesy, professionalism and respect.

Last October, my 30 year old son — Mathieu Lefevre, a promising artist living and working in Williamsburg — was run over and killed by a truck driver. The only person the NYPD showed courtesy, professionalism and respect towards was the driver who ran over Mathieu.

The way New York City treats traffic violence and its victims must be reformed. The driver claims not to have realized he killed my son — even though the driver ran over him with his front driver's side tire, leaving blood on the driver's side of the front bumper, and dragged my son's body and his bicycle 171 feet before leaving them on the side of the road and driving on.

From the moment we arrived in New York City to learn what happened to our son, NYPD investigators gave us the run around. The press printed blame-the-victim articles about the crash that were attributed to unnamed "police sources." We led public protests demanding accurate information, but received no response. Our demands to NYPD under the Freedom of Information Law were improperly denied. Months passed while we sat in a painful limbo, not knowing how our son died or who was responsible.

On January 20 — three months after the crash, on the eve of a court hearing to compel the NYPD to respond to our requests — the NYPD finally released its investigative file. We were appalled. The NYPD had failed to bring a working camera to the crash scene, so there were no pictures of the scene (although, disturbingly, they gathered pictures of our family protesting its intransigence). They failed to preserve critical pieces of evidence, like my son's blood and helmet. The NYPD relied on the driver's statements and reactions to the crash as dispositive evidence that he did not know he had hurt someone — exonerating him of criminal charges. Adding insult to injury, they informed the driver of the results of the investigation immediately but waited weeks before telling us.

Most baffling of all, the NYPD claims their conclusion was based on a surveillance video that contradicts the very sequence of events described in the police report. It's frustrating beyond description to be handed videotape that supposedly shows the death of our son, watch it over and over and yet never see the events the authorities claim it shows.

The NYPD's investigation raises more questions than it answers: Why did NYPD gather photos of me protesting at One Police Plaza, but gather none of the scene of the crime? Why was our son subjected to toxicology tests, but not the driver? Why were we denied timely results of the investigation? Why did the police accept the claimed ignorance of a driver who ran over Mathieu and his bicycle with the front driver's side of his truck, dragging them for more than half the length of a football field? Why did police make up a story about how my son died, blaming him for his own death?

The case is now in the hands of the Brooklyn District Attorney's office. The DA is conducting an independent review to determine whether the charge of fleeing the scene, or perhaps something more serious, is appropriate. Despite the NYPD's bungling, there is ample evidence of the driver's recklessness for the DA to consider: the driver turned without signaling; he ran over our son with his front

driver's side wheel; he dragged a body and a bicycle many yards while barreling up Meserole Street against the flow of traffic.

The driver should be charged with knowledge that a collision occurred. We hope the Brooklyn DA will agree. Laws are created to protect. They serve no purpose if they are not enforced.

The loss of our son is devastating. Our dealings with the NYPD have made that loss even more painful. The NYPD must take traffic crime seriously, instead of trivializing it. We and the families of the other hundreds of people who die in New York City traffic each year deserve competent and unbiased investigation by the police. Or put another way: courtesy, professionalism and respect.

For more information please check this link: <http://tracysooming.com/mathieu/>

Statement of Steve Vaccaro

Joint Hearing of the New York City Council Public Safety and Transportation Committees

February 15, 2012

Good morning. I'm a lawyer who represents cyclists and pedestrians injured in crashes. I've served for two years as the Chair of Transportation Alternatives' East Side Volunteer Committee, and I've been bicycling in New York City since high school.

My client Erika Lefevre has explained some of the problems with NYPD's investigation of her son Mathieu's death. I'd like to focus on three practical ways to improve NYPD's response to traffic crashes: *First*, require the Accident Investigation Squad, or AIS, to investigate a broader range of cases. *Second*, improve AIS transparency and accountability. *Third*, give police officers authority to issue summonses in clear cases of dangerous driving — even when the officer doesn't witness the violation.

1. At present, AIS is deployed only in cases of actual or likely fatality — even though no other NYPD unit is specially trained to investigate crashes and determine whether traffic laws were broken. That's according to the NYPD Patrol Guide, section 217-02 sub 3.

The Tsigrimanis case, which you've received a written statement about from Nicole Bergman, shows the problem with this approach. In that case, AIS initially responded, but then *closed* the investigation when a doctor advised that the victim would live. Tragically, the victim died three days later, but AIS didn't return to the scene to look for witnesses and videotape evidence until 5 *weeks* later. Not surprisingly, they found nothing. So AIS adopted the driver's story of what happened in the crash, and blamed the victim.

Vehicle and Traffic Law Section 603A requires that a full-scale AIS-style investigation be made in all cases of fatality *or* serious physical harm. The NYPD patrol guide ignores this statutory mandate. As a result, many families have been denied a proper investigation. Chairmen, please make sure AIS gets the direction and the resources it needs to fulfill this statutory mandate.

2. AIS needs more transparency and accountability. It is clear to me that AIS carries out its work with an unhealthy secrecy, and is oversensitive to public scrutiny. As the lawyer for the Lefevres, I received repeated inappropriate requests from AIS officers to stop my clients from publicly criticizing the NYPD. When NYPD finally granted our FOIL request, we learned AIS had been compiling a dossier of sorts on us. Some of the material AIS had collected concerned my own activities on behalf of other clients back in August, which had absolutely nothing to do with the death of Mathieu in October. Why did traffic crash investigators gather this material?

As Louis Brandeis famously said, “sunlight is the best disinfectant.” You can help bring sunlight to the AIS in two ways. First, have the AIS conduct periodic meetings with the public, just the way that local precincts conduct monthly community council meetings. AIS units should be open to public scrutiny and comment, just like precinct commanders.

Second, NYPD should not categorically refuse to share investigative materials until after the crash investigation is closed. As long as a disclosure does not interfere with an investigation, the disclosure of evidence should be made, with appropriate redactions to protect victims’ privacy. NYPD’s practice of withholding crash materials is legally unsupportable and has caused the Lefevre family, the Dershowitz family and many other families of crash victims much unnecessary grief.

3. My final point is that police officers should be allowed to issue summonses for dangerous traffic violations even if they don’t witness them, *if there is clear evidence*. At present, a non-AIS police officer can’t issue a summons for a violation he or she didn’t see. So Diego and Haley’s Law and Elle’s Law, which have already been mentioned, aren’t being enforced except in fatality cases, because only AIS can enforce them.

One of my clients was hit while cycling in a bike lane by a livery driver making an illegal U-turn. Luckily her injuries were not life-threatening. She took this picture of the car exactly where it stopped after the crash. The front end is in the bike lane and the rear end is on the painted median. You don’t need forensic training to know this driver broke the law.

The police came to the scene. They saw where the car was and they took the driver’s statement. The driver *admitted to making the illegal U-turn*. But because the police didn’t witness it, driver wasn’t even ticketed. Isn’t an admission of wrongdoing enough to issue a summons?

NYPD can do much more to make our streets safer, with the resources it has, if officers are permitted to ticket for dangerous conduct based on clear evidence like this. NYPD focuses too much on the numbers of summons, and the amount of revenue generated, and not enough on the efficacy of the summonses in making streets safer. If the policy is to promote safety, better to issue one ticket for a truly dangerous violation, than issue ten “gotcha” tickets for technical violations.

**Ben Shepard**

PUBLIC RECORD

**From:** "Matthew Arnold" <marnoldtk@yahoo.com>  
**To:** "Ben Shepard" <benshepard@mindspring.com>  
**Sent:** Tuesday, February 14, 2012 3:40 PM  
**Attach:** Bike rant -- MA.doc  
**Subject:** Bike rant

Hey, Ben, thanks for delivering this. Sorry it's so long -- no time to edit!

Dear Council Members—

A couple years ago, when the bike lanes were being put in in the East Village, where I live, I started biking to work. Everyday. It was a revelation. It was just so liberating to be experiencing the city, at street level, for an hour every day during the workweek, getting a little sunlight in the winter months, getting a little exercise which would otherwise be denied me, a mouse potato and cube rat. Soon I persuaded my wife to give it a try and, after overcoming some initial reluctance over safety concerns, she became an avid cyclist, too. We both had our bikes fitted with special seats for our five-year-old son.

So now we bike him to school every morning. It's a short ride – just 10-15 minutes across the East Village, and we're able to use the painted lanes on Ave. A and cut through Tompkins Square Park, but I'm nonetheless frequently buzzed – within several inches – by motorists lurching around us, often at pretty high speeds. This is with a small child quite visibly on the back of my bike. I also frequently have to leave the lane to get around the many cars that park in the bike lane with seeming impunity.

If motorists don't respect the bike lanes, which many weave in and out of, they surely don't respect cyclists' trespasses into \*their\* lane. Motorists, including many cabbies and car service drivers (especially the car service drivers), don't think twice about racing out in front of me and then cutting me off with a sudden, unannounced left turn – which, I know from reading the DOT's data, is exactly how many of the most severe bike/car collisions happen.

At night, when I pick my son up, if it's dark out, I'll walk him home. I don't dare ride those streets at night with him. It's like an automotive Wild West out there, and riding narrow, deeply rutted Ave. B is too often a near-death experience even during the day, for all the cars jostling to get past you.

After I drop off my kid at school, I commute to work in Chelsea. Sixth Avenue, around 23<sup>rd</sup>, is like a live action Frogger game – very fast-moving traffic, doors flung open from both sides without warning, cabs darting in and out of the painted bike lane and no margin of error should a cyclist take a spill.

Usually I go across 9<sup>th</sup> Street to the 8<sup>th</sup> Ave. protected lane, which is great, but getting over there is always a little nerve-wracking, even though there's a ton of cyclists even in the dead of winter. When I turn off at 26<sup>th</sup> and bike the remaining two blocks to my office (which, it happens, is right next to Transportation Alternatives), I must navigate heavy, backed up and often hostile car- and truck traffic.

Even downtown, where we have good uptown-downtown protected lanes on both the east and west sides, there's no good way to get across. We desperately need protected crosstown lanes. We need more protected lanes all around.

And we need a very different driving culture. Part of that is going to have to come from enforcement. It's funny – I had noticed, over the first 20 or so months I biked, a real improvement in how drivers and

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**STATEMENT OF**

**DEPUTY CHIEF JOHN T. CASSIDY  
EXECUTIVE OFFICER  
CHIEF OF TRANSPORTATION  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON PUBLIC SAFETY AND TRANSPORTATION  
FEBRUARY 15, 2012**

**Good morning, Committee Chairs and members of the Council. I am John Cassidy, Executive Officer of the Transportation Bureau of the New York City Police Department. With me today is Deputy Inspector Daniel Mulligan of the NYPD's Patrol Services Bureau. On behalf of Police Commissioner Raymond W. Kelly, we are pleased to be here today to discuss the Police Department's response to traffic accidents and our enforcement of traffic laws and rules.**

**The New York City Police Department plays a crucial role in developing effective strategies and targeting enforcement efforts which serve to encourage safe driving, and to hold those who abuse their driving privilege accountable. Working with our City partners, and in particular with the City's Department of Transportation, we saw in 2011 an all-time record low in traffic fatalities, which numbered 241, a 39% decrease from the 393 traffic fatalities suffered in 2001. This decrease holds true for traffic injuries as well, with a steady decrease over the last decade of 39%, since 2001. But, of course, we know that one death, or one injury, on the City's roadways is one too many. Therefore, we would like to describe for you the ways in which the Police Department focuses its attention and resources on issues of traffic safety. We note that our initiatives and strategies are constantly evolving, in order to address changing conditions and respond with appropriate measures to improve safety.**

**We would first like to describe the structure in place in each precinct for the analysis of overall traffic safety, including the presence of accident-prone locations. Every patrol precinct has a Traffic Safety Team, composed of the Precinct Executive Officer, Platoon Commanders, Training Sergeant and Traffic Safety Officer. This team is responsible for the development and implementation of the precinct's Traffic Safety Plan, as well as for amending the Plan as conditions change. The primary objectives of the Plan are the reduction of accidents, injuries and fatalities to motorists, bicyclists and pedestrians, and the efficient flow of traffic through the command.**

**The Traffic Safety Team is tasked with identifying accident-prone locations, determining to the degree possible the factors contributing to the accidents, and developing strategies to address problem locations. Corrective actions to address the identified local conditions may include targeted enforcement, public education, the sharing of information with other commands and outside agencies via Traffic Intelligence Reports, and consultation with the City DOT regarding possible engineering changes. A key member of the Traffic Safety Team is the precinct's Traffic Safety Officer, whose sole function is to**

monitor and address traffic conditions in the precinct, including ensuring the accurate completion of accident reports and the identification of accident prone locations. In addition, each Patrol Borough has a Traffic Safety Coordinator whose role is to coordinate and support the efforts of the precinct Traffic Safety Officers and Traffic Safety Teams. At both precinct and borough levels, the Traffic Safety Officers and Coordinators maintain close working relationships with the DOT's Borough Commissioners, Precinct Community Councils, and other government agencies.

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

At the most basic level, the work of the precinct's Traffic Safety Team depends on the patrol officers who respond when traffic safety has been compromised by a vehicle accident. Patrol officers are responsible for conducting a preliminary investigation, culminating in the preparation of a Police Accident Report. Accident reports are prepared by police officers who in the vast majority of cases did not observe the accident, yet are tasked with determining to the best of their ability, through observation and interviews of parties and witnesses, the cause of the accident. It should be remembered that vehicle accidents may be attributable to a variety of causes including unavoidable circumstances, weather, equipment failure, or the negligence of a driver, pedestrian, or bicyclist. Officers must assess the potentially self-serving accounts of parties to the accident, and may not be able to make a definitive judgment regarding contributing factors or fault. If they determine that there is probable cause to believe that a misdemeanor or felony was committed by one of the parties, the responding officers may make a summary arrest, but in many instances the facts, and fault, are not sufficiently clear to establish probable cause that a crime was committed. In cases where the officers suspect that a crime was committed but are not sure that the probable cause standard has been reached, they will contact a supervisor who will confer with the Department's Legal Bureau, to determine whether an arrest may be made.

For accidents which have resulted in a person being seriously injured and likely to die, an enhanced response to the accident is immediately deployed by the Highway District and the Accident Investigation Squad, or AIS. Their role is to utilize their special training to conduct a more comprehensive investigation, employing a variety of techniques in order to establish speed, analyze skidmarks and other physical characteristics of the accident scene, and in essence reconstruct the accident, so that a more definitive cause, possibly resulting in criminal charges, may be determined. It is very important to note that before a case investigation is closed, the local District Attorney's Office is routinely consulted, with the DA determining whether criminal charges may be brought.

If the DA does not find that criminal charges are warranted, the AIS is still empowered to issue summonses for the traffic infractions its investigation reveals, including speeding, failure to exercise due care, failing to stop at a red light, etc., even



though under normal circumstances a traffic violation would have had to be personally observed by the issuing officer. This exception to the general rule is made based on the experience and expertise of the AIS. In addition, where a moving violation such as speeding has been established by the AIS, it is also their policy to issue a companion summons for the failure to exercise due care, pursuant to Vehicle and Traffic Law Section 1146, since the law was strengthened in October of 2010 to include higher penalties when the operator causes physical injury or serious physical injury.

On a Citywide level, the Department is co-located with the City DOT in the Traffic Management Center, the nerve center for monitoring of traffic conditions through the City's network of closed circuit television cameras. This partnership provides an opportunity to observe, in real time, locations where police attention may be needed, and to work together to address both short-term and long-term needs to keep traffic flowing safely in the City. The Traffic Management Center collects and disseminates accident statistics, exchanges accident data with City and State DOT, and coordinates construction projects and their impacts on the City's streets.

As you may recall, a critical part of our traffic safety effort is embodied in the Chief of Transportation's weekly TrafficStat meeting, where all of the Department's strategies and initiatives are coordinated and monitored. TrafficStat brings together all affected Police Department commands to discuss, in depth, the traffic conditions in a particular Patrol Borough. TrafficStat meetings are led by the Chief of Transportation, Chief James Tuller. Department data is supplemented by the fact-finding and experience of our operational personnel, in order to thoroughly analyze local conditions and take steps to improve them, whether it be through targeted enforcement, engineering changes, policy initiatives, public education, or a combination of all of these techniques. Representatives of the City and State DOTs, the Taxi and Limousine Commission, the TBTA, New York City Transit, and MTA Bus Operations participate in the TrafficStat meeting, and work closely with us to make recommendations, implement suggestions, and institute changes coming out of the dynamic TrafficStat process.

Both at TrafficStat and at the precinct level, special attention is paid to ensuring that enforcement efforts are focused on hazardous traffic violations. In 2011, the Department issued over one million summonses for moving violations, with more than half of them falling into four categories: using a cellphone, disobeying a sign, failing to wear a safety belt, and speeding. With specific regard to truck enforcement, our specialized truck enforcement units issued 14,962 moving violation summonses and 10,415 Criminal Court summonses to truck operators in 2011. Further, our emphasis on enforcement of the laws and rules applicable to bicyclists resulted in the issuance of 13,743 moving violation summonses and 34,813 Criminal Court summonses to bicyclists in 2011.

We appreciate the opportunity to discuss the Police Department's continuing efforts to make New York City's roads safe for everyone using them, and we will be pleased to answer your questions.

## **Testimony before the Committees on Public Safety and Transportation**

Chairman Vallone, Chairman Vacca, Members of the Committees: my name is Carol Waaser. I am a pedestrian and a cyclist. I serve on the Board of the New York Cycle Club, a membership organization of over 2,000 cyclists in New York City.

Thank you for holding this hearing. The streets and sidewalks of New York have always been chaotic places where laws are observed more often in the breach. As a pedestrian or cyclist, you have to be aggressive and "take your space" or you'll be run down by the aggressive New Yorker coming along behind you, whether she be another pedestrian, a cyclist or a driver hell bent on making the next light. Yes, pedestrians flout the law as readily as any. (Wouldn't it be interesting to see what would happen if the Police began enforcing the law against pedestrians jay-walking?)

But police enforcement can change behavior. A year ago the NYPD began a campaign to target cyclists who ran red lights. Yes, we hated it; but the campaign has changed the behavior of most responsible cyclists (and even a few delivery guys). Now we need the police on our side. Drivers are reckless with impunity and until there is enforcement of laws such as "failure to yield" or "reckless endangerment" they will continue to kill and maim both pedestrians and cyclists, who are vulnerable road users.

Up to now I have lived a charmed life. I have managed to escape the onslaught of near-misses from drivers making illegal U-turns, drivers turning right without yielding as I cross the intersection, distracted drivers veering too close to me because they're on the cell phone and are distracted from actually seeing what's on the road. A number of my friends have not been as fortunate.

I was leading a ride recently with a group of twelve cyclists. As we approached an intersection in the Bronx and stopped at the stop sign, I cautioned the group to cross individually during breaks in the traffic and we would regroup on the other side of the

intersection. I went through and stopped; then I heard someone yell, "He hit her!!" A driver going the same direction as my group had come to the intersection and made a right turn, hitting a cyclist. Fortunately my friend was not seriously injured, but her bike was damaged. The responding Officer refused to issue a summons to the driver, who had said, "I didn't see her." Twelve brightly dressed cyclists were lined up single file at a stop sign and he didn't see us! When pressed to issue a summons for failure to yield, the Officer stated dismissively, "It was an accident." No, Sir, it was not an accident. It was a reckless, distracted driver failing to yield to the cyclist going straight at the intersection.

Until the police start issuing summonses to drivers who hit pedestrians and cyclists, we will continue to see an unacceptable number of deaths and serious injuries. An inattentive driver's excuse of "I didn't see her" must no longer elicit a police response of, "Oh, well that's okay, then. If you didn't see her, it was just an accident. And if you didn't kill her intentionally, then there's no charge." It is the responsibility, the obligation of every driver to be fully aware of everything happening on the road as he is driving. It should be a criminal offense for a driver to be impaired for any reason – not just intoxication, but also impaired driving from inattention and distraction. And it must be enforced by the NYPD.

Thank you for pursuing this investigation.

## **Testimony before the Committees on Public Safety and Transportation**

Chairman Vallone, Chairman Vacca, Members of the Committees: my name is Ellen Jaffe and I am President of the New York Cycle Club, a 76 year-old membership organization of over 2,000 cyclists and one of the largest such cycling clubs in the country.

We applaud you for holding this hearing.

The streets and sidewalks of New York have always been a Darwinian survival test due to the sheer density of New York's cars, bicycles and pedestrians.

New Yorkers love to shave a few seconds off their travel time. Drivers run red lights, make U-turns, open car doors without looking and fail to yield where they should; cyclists ignore pedestrians; and pedestrians surprise cyclists by popping out between parked cars into their paths.

This toxic mix of fast moving motor vehicles with walkers and bicyclists at such close quarters has too often made our city streets dangerous for the more "vulnerable users", namely cyclists and pedestrians.

Further, it is a fact that motor vehicle drivers in New York City are allowed to be reckless with impunity.

We, "vulnerable users", need the police on our side now.

Presently, no matter the degree of carelessness on the part of the driver, a crash involving a bicyclist and car is almost always labeled an 'accident', even if it results in serious injury or death.

Summones are almost never issued by the responding Officer nor are drivers cited for reckless endangerment, no matter if the driver was texting, or making an illegal turn, or distracted or on the phone.

And rarely is a complete investigation done to learn the true cause of the crash.

The astonishing lack of consequences to driver-on-cyclist crashes has created an environment in which careless driver behavior perpetuates itself unchecked.

In a city encouraging bicycling as a viable and sustainable mode of transport, a city about to see 10,000 shared bikes on its streets, this lack of consequences for careless motor vehicle drivers must be addressed.

We need a paradigm shift in the way drivers perceive their responsibility behind the wheel.

New York City Council Committees on Transportation and Public Safety

*Proceeding with Caution – An Examination of NYPD’s accident response and enforcement of traffic rules relating to cars, bikes, and trucks*

Testimony: John Petro, Policy Analyst for Urban Affairs  
Drum Major Institute for Public Policy  
February 15th, 2012

My name is John Petro, and I am a policy analyst with the Drum Major Institute for Public Policy. About 16 months ago, I began researching the subject of traffic safety in New York City and published my results last June in a report called *Vision Zero: How Safer Streets in New York City Can Save More Than 100 Lives a Year*.

Saving over 100 lives a year is something that I think everyone in this room can support. But for some reason, we seem to accept traffic fatalities as something inevitable, something that we as citizens or as policymakers cannot control. But this is not true. Other cities have cut traffic fatalities in half—some in as little as six years. I’ve found that there are proven methods to reduce them, to stop the needless death and pain, and to eliminate this very serious threat to public safety. Cutting fatalities in half is an important goal: that’s how we can save over 100 lives a year.

Traffic crashes are a very serious threat to public safety. It is the number one cause of injury-related death among children under 14 and the number two cause of injury-related death among New Yorkers of all ages. In fact, traffic crashes pose the same level of threat to public safety as gun murders. Over the past ten years more traffic-related incidents have been recorded as the cause of death by the New York City Department of Health than firearm-related homicides.

Every 35 hours, one New Yorker is killed in a traffic incident. In other words, they were killed while simply trying to get from point A to point B.

All of us in this room are responsible for whether or not traffic incidents occur—we all use the city streets in one way or another. But those that engage in dangerous driving are especially responsible. In New York City, speeding is the number one cause of fatal traffic crashes.

Policymakers are also responsible for whether or not traffic fatalities occur on the scale that they do. There are proven methods to reduce traffic fatalities in urban areas. Most seek to ensure that motorists don’t exceed 30 miles per hour. Where pedestrians and bicyclists are present, keep automobile speeds between 20 and 30 miles per hour and your fatality rates will drop.

That’s why bike lanes reduce fatalities. They tend to prevent drivers from speeding. That’s why widening sidewalks at intersections works: they cause drivers to slow down to legal speeds, to observe pedestrians and others as they make a turn. These methods have proven to work in academic studies and in journals of medicine and injury-prevention in the cities that have tried them.

That's why these policies should have the broad support of the elected officials in city government: they save lives.

Cities that have widely adopted 20 mph zones have seen traffic fatalities drop. Berlin in Germany—the home of the Autobahn—has converted 70 percent of its road network to 20 mph zones. It also has a traffic fatality rate half of New York's. This is where the report gets its name: if New York had the same traffic fatality rate as Berlin, Paris, or Tokyo we'd save over 100 lives a year.

The enforcement of traffic rules is also critical for the prevention of traffic fatalities. Most fatal crashes are not just accidents—drivers often choose to engage in risky behavior like speeding that contribute to fatal crashes. However, without the expectation that traffic laws will be enforced, they will routinely be broken. For example, one study of 13 city intersections found that 39 percent of the drivers were speeding.

One effective enforcement method is the use of speed cameras, which have been proven to reduce speeding, crashes, and injuries. Cameras are especially beneficial when you consider that they use few police resources—officers are not diverted from other tasks. Speed detectors—especially mobile units because otherwise drivers simply learn the location of fixed cameras—give drivers the expectation that enforcement may occur anywhere and at any time.

What else could the NYPD be doing to help reduce traffic fatalities? The department could focus on reducing the incidence of dangerous speeding by setting benchmarks and targets. For instance, the NYPD could work with the Department of Transportation to set targets to reduce the number of drivers that exceed the speed limit by more than ten miles per hour: a reduction by 50 percent over five years, for example.

More generally, traffic crashes need to be treated with the same seriousness as other incidents that cause injury and death. For example, the difference between the investigations into the elevator incident from last December—in which a woman was killed—and the traffic crash that killed Mathieu Lefevre could not be more different. In the case of the elevator incident, the city's response was swift and firm: the Department of Buildings quickly inspected all 650 elevators owned or maintained by the company involved, and the Manhattan District Attorney's office also launched a criminal investigation into the botched maintenance work. It was a horrible incident necessary of a thorough investigation.

The question I would like to leave before the committee is this: why are traffic crashes treated much less seriously? Through careful street design, through targeted enforcement, and by changing the culture that accepts traffic death as a part of every day life, we can dramatically reduce the number of fatalities that occur on the city's streets nearly every day.

Thank you.

To: NYC City Council  
From: Adam D. White, Esq.  
Date: February 14, 2012  
Subject: NYPD crash investigations hearing

I am an attorney who for fifteen (15) years has specialized in representing injured bicyclists seeking compensation for their injuries. Most of my cases involve collisions between bicyclists and motor vehicles. I most recently had the honor of representing the family of Rasha Shamoon who was so tragically killed as a result of the negligence of young driver who somehow had neither learned a lesson nor had his driving privileges suspended despite having 6 convictions in the prior 18 months concerning the negligent operation of his motor vehicle including two (2) for speeding and one for talking on a cell phone. At his deposition and on trial, the defendant driver admitted that he did not see Rasha before the collision even though she had crossed 3 southbound lanes of traffic on Bowery and 1 northbound lane before he struck her with the front driver's side corner of his car and dragged her some distance along causing damage to the entire driver's side of his Land Rover SUV, the fact that the intersection was well lit, and the fact that Rasha had wrapped her entire bicycle in white reflective tape. Based upon the police's MV-104 and AIS investigative report, not of this was deemed significant enough to even mention. While I'm happy to answer any questions the Council has about the case, the rest of my statement does not address concerns about the way police handle bicyclist accidents that result in death as this has already amply been addressed by the family of Mathieu Lefevre and their attorney as well as members of the Shamoon family.

**NYPD NEEDS TO CHANGE ITS POLICY OF NOT REPORTING INFORMATION ON NEGLIGENT DRIVERS WHO CAUSE ACCIDENTS JUST BECAUSE THERE IS NO CONTACT BETWEEN THE MOTORIST AND THE BICYCLIST**

I would like to address the NYPD's express policy of not utilizing the MV-104 accident report when a bicyclist is injured as a result of a negligent motorist but when there is no contact between the bicyclist and the motor vehicle. In such situations, despite the cyclist having sustained sometime very significant injuries, the NYPD write what is called an "Aided" report which typically consists of nothing more than a one or two sentence description that the cyclist basically fell off of his bicycle and was injured. In such a situation, rarely if ever is there any mention that a motor vehicle was involved. This has happened countless times to clients of mine who are not only left without any recourse to obtain compensation from the negligent driver's insurance company, they are left being unable to file for No Fault benefits from the driver's insurance company and, if they are uninsured as many of them are, they are stuck with substantial hospital and medical bills and/or the inability to obtain necessary medical treatment for their injuries. Often public hospitals such as Bellevue are left having to absorb the substantial costs of emergency medical treatment that should be borne by the driver's insurance company.

The types of accidents mostly involve cases where a cyclist has had to swerve to avoid a car door flung open into his/her path or when a cyclist has had to swerve to avoid a motorist making a sudden turn towards or in front of the cyclist. However, one recent case involved a motorist who was driving recklessly and aggressively in Prospect Park when the park was closed to private vehicular traffic. My client swerved to avoid the motorist who was bearing down on him and fell sustaining serious injuries. As was reported to me by a bystander who witnessed the whole incident, several NYPD cars promptly responded to the scene while he was there along



with several other witnesses. He observed the cyclist get put into an ambulance and the police speaking with the driver of the car who purportedly was issued a summons for unauthorized driving in the park. Nevertheless, no MV-104 accident report was prepared. The NYPD only wrote an "Aided" report that simply stated that the cyclists lost control of his bicycle and fell. There was no mention of the car nor was there any information about the driver or owner of the car that would enable the cyclist to obtain the owner's No Fault insurance information in order to get No Fault coverage to pay his medical bills and receive further treatment as he should have been entitled to had the police properly taken down the motorists information and included it in their report. Presently, while I am still trying to obtain the driver/owner's information from the NYPD, my client, who is uninsured, is having great difficulty getting any let alone proper medical treatment.

I experienced first hand this NYPD policy when an NYC DEP truck suddenly and without warning turned in front of my across the bicycle path on Tillary Street. To avoid a collision, I had to brake hard causing me to be thrown over my handlebars injuring my right arm. The truck briefly stopped and I was talking to the driver when the police arrived. While I was holding my bloody arm upright, I told the police that the driver would not give me his insurance information. After telling them that there was no contact, they told me that if there was no contact that the other vehicle was not "involved" according to them and that they would not get his information or any insurance information. I was dumbfounded and asked to speak with a commanding officer. A short time later a commanding officer showed up and repeated the NYPD policy that if there is no contact the other vehicle is deemed to be not involved and they only take down an Aided report that does not include any information on the driver, owner or their insurance company. I tried explaining to them that I did this for a living and that I was

entitled to the driver's No Fault insurance information and they told me point blank to get it myself. Needless to say, the driver did not cooperate and I had to flag down an incredulous bystander who lent me his camera to take a picture of the motorist's license plate before he left the scene.

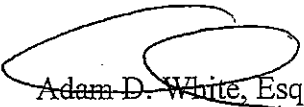
Many of my clients have not been as fortunate by having suffered more severe injuries including being knocked unconscious and have never been able to ascertain any information on the negligent motorist.

I have no idea the source of this policy but it continues to exact a terrible toll on innocent accident victims who detrimentally rely on the police to obtain basic information and are left without any recourse because of the police's failure to do so. This is a problem that can and should be easily remedied by the NYPD. I implore this Council to assist in getting the NYPD to change this policy.

I would be more than happy to provide the Council with names of several accident victims who have been affected by this policy after obtaining their consent which many have already told me they would be happy to do.

Thank you for your consideration.

Respectfully submitted,

  
Adam D. White, Esq.  
225 Broadway, 13<sup>th</sup> Floor  
New York, New York 10007  
212-577-9710

# FOR THE RECORD

## UGLY, BUT TRUE: Police Failure to Police.

Testimony to the New York City City Council Public Safety Committee  
February 15, 2012

Richard Rosenthal  
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Valentine's Day is clearly over, as my testimony will make clear.

I must disagree with my fellow cycling brethren here.

I moved to New York City from the automobile capital, Detroit, in 1965. Since then, in all that time, not one cyclist, and, in fact, not one person has been killed, much less injured by a car, truck, cab, bus, or sanitation truck. Not one. They don't; they can't; they're inanimate.

Unfortunately, many thousands *have* been killed by car, truck, taxi, bus, and sanitation truck *drivers*.

So, beginning today, let us—you, the police, the press—use more precise language in reporting the killing of cyclists and pedestrians. Let's no longer say they were killed by cars, etc. They are killed by drivers. Let's say it.

Probably the most common profession of killers of cyclists are sanitation truck and bus drivers. You see them break driving laws many times every day. Have any of you—any one of you—ever once seen a sanitation truck or bus driver ticketed.

And who were some of these cyclists killed by drivers?

July 12, 1997, Dr. Rachel Fruchter, 57, a graduate of Oxford and Rockefeller Univ. Ph.D., a biochemist, a professor of obstetrics, and a researcher into gynecological cancer and the epidemiology of cancer, was cycling in Prospect Park in Brooklyn when she was struck from behind and killed by a van driver driving well over the speed limit, as police reconstructed the scene. He was not permitted to be on the park road as he was. He was ticketed, but not for that. He was ticketed only for equipment failure.

A few years ago, a cyclist was riding south on South Street. A limousine driver was driving north. The limousine driver made a left hand turn into the cyclist killing him. The driver was not ticketed. The police could not bestir themselves to cite him for violating the New York State Vehicle & Traffic law, § 1141: The driver of a vehicle intending to turn to the left...shall yield the right of way to any vehicle...so close as to constitute an immediate hazard.

April 30, 2005, Jerome Allen, a 58 year old New York State senior bank examiner, and very experienced cyclist, was on a solo, evening ride in Staten Island. If the first story told by the 23 year old driver who killed him, Anthony Tasso, Jr., is to be believed, Allen was riding his bike as fast as Lance Armstrong. That, or the driver was content to drive his uncle's, Joseph Tasso's, Lexus SUV (with an out-of-state license plate) on an otherwise empty, well-paved, six-lane road c. 18 MPH, which more than strains credulity. In either case, according to young Tasso, as he and Allen were side-by-side, Allen saw fit to suddenly swerve in front of him. That doesn't pass the laugh test. Tasso, who was driving on a suspended license that he neglected to have re-instated, was not even ticketed. The failure of the police to conduct a serious investigation has seriously hindered and prejudiced claims arising from that. It has been wondered whether the Tassos were related to a police officer.

September 24, 2005, 14 year old Andre Anderson was cycling near his home in Far Rockaway, Queens when he was hit from behind by another 23 year old, Jose Vicens, driving another luxury SUV, this one a Lincoln Navigator. (See: <http://rightofway.org/>) Vicens was not ticketed. The police could not bestir themselves to cite him for violating NY State Vehicle & Traffic Law §1122, which enjoins drivers from aggressive passing.

June 20, 2006, a man was riding his bike on Tenth Ave. at 44th Street. A cab driver opened his door into him, he swerved to avoid hitting it-or after hitting it-and had his leg crushed by a bus. The cab driver was not ticketed. The police could not bestir themselves to enforce the New York State Traffic and Vehicle Law, §1214: No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic.

June 22th, 2006—yes, a scant two days later—Dr. Carl Nacht, 57, was riding on a dedicated cycling/jogging/roller skating/walking path when a New York Police Department tow truck turned from the street and crossed the path. A New York Times story about the incident was headlined, "Bicyclist Hurt in Collision With Tow Truck". The article spoke of his injuries (Dr. Nacht died a day later) "when he collided with a Police Department tow truck, the police said yesterday." The driver was not ticketed. The New York State Traffic & Vehicle Law, §1143: The driver of a vehicle about to...cross a roadway...shall yield the right of way to all vehicles approaching on the roadway to be crossed. Well, of course he wasn't ticketed. We don't ticket police. Not even for illegal parking. They can drive—and kill—with utter and complete impunity. And they do.

But note the police report: the bike collided with the truck. It's pretty much always this way in police reports: bikes collide with cars, cabs, buses, and trucks. Cars, cabs, buses, and trucks never collide with bikes. This is because cyclists habitually ram their 23 lb. vehicles into multi-ton speeding pieces of steel. You see, what cyclists who complain about the failure of police to police, to enforce the laws, fail to understand is that all cyclists are suicidal, yes, even Dr. Fruchter, Dr. Nacht, Mr. Allen, and young Mr. Anderson.

Why is it the police fail to police? I descend to regrettably all too warranted cynicism when I suggest one reason is that would take time away from their chatting up their buds as they group in clusters; and it would take time away from their talking/texting/looking at their phones.

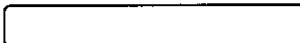
But here's a stirring explanation why the police fail to police, and it is offered by a police officer. I stopped at a red light exiting Central Park at 90th St.. Next to me were a police officer on a scooter and a BMW—the three of us side-by-side. However, only two of us belonged there: cars were not allowed in the park at that time. The officer did nothing, said nothing. I asked him why didn't he ticket the driver for being in the park when it was closed to cars. His answer: "Aw, he knew what he was doing was wrong."

This is not to say the police do nothing. They do. Here are some examples. Ticketing a cyclist for having a handbag over her handlebars—although that's not against the law; ticketing a cyclist for exceeding 15MPH in Central Park—although that's not against the law; ticketing a cyclist for swerving out of the bike lane to avoid an obstacle—although that's not against the law; ticketing an adult cyclist for not wearing a helmet—although that's not against the law.

Against this we have the insistence of the police department's chief spokesman, Paul Browne, quoted in an August 19, 2011 *New York Times* article. He disputed tickets were given to cyclists in error: He said, "Police officers write summonses for observed violations." I submit the heirs of Dr. Fruchter, Dr. Nacht, Mr. Allen, Mr. Anderson, and thousands of others might disagree.

Let me conclude with this word of advice to drivers who hit cyclists out of the sight of anyone else: Be sure you kill them. Dead people can't testify against you. And police will accept your uncontradicted word...never mind physical evidence. And, based on the experience of the Lefebvre family, they'll do everything they can to withhold information about the incident.

Notice I say "incident," not "accident." I started here asking we use words more precisely. These aren't accidents. Accidents are unavoidable occurrences. None of these occurrences was unavoidable. Said more succinctly: If it was avoidable, it wasn't an accident.



# PLAY AND IDEAS

FOR THE RECORD

TUESDAY, FEBRUARY 14, 2012

## Make Cycling Safer for All Testimony in Favor of Bike Safety

Benjamin Shepard here. By day, I am a college professor at New York College of Technology/CUNY. Every day, I ride my bike from Smith Street across Jay Street to Tillary, where I traverse into traffic to avoid crashing into cars double parked outside of the Court, swerving in and out of the designated bike lanes. I am certainly not alone in having this experience. According to a Hunter College study, there is a 60 percent chance of a cyclist being obstructed by a car in a bike lane. Yet, never have I seen a policeman ticketing a car in one of these lanes.

Today, riding in New York City is not a safe experience. In the last few years, I have been doored by two cars - one was on a bike lane. This driver even suggested it was an optional bike lane. No one should take their life in their hands when they ride to school or work. The New York Department of Health report "Bicyclist Fatalities and Serious Injuries in New York City 1996-2005" confirm that many do.

This fall I participated in a Transportation Alternatives study of patterns of traffic abuse in downtown Brooklyn. We found most of those violating traffic laws were members of the NYPD, who routinely take u turns through traffic, park in bike lanes, and fail to enforce the traffic laws along the street. Transportation Alternatives passed on the information to the police. Yet, nothing has changed. If police do not obey the law, why should commuters?

The other day on the way home from work, I rode down Jay Street, past two police cars parked on Jay Street, in between a man sitting in his car texting. I took a left onto Schermerhorn Street, and a right onto Hoyt where I found two more police parked in the bike lane. Riding down Hoyt on the bike lane, a man screamed at me, "Splat, there goes another homo cyclist." I kept on riding.

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    - Time's Up! Ride to City Council Hearing for Murder...
  - January (3)
- 2011 (25)
- 2010 (11)

### ABOUT ME

BENJAMIN SHEPARD  
BROOKLYN, NY, UNITED STATES

A long time activist and social worker, Benjamin Shepard's scholarship is based on the ethnographic study of social

I turned up Sackett Street. As I turned, a man in an SUV screamed at me to get out of the way, and sped up the street only to stop at the red light. It was a jarring experience, on a residential block. This has been a tough few months for cycling in Brooklyn, with two cyclists killed; a friend was hit by a brick, and another acquaintance given a ticket for "obstructing traffic" by belligerent police because he did not yield to cars fast enough. This can't be the news every few weeks. It made me think about the need for safety and respect among everyone using the road, including the right of cyclists to ride without being harassed or threatened with bodily harm. All year long, cyclists have fought a bike backlash. Yet, over and over the media, politicians, and police have helped create a hostile environment on the road for cyclists. Today, the roads are fundamentally unsafe for cyclists.

"In several European countries, the higher standards of duty-of-care for more vulnerable road users include the legal responsibility for car drivers to avoid collisions with cyclists and pedestrians. In these countries the onus is on drivers to prove no-fault when in collisions with pedestrians and cyclists," notes Jan Garrard in her editorial "Its Not Just About Bike Lanes." "I just didn't see her", "He came from no-where", or "It was raining/foggy/dark/glary" are not legitimate excuses for colliding with people on bikes or on foot. A driver is expected to anticipate the presence of cyclists and pedestrians on the road, and take action to avoid injuring them."

If only we had such a culture here. Instead cyclists are routinely harassed, forced to navigate unsafe streets, and even killed by motorists, who face little to no deterrent for such behavior. Erica Abbott's senseless death highlights the systemic failures of the city to make the streets safe for all and to hold those who create obstacles to safer streets accountable for their actions.

Yet, the situation is changing all over the world, starting with car friendly Los Angeles where my friend Barbara tells me the city just passed anti-harassing legislation making it a crime for drivers to threaten cyclists verbally or physically. Other progressive laws include Idaho's stop-as-yield statute which allows cyclists to stop at red lights like they would stop signs. While the great state of Texas' legislature passed a similar vulnerable road users law in 2009, the measure was vetoed by Bush's successor Rick Perry.

services and social movements. He has worked on campaigns around public space, including community gardens, bike lanes, and public welfare issues ranging from education to AIDS services. For more info or to contact him visit: <http://www.benjaminheimsheward.com/>

[VIEW MY COMPLETE PROFILE](#)



And most European countries have “Strict Liability” laws which hold drivers accountable for accidents or collisions with cyclists. These are best practices worth emulating in New York. In Times Up! we are currently drafting legislation to make riding a bike a far more friendly and safe experience. After all, we all have to share the road.

I hope the city ends the demonization of cyclists and treats us with dignity and respect. We know cycling is part of the solution for a city facing increasing congestion as well as global problems, such as global warming. Cycling is an easy way to cool the planet. In response to this cyclists should be applauded as part of the solution, not subject to harassment.

A useful way to improve bike safety in New York would include:

- The city enforcing traffic rules prohibiting cars from parking for long periods in bike lanes. These are bike lanes, not texting spaces.
- Improvement of the bike infrastructure connecting all the bike lanes so cyclists can ride through the lanes unabated by cars.
- Make bike riding more family friendly. This way, more youth learn the importance of reducing global warming and making the city safer for all. This means making cycling safer for all.
- And support those who have endured injuries on the road, instead of investigating them, as was done to Mathieu Lefvre’s family.
- And prohibit harassment of cyclists by automobiles.
- For more people to ride, the city needs to make cycling, walking, and non-polluting transportation safer for all.
- 

After all, we’re all in this together.

POSTED BY BENJAMIN SHEPARD AT 8:47 AM




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## 1 COMMENTS:



**Keegan** Feb 14, 2012 09:49 AM

Accurate account of the experience of cycling in this city, and great breakdown of what it would take to make the streets safer for all. Thanks for all your hard work, Ben.

Reply Delete



**Joint Testimony of New York State Senator Daniel Squadron  
and New York State Assemblymember Brian Kavanagh**

**Before the New York City Council Committees on Transportation and Public Safety Joint  
Hearing: "Proceeding with Caution - An Examination of NYPD's accident response and  
enforcement of traffic rules relating to cars, bikes, and trucks"**

**February 15, 2012**

We are, respectively, Daniel Squadron, the State Senator representing the 25th Senate District including parts of Brooklyn and Manhattan, and Brian Kavanagh, the Assemblymember representing the 74th Assembly District on the East Side of Manhattan.

We would like to begin by thanking Public Safety Committee Chair Peter F. Vallone, Jr., Transportation Committee Chair James Vacca, and their colleagues on the City Council for holding this important oversight hearing today, and for the opportunity to provide testimony.

We introduced "Hayley and Diego's Law" codified in Vehicle and Traffic Law 1146 (VTL 1146), after the tragic deaths of Hayley Ng, 4, and Diego Martinez, 3, resulting from the careless act of a van driver in Chinatown.

The law became effective in October 2010 and imposes stiffer penalties on drivers whose failure to exercise due care results in the injury or death of pedestrians or bicyclists. The penalties for the first offense include a \$750 fine, 15 days of jail time, participation in a driver safety course, suspension or revocation of the driver's license or registration, or any combination of these penalties, and a misdemeanor charge on a second offense.

Over the last year, we have been working with advocates to monitor the implementation of the new provisions and ensure that they are being used to prevent careless driving and bring justice for victims and their families when bicyclists or pedestrians are injured or killed by the acts of careless drivers.

Currently, police officers in some jurisdictions believe that the law does not permit them to issue a VTL 1146 violation unless they personally witness the accident. This drastically limits the ability of an officer to issue a violation in accidents that are clearly the result of careless driving.

After consulting with the New York Police Department and district attorneys' offices in New York City, we recently introduced a new bill - S6416/A9219 - that will address the outstanding issue of enforcement. This new legislation gives police unambiguous authority to issue a VTL 1146 summons, even if the officer was not present at the time of the accident, as long as the officer has reasonable cause to believe the violation was committed by the driver.

There is precedent for this authority in the state Vehicle and Traffic Law in cases where an individual is operating a vehicle under the influence of alcohol or drugs and is involved in an accident. When the responding officer has reasonable cause to believe that the violation was

committed by such person but was not present at the time of the accident; they can still make an arrest (VTL 1194).

We believe that providing law enforcement with this additional tool is one of the surest ways to hold careless drivers accountable for their dangerous behavior. This new legislation will make our original law more effective by ensuring that officers will issue a violation when careless driving warrants one.

We would like to thank Transportation Alternatives, the NYPD, and the offices of the Bronx and Manhattan district attorneys for their support in monitoring and strengthening this law. We look forward to working with advocacy organizations, the NYPD and departments throughout the state, district attorneys, the New York City Council, and our colleagues in Albany to pass S6416/A9219 this session.

Thank you again for your leadership on this important issue.

I am Wendy Brawer, a 25 year resident of the Lower East Side.

When I was hit by a van on Park Ave on June 22, 2004, a passerby took photos. It clearly shows that the van had obstructed view of the right side, yet, the driver received no summons.

An ambulance came, as did several police officers before the van moved. While my bike repairs were covered by the driver, they did not cover the cost of city services.

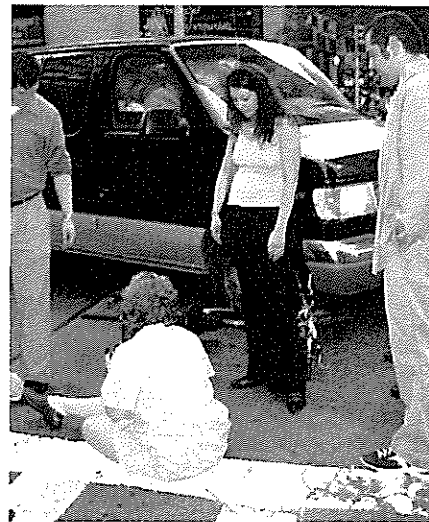
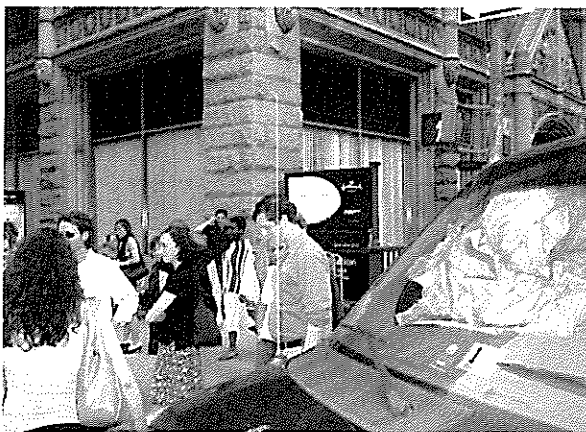
In the photos, you can see my bike under the van's wheel. I was fortunate I was only bruised but distressed that the officers ignored everyone asking about the obstructed view and let the van go without even moving the materials, or a summons. Please note:

NYSV&T Law, Section 375, Paragraph 30 :“It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon the vehicle, in such a manner as to obstruct or interfere with the view of the operator through the windshield, or to prevent him from having a clear and full view of the road and condition of traffic behind such vehicle.”

It's time for the NYPD to enforce blantant violations like this, and the aggressive, careless behavior of all motor vehicles. This is a tremendous security issue, costing us all dearly, contributing to individual deaths and injuries as well as undermining efforts to address climate change and environmental health.

City Councilmembers, thank you for taking action!

Wendy Brawer, 175 Rivington #1D, NYC 10002



Christine Berthet

Thank you Chair Vallone and Chair Vacca for holding this joint hearing.

NYPD has earned the admiration of police departments the world over. Since the implementation of crime stats and the broken windows policies, the crime rate has fallen precipitously. We are proud of the NYPD, its officers and thankful for their dedication.

More New Yorkers are now killed in traffic than murdered by guns.<sup>1</sup> Our vulnerable citizens represent 71% of all traffic fatalities and serious injuries, but the enforcement is not focused on protecting them. As Mayor Bloomberg recently asserted, safety gains cannot succeed without enforcement as a deterrent.

According to DOT, 27% of serious crashes (a pedestrian killed or seriously injured) result from a failure to yield, still in 2011 less than 1% of moving violations were given for failure to yield to pedestrians.<sup>2</sup>

According to the NYPD, 1251 pedestrians were injured or killed in just the month of December 2011.<sup>3</sup> In the same month NYPD reports show that 89% of crashes were caused by careless or illegal driving (see attached chart). Then why is it that, citations under VTL §1146 were made in less than 1% of those occurrences <sup>4</sup> for the whole of 2011?

DOT reports that 47% of pedestrian fatalities occur on two-way streets. On these same streets traffic agents wave turning vehicles into unsuspecting pedestrians while they are crossing with the walk sign. After CHEKPEDS shared this information with NYPD, the agents posted at 42nd Street and 9th Avenue have been more attentive to protect pedestrians. Shouldn't this become a rule on all two-way streets?

We suggest that the NYPD traffic division focus its training and enforcement policies on the causes of traffic crashes which harm pedestrians, cyclists and other vulnerable users. The NYPD should report separately on summonses related to VTL §1146, and launch a press campaign on their enforcement efforts against drivers who kill and severely injure vulnerable users.

One must also review crash scenes protocols when a vulnerable user is either killed or seriously wounded: It seems these procedures are well defined for elevator and cranes crashes, which are treated like crime scenes, but not for car crashes. Are the police procedures for these crashes serious enough? Are persons involved and witnesses secured with reliability? Are the proper summonses given out? Finally how long should it take to release the police report to the next of kin or be made public?

We appreciate the opportunity to speak and hope the council will task the NYPD with undertaking these institutional changes and will request a report back in six months on planned and implemented changes in traffic enforcement with an eye toward improving safety for vulnerable users.

**Police Department City of New York**  
**Motor Vehicle Accident Report**  
**CITYWIDE December 2011 NYPD Precincts Map**

Contributing factors in injury and fatal accidents:

Contributing Factors	Number of Vehicles	CHEKPEDS analysis
		Drivers lack of due care:
		89.00%
		Number of Vehicles where police documented driver's lack of due care
DRIVER INEXPERIENCE 219	219	
ERR/CONFUSN PED/BIKE/OTHER PED 80	80	
FATIGUED/DROWSY 26	26	
FELL ASLEEP 45	45	
ILLNESS 9	9	
LOST CONSCIOUSNESS 12	12	
OTHER ELECTRONIC DEVICE 2	2	
OTHER UNINVOLVED VEHICLE 324	324	
PHYSICAL DISABILITY 5	5	
PRESCRIPTION MEDICATION 2	2	
AGGRESSIVE DRIVING/ROAD RAGE 61	61	61
ALCOHOL INVOLVEMENT 131	131	131
BACKING UNSAFELY 367	367	367
CELL PHONE (HAND-HELD) 2	2	2
CELL PHONE (HANDS-FREE) 2	2	2
DRIVER INATTENTION/DISTRACTION 2054	2054	2054
DRUGS (ILLEGAL) 6	6	6
FAILURE TO KEEP RIGHT 56	56	56
FAILURE TO YIELD RIGHT-OF-WAY 751	751	751
FOLLOWING TOO CLOSELY 883	883	883
OUTSIDE CAR DISTRACTION 39	39	39
PASSENGER DISTRACTION 41	41	41
PASSING OR LANE USAGE IMPROPER 371	371	371
TRAFFIC CONTROL DISREGARDED 217	217	217
TURNING IMPROPERLY 307	307	307
UNSAFE LANE CHANGING 349	349	349
UNSAFE SPEED 222	222	222
	<b>6583</b>	<b>5859</b>

<sup>1</sup> From 2001-2009 , the New York City Department of Health

<sup>2</sup> NYPD summons statistics on NYPD web site

<sup>3</sup> Motor Vehicles

[http://www.nyc.gov/html/nypd/downloads/pdf/traffic\\_data/cityacc.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/traffic_data/cityacc.pdf)

<sup>4</sup> (less than 100 citations for the whole of the year 2011)

<http://transalt.org/newsroom/releases/5485>, October 2011

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Heather Vandenberghe (PLEASE PRINT)

Address: 450 E 83rd St #11D

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: DAVID SOLNICK (PLEASE PRINT)

Address: 350 W 42nd St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Richard Rosenthal (PLEASE PRINT)

Address: 245 E 63

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Teresa Pedrozzi

Address: 807 EAST 64<sup>th</sup> ST

I represent: DASHANE SANTANA (Deceased)

Address: 1749 FDR DRIVE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JOHN LAWRENCE

Address: 44-10 KETCHAM ST ELMHURST NY 11373

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: Adam White

Address: 225 Broadway, 17th Fl, NYC

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2.15.12

(PLEASE PRINT)

Name: JOANNA OLTMAN SMITH

Address: 829 President St.

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 02/15/12

(PLEASE PRINT)

Name: Michelle Matson

Address: 184 Meserole St. #3

I represent: myself.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: Tim Roberts

Address: 250 Broadway

I represent: Senator Squadron

Address: 250 Broadway

◆ Please complete this card and return to the Sergeant-at-Arms ◆



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. YES Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ERIKA LEFEVRE  
Address: 49162 LEDUC COUNTY, AB CANADA

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/5/2012

(PLEASE PRINT)

Name: SAMIRA SHAMOUN  
Address: 775 MARION MA 02738

I represent: RASHA SHAMOUN  
Mill St.

Address: 146 FREEMAN AVENUE, GREENPOINT BKLYN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Steve Vaccaro  
Address: 350 Broadway Suite 701

I represent: Erika Lefevre

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Nicole Beraman

Address: 85 Livingston St. Apt. 17 N. Brooklyn 11201

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jack Brown

Address: 335 E. 6<sup>th</sup> St. NYC

I represent: Coalition Against Rube Riding

Address: 340 E

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: Joseph Sharkey

Address: 320 Macon #3, Brooklyn NY 11216

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: DEPUTY INSPECTOR DANIEL MULLIGAN

Address: 1 POLICE PLAZA

I represent: NYPD

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: DEPUTY CHIEF JOAN T. CASSIDY

Address: 1 POLICE PLAZA

I represent: NYPD

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. YES Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: FEB. 15 / 12

(PLEASE PRINT)

Name: ERIKA LEFEVRE

Address: 49162 LEON COUNTY AB, CANADA

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Yes Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Feb. 15, 2012

(PLEASE PRINT)

Name: FLEEN JAFFE

Address: 247 LAFAYETTE ST

I represent: NEW YORK CYCLE CLUB

Address: NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Feb 15, 12

(PLEASE PRINT)

Name: C BERTHEI, Christina

Address: 348 W 38TH, 11A 10018

I represent: CHEKPIEDS-

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: Al CINAMON

Address: POB 904 YONKERS NY 10704

I represent: EMPIRE SAFETY COUNCL

Address: 187 TERRY RD SMITHTOWN NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/15/12

(PLEASE PRINT)

Name: David Dartley

Address: 240 1st Ave #8A NYC 10009

I represent: My family, and I presume to speak for other pedestrians too.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2-15-2012

(PLEASE PRINT)

Name: Soree Lore

Address: 31-13 25rd Rd Apt Astoria NY 11105

I represent: TA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Paul White

Address: 507 11th St, Bklyn, NY 11215

I represent: Transportation Alternatives

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Ben (PLEASE PRINT) Shepard

Address: 331 Gerke #42

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Lt. Michael Kelly (PLEASE PRINT)

Address: CO, Accident Investigation Squad

I represent: NYPD

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DIPaul Ciorra

Address: CO, Highway District

I represent: NYPD

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition  
*of increase in transit*

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Juan Martinez

Address: 127 W 26th St

I represent: Transportation Alternatives

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2-15-2012

(PLEASE PRINT)

Name: John Petro

Address: 252 12th Street, Brooklyn NY 11215

I represent: David Major Institute for Public

Address: \_\_\_\_\_

Policy

◆ Please complete this card and return to the Sergeant-at-Arms ◆