

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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December 04, 2013
Start: 10:02 a.m.
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HELD AT: 250 Broadway - Committee Rm,
14th Fl.

B E F O R E:

JAMES VACCA
Chairperson

COUNCIL MEMBERS:

GALE A. BREWER
DANIEL R. GARODNICK
DAVID G. GREENFIELD
VINCENT M. IGNIZIO
PETER A. KOO
G. OLIVER KOPPELL
JESSICA S. LAPPIN
DARLENE MEALY
YDANIS A. RODRIGUEZ
DEBORAH L. ROSE
ERIC A. ULRICH
JAMES G. VAN BRAMER

1 COMMITTEE ON TRANSPORTATION

2 [gavel]

3 CHAIRPERSON VACCA: Okay I'd like to
4 welcome everyone here. It is a, it's 10:00 a.m. and
5 this is the Committee on Transportation. My name is
6 James Vacca and I'm the chair of this committee.
7 Today it's December 4th, 2013 10, 10:00 a.m. I'd
8 like to welcome you here and today's hearing will
9 deal with two matters. First we're going to be
10 hearing testimony regarding a local law to amend
11 the administrative code of the City of New York in
12 relation to requiring the New York City Police
13 Department to report information concerning vehicle
14 collisions in which a driver left the scene of the
15 collision. This has long been a concern of this
16 committee. How do we handle hit and run accidents?
17 How do we handle instances where the driver has
18 left the scene of an accident? All too often we
19 hear in our city of these type of incidents
20 happening. They often result in the loss of life.
21 And a month ago we had a joined hearing with the
22 Committee on Public Safety where we heard testimony
23 from Mr. and Mrs. Eckstein who lost their little
24 one on Prospect Park West due to speeding and it's
25 something that this committee has been dealing with

2 for many months. We've enacted much legislation and
3 we have more to do. We're also going to hear
4 testimony concerning Intro 1114 which would require
5 DOT to publish a manual of policies and design
6 guidelines for the improvement of roads and
7 sidewalks every four years. This bill has been
8 submitted by Councilman Dan Garodnick and it will
9 appeal subdivision D of section 19-180 of the
10 administrative code of the City of New York as
11 added by local law number 23 of 2008. So without
12 further to do we will call the first panel. Kate
13 Slevin New York City Department of Transportation
14 please come up.

15 KATE SLEVIN: Good morning Chairman
16 Vacca and members of the Transportation Committee.
17 My name is Kate Slevin and I'm the Assistant
18 Commissioner of Intergovernmental Affairs for the
19 New York City Department of Transportation. Thank
20 you for the opportunity to testify on Intro 1114
21 regarding DOT's street design manual. We strongly
22 support this bill and look forward to its timely
23 passage. Intro 114 would require DOT to publish a
24 manual of policies and design guidelines for the
25 improvements of roads and sidewalks every four

2 years. DOT could fulfill this requirement by
3 updating our street design manual. New York City's
4 comprehensive resource on street design guidelines
5 policies and processes. First published in 2009 the
6 manual builds on current thinking about street
7 design, materials, lighting, and project
8 implementation around the world to promote a great
9 public realm. It advocates high quality sustainable
10 design and encourages greater mode choice. The
11 manual's first edition has been a tremendous
12 success with rapid integration to the city's DNA.
13 City agencies and private developers now work from
14 a common comprehensive play book. A standard
15 reference text for DOT staff the manual has been
16 incorporated into the agency's internal design
17 review processes and is required reading for all
18 design and engineering consultants. The manual is
19 also cited in the mayor's recent executive order
20 encouraging active design strategies for streets
21 and buildings. A second edition of the street
22 design manual was released in October 2013 and I
23 just gave you a copy hot off the press and it
24 includes updates and new content based on feedback
25 from users and comprehensive interagency review. It

2 also includes an additional section on community
3 participation and review of DOT projects. DOT would
4 like to see the passage of Intro 1114 as we believe
5 the street design manual is by its nature, by its
6 nature a work in progress and should be
7 periodically updated. Its information and guidance
8 will be refined based on evolving best practices
9 and real world experiences with its uses in New
10 York City. Specific treatments may be added,
11 updated, or removed as appropriate over time. I
12 stated in the manual even small changes to a
13 street's design can have a large impact for the
14 people using it. Thank you again for you interest
15 in this bill and I'd be happy to answer any
16 questions at this time.

17 CHAIRPERSON VACCA: Okay I really have
18 no questions. I'm, I'm supportive of this
19 legislation as well and I would request that my
20 name be added to the bill. Hearing no questions do
21 you have any further elaboration?

22 KATE SLEVIN: Nope.

23 CHAIRPERSON VACCA: Okay.

24 KATE SLEVIN: Great thank you.
25

2 CHAIRPERSON VACCA: I, I know this.

3 Well, let me ask you this. I know that this may be
4 off topic and I'm looking for an email but my
5 committee's been very concerned about speeding of
6 cars as I indicated in my opening statement. I
7 submitted a request for a speed bump in my district
8 and I get a, I get a response telling me that DOT
9 conducts a comprehensive investigation of each
10 request for speed bumps including traffic speeds,
11 roadway conditions, and other factors etcetera.
12 DOT's investigation for a speed bump takes seven
13 months to complete. Once a speed hump is
14 recommended it requires community board approval.
15 I've never heard of this. I've never heard of an
16 investigation for a speed bump taking seven months.
17 And I've never heard that the community board is
18 required to approve a speed bump. We could be
19 talking about one year from the day we submit a
20 speed bump request to the day the bump actually
21 goes in if it, if it ever goes in at all. This is a
22 DOT email. I just want you to know. I mean I know
23 we're getting a new administration and a new
24 commissioner. This is unacceptable. Are we serious

1 about addressing speed in the City of New York when
2 I get an answer like this?

3
4 KATE SLEVIN: Can you tell me the
5 specific location of the speed bump request?

6 CHAIRPERSON VACCA: Yes, I had given at,
7 on Calhoun Avenue between Randall and Philip.
8 Calhoun Avenue between Randall and Philip. In fact
9 if I can remember I gave, I had given 718-719
10 Calhoun Avenue. That was the specific address I
11 gave, 718-719 Calhoun, Calhoun Avenue in Throgs
12 Neck in my district. This, this, this is like, this
13 must be a form we, a from response but I...

14 KATE SLEVIN: Yeah, well we'll, we'll
15 look into that specific request. Community board
16 approval is only required for locations not near
17 schools. And as we discussed I think at the hearing
18 a couple months ago we have a tremendous backlog
19 for speed bump requests and we're doing everything
20 we can to look into them in a timely manner. But
21 because we do have such a backlog it sometimes it
22 does take a little bit of time. And we'd be happy
23 to discuss with you ways to, to speed that up.

24 CHAIRPERSON VACCA: Alright Commissioner
25 this is unacceptable so I just want you to know. I

1 was going to wait for the new administration
2 because I, I sometimes don't get answers from this
3 agency as I think you know and it's not due to you
4 but this is like outlandish, out... [interpose]

5 KATE SLEVIN: But again we'll look into
6 it and, and see... [interpose]

7 CHAIRPERSON VACCA: I never... [interpose]

8 KATE SLEVIN: ...if there's anything we
9 can do.

10 CHAIRPERSON VACCA: ...heard of community
11 boards having to, having to approve a speed bump.

12 KATE SLEVIN: That's always been our,
13 our process.

14 CHAIRPERSON VACCA: They have to, the
15 community board has to approve every speed bump
16 that you put in if it's not near a school? They
17 must approve it?

18 KATE SLEVIN: Correct. Correct.

19 CHAIRPERSON VACCA: Well that's
20 something, I, I'm a community board district
21 manager before I came to this job and I've never
22 heard of anything and I don't think... This is adding
23 another layer of postponement for speed bump
24 installation. And we're looking to do things
25

2 expeditiously you make a determination, you have a
3 request, I, I, I don't think that there's a need
4 for community board hearings and things like that
5 for a speed bump installation. Okay you're, you're
6 saying you don't support? You want us to change it
7 so we don't seek community board approval for a
8 speed bump?

9 CHAIRPERSON VACCA: No you could advise
10 them of it and maybe if you advise them you give
11 them seven or eight days to respond. That's fine
12 but to seek prior approval no. I think it's, it's a
13 consult interval. And I would send them a letter.
14 We, we intend to do this if you have any objection
15 within five days let us know or else you proceed.

16 KATE SLEVIN: Okay.

17 CHAIRPERSON VACCA: And, and this think
18 of a survey taking all that time is, put more
19 people into this division.

20 KATE SLEVIN: Well if we had the
21 resources we'd certainly like to but as you know
22 we're very stretched.

23 CHAIRPERSON VACCA: Well you have other
24 divisions that you could do that from. Okay then no
25 questions else, and no other questions? I want to

2 introduce Council Member Leroy Comrie to my left
3 and we will now hear testimony on Councilman
4 Comrie's bill. You have no testimony on that bill
5 do you commissioner? No. That's not your thing
6 right.

7 KATE SLEVIN: No it's an NYPD bill.

8 CHAIRPERSON VACCA: Okay. We will now
9 hear from Vincent Pellecchia Tri-state
10 Transportation Campaign and Hidalgo, Noel Beta New
11 York Code for America. Won't you please both come
12 up but I first would like to call upon the bill's
13 sponsor Council Member Comrie to speak on behalf of
14 his bill.

15 COUNCIL MEMBER COMRIE: Thank you
16 Chairman Vacca and I want to thank the committee
17 staff for putting the bill together Lyle Frank and
18 Jared Holgran (sp?) and Ms. Aloff and Jonathan
19 Moscato and T. Motierri (sp?) for working on
20 putting this bill together. Local law, Intro 1055,
21 I'm sorry I got to put on my glasses.

22 [pause]

23 CHAIRPERSON VACCA: I'd like, I like to
24 mention we've been joined by Council Member Peter
25 Koo.

[pause]

COUNCIL MEMBER COMRIE: Sorry. Sorry

Chair Vacca. Intro 1055 is legislation that we put together, Council Member Peter Koo and myself and the other council members that are signed on at bill. In regards to problems with dealing with hit and runs and, and these conditions in which drivers have left the scene of the collision and we're asking the police department to put together basic information that could be very helpful to making sure that there's an opportunity to collect all video surveillance within a five block radiance of the scene of a hit and run. We are working to try to make sure that we do everything we can to make opportunities for folks that have been, on families that have been victims of fatalities from hit and run people that were, people that have been... I'm sorry I'm coming in and I'm a little off centered this morning. But let me get my brain together. The number of hit and runs that have been occurring have increased in the city. Earlier this year the Department of Transportation released a report that hit and run fatalities have increased 31 percent since 2010 accounting for 47 deaths in 2012. In

1 fact since this September a young man in the
2 Wakefield section of the Bronx, a young father in
3 Washington Heights, a man in Canarsie, a young
4 bicyclist in Williamsburg, a woman in Forest Hills,
5 a teenager in Woodside, and a man in Maspeth were
6 all fatally injured in hit and runs. And these are
7 not even all of the instances that we are, that,
8 that the city is aware of. The purpose of this
9 legislation is to improve transparency in the
10 investigation process in incidences of hit and run
11 so that we can know that if you act the NYPD
12 they're still actively pursuing the perpetrator and
13 how close they are in doing so. All of the families
14 mentioned earlier and we also have the Bradley
15 family with us this morning representing a person
16 who, a Mr. Vernon Bradley who lost his life in hit
17 and run on, in, on, in Brooklyn off Cyprus Avenue.
18 Now we, the families want to know if N, NYPD has
19 thoroughly pursued all avenues of evidence in
20 actively finding the perpetrators that claimed
21 their loved ones. They deserve to know the status
22 of their investigation and what they can
23 realistically expect to happen. And the, and the
24 public needs to know that these crimes are not
25

1 simply swept under the rug but actively
2 purswued[phonetic], pursued. Now we look forward
3 to, to hearing from all of the advocates and people
4 that are interested in making this bill as strong
5 as is possible without compromising the intent or
6 diminishing the efficiency of these investigations.
7 Now it's important that we do everything we can to
8 try to bring relief and opportunity to families
9 that are victims of fatalities from hit and runs.
10 I, it, it, it, the statistics are increasing.
11 There's an opportunity for the police to do a, a, a
12 thorough investigation by collecting video
13 surveillance, by getting back to the families with
14 the full information, by doing the things necessary
15 to ensure that the families know that the
16 investigation is doing, that the NYPD is making
17 every possible effort to gather every piece of
18 evidence to help these people in need. So the
19 department at the NYPD decided not to show up
20 today. I'm very disappointed that they have decided
21 not to show up at the last minute to the hearing
22 today. It doesn't make sense that they could not
23 come and at least articulate their concerns, their
24 abilities, and what they have done. I think it's
25

2 disrespectful to the families that have lost lives.

3 It's disrespectful to city residents in general

4 that the NYPD cannot at least come and say what

5 they have done to try to actively pursue these

6 types of investigations. With the numbers of

7 fatalities increasing and more hit and runs

8 occurring with more and more types of vehicles on

9 the street, with city bikes and other vehicles

10 congesting the streets it's harder and harder to

11 maneuver. But especially those people that are, are

12 criminals that are running away from the scene of

13 the fatality we need to know that the city is

14 making every effort to use all available technology

15 to try to pursue these people to the best of their

16 ability. Thank you Mr. Chair.

17 CHAIRPERSON VACCA: Thank you Council

18 Member Comrie. And I would, I would add to the

19 council member's statement that I think it is

20 disrespectful to this council when an agency that

21 is invited to attend does not attend. Or when, when

22 an individual invited to testify chooses not to

23 attend. It is disrespectful to this body. So I join

24 you council member and I think there's the, the,

25 the gravity of your issue cannot be overestimated.

2 We've been joined by Council Member Jimmy Van
3 Bramer to my left, Council Member Debbie Rose to my
4 right. Okay Sir would, would you to be, introduce
5 yourself for the record and begin your testimony.

6 VINCENT PELLECCCHIA: My name's Vincent
7 Pellecchia. I'm General Council for the Tri-State
8 Transportation Campaign, a nonprofit organization
9 working toward a more balanced, transit friendly,
10 and Eco rule transportation system in New York, New
11 Jersey, Connecticut. Thank you for the opportunity
12 to testify in support of Introduction number 1114
13 to require the New York City Department of
14 Transportation to publish a manual of policies and
15 decide, design guidelines for the improvement of
16 roads every four years. Tri-State supports this law
17 and urges its adoption by the city council. The New
18 York City DOT street design manual has been lauded
19 by planners and advocates across the country and
20 the manual and in successes must be codified
21 through Introduction 1114. By any metric the
22 measures implemented through the street design
23 manual have been wildly successful. Traffic deaths
24 in 2012 were the fourth fewest since record keeping
25 started in 1910 and nearly 30 percent fewer than in

2 2001 at the start of the Bloomberg Administration.
3 In fact all traffic injuries have dropped up to 50
4 percent on Avenues with protected bike lanes.
5 Additionally areas with protected bike lanes and
6 other improvements that focus on all roadway users
7 have experienced significantly lower commercial
8 vacancies and improved sales compared with local
9 and citywide averages. This law will provide the
10 administration of Mayor-Elect De Blasio with a
11 successful engineering and technical blueprint for
12 how to improve safety and reduce fatalities for all
13 users of the road. Ensuring this process of
14 continual improvement will build on positive safety
15 gains made over the past 12 years while also
16 institutionalizing a proven tool the incoming and
17 future administrations can utilize as they continue
18 to work to improve road safety for all users. Tri-
19 State Transportation Campaign supports this effort
20 to make city streets safer and we urge you to pass
21 Introduction 1114. Thank you.

22 CHAIRPERSON VACCA: Sir introduce
23 yourself please.

24 NOEL HIDALGO: Good morning my name's
25 Noel Hidalgo and I'm the cofounder of Beta NYC a

1 Code for America Brigade. Good morning Chairman and
2 Transportation Committee. It's a great honor to
3 address you and represent New York City's
4 technology community particularly a rather group,
5 active group of technologists, civic technologists
6 and civic hackers. I'm Noel Hidalgo. I'm the
7 cofounder. We envision the city, a city government
8 that works for the people, by the people, and in
9 the 21st century. Every week my community gathers
10 around tables, computers, and data and we're
11 comprised of hackers, mappers, and yackers. In the
12 last six months we've hosted a community hack night
13 at NYU Rudin's Transportation Center of, and for
14 the last six months we've explicitly explored
15 bicycle and public safety related data. In October
16 we testified about our frustrations with crash stat
17 in the NYPD's public safety data. All in all we're
18 hacking for good and we take the city's open data
19 and put it to good use. While we're in for of Intro
20 1114 we have two concerns. The first is the
21 codification of bad information sharing practices
22 and the second is a unique opportunity to empower
23 all New Yorkers to make the streets safer. Within
24 section 19180 and section 19182 we thank you for
25

1 asking that these reports get posted to the web but
2 we love it, we love it when these reports are
3 posted to the web and we love it more when the raw
4 underlying data of these reports is posted to the
5 web. With the passage of local law 11 of 2012, the
6 city's open data law, all of the city's data should
7 be machine, in machine readable formats. To this
8 day agencies are able to circumnavigate the open
9 data law by writing that data into reports. From
10 our experience we need section 19180 and section
11 19182 to liberate the underlying data into raw
12 machine readable data. If you want anyone besides
13 the Department of Transportation to use this data
14 we need the section to liberate that underlying
15 data. Second I commend you for asking for the
16 publication of these comprehensive guidelines. We
17 wish every agency produced such work. We agree that
18 all New Yorkers need to have a comprehensible,
19 comprehensive guideline for the improvement of
20 roads and sidewalks. We have a huge concern with
21 the language of dissenenate[phonetic] disseminating
22 by electronic mail and posted onto the department's
23 official website. In essence you're asking for the
24 report to be posted as a pdf and share this as a
25

1 pdf and printed out into paper. In my community
2 pdfs is where information and data goes to die. It
3 would be better if section 19182 point one asked
4 for the information to be published in a reference-
5 able and searchable website accessible to,
6 accessible regardless of interface. As this manual
7 is written for the 21st century city imagine a
8 manual produced for the 21st century city. Imagine
9 if you were able to stand on the street corner and
10 quickly look up how the street could be safer.
11 Imagine a community board member researching safer
12 street options and having to pour through hundreds
13 of pages of pdfs. Now imagine the same community
14 board member just using the search feature to find
15 a page, print out the exact street feature that
16 they wanted. Or better yet imagine them being able
17 to take a current intersection and remix it with
18 their street desires. This is possible with current
19 free and open source tools. Here you have an
20 opportunity to turn a collection of schematics
21 photos and stories from paper into an actionable
22 tool to improve public safety. Using the DOT's
23 preexisting videos and pilot project content, pilot
24 project content we can easily imagine a collection
25

1 of interactive guidelines that truly empower the
2 people to understand the street. In this bill you
3 have the power to change how people use this
4 information and use it for good. This can only be
5 done if you ask for the underlying data and
6 something better than, disseminated by electronic
7 mail and posted on the department's official
8 website. Thank you.

10 CHAIRPERSON VACCA: Thank you. Any
11 questions? Okay we'll go on to our next panel.
12 Thank you very much. Ya-Ting Liu New York League of
13 Conservation Voters, Steve Vaccaro Crash Victims,
14 Juan Martinez Transportation Alternatives.

15 YA-TING LIU: Good morning I'm Ya-Ting
16 Liu with the New York League of Conservation
17 Voters. We're a statewide environmental group with
18 a very active New York City chapter with members in
19 all five boroughs. We just would like to extend our
20 tremendous thanks to Chair Vacca and the other
21 members of this committee for the opportunity to
22 comment on Intro 1114 in relation to the
23 codification of the New York City street design
24 manual. As a comprehensive resource for street
25 design standards guidelines and policies the New

1
2 York City street design manual is really the first
3 document of its kind in the country with an eye
4 towards safety and sustainability. The street
5 design manual not only delivers the world class
6 streets that all of us New Yorkers have come to
7 expect but provides guidance on how we can really
8 use our streets to improve the overall
9 environmental health of the city which is really
10 core to the leagues mission. So for example in the
11 most recent edition of the street design manual it
12 includes a, a new chapter on landscaping
13 improvements that factors in the need to design our
14 streets for future storms and other extreme weather
15 events. This chapter highlights the best practices
16 to green our street infrastructure including
17 minimizing the amount of impermeable surfaces,
18 maximizing site appropriate vegetation and
19 plantings to really capture storm water runoff
20 which is an ongoing challenge in this city. The
21 street design manual provides design built
22 principles that minimize the overall life cycle
23 energy use and pollution associated with each
24 project while encouraging collaboration across city
25 agencies to really ensure that our streets are

1 constructed in an environmentally sound way. So for
2 those reasons we really do believe that the street
3 design manual should be updated every four years to
4 reflect evolving practices, innovative practices to
5 keep New York City streets at that world class
6 level in a safe and sustainable way. We think that
7 it is an invaluable resource for the array of
8 public agencies and private entities that shape our
9 streets. It's a one stop shop for best practices,
10 policies, and guidelines that will result in the
11 end for better, safer, more sustainable streets for
12 all New Yorkers. And for all those reasons the New
13 York League of Conservation Voters strongly
14 supports 1114. Thank you.

15 [pause]

16 JUAN MARTINEZ: Thank you. Good morning
17 Chair Vacca, members of the Committee. Juan
18 Martinez with Transportation Alternatives. We're a
19 nonprofit. Been around 40 years, have 100 thousand
20 activists in our network dedicated to, to traffic
21 safety. These two bills today like many of the
22 other pieces of legislation that have been moving
23 through this committee advance safety by improving
24 street design and enforcement. Accordingly we are
25

1 very supportive of both of these items of
2 legislation. In particular when it comes to 1055,
3 hit and run is perhaps the most callous criminal
4 act that a driver can commit. Not only do you, you
5 injure or kill somebody behind the wheel you, you
6 probably your own negligence but then you deny the
7 victim potentially lifesaving assistance.
8 Furthermore because our state mechanism for
9 compensating hit and run victims is so insufficient
10 it causes even more serious problems down the line.
11 The most effective way to eliminate hit and run of
12 course is increased enforcement. If you deter a
13 driver, if you let drivers know that they could
14 expect to get caught then they will leave the scene
15 less frequently and that's what Council Member
16 Comrie's legislation promises to do by increasing
17 oversight we will get better enforcement.
18 Government can't manage what it can't measure. It's
19 only because of oversight from this committee that
20 we know that of the 300 or so investigations
21 conducted by the CIS in 2012 almost 60 of them
22 involved hit and run and only 15 of those 60
23 resulted in an arrest. It's unclear what steps need
24 to be taken, specific steps need to be taken for
25

1 the NYPD to convert more of those to arrest. There
2 are a number of good ideas on the table and once we
3 have a good sense of what steps they are taking in
4 any case we can get to the solutions. One
5 recommendation, the bill does ask that the report
6 go to the council. If it was posted on the NYPD's
7 website or some other website then the public would
8 be able to find it more readily. Alright it's a, an
9 important, an incredibly important piece of
10 legislation and thank you for advancing it. The
11 street design manual also deserves a lot of, a lot
12 of attention and praise. New York is the most dense
13 area of the country in terms of population and we
14 are home to more pedestrians than anywhere else in
15 the country. 46 of the 50 most populous zip codes
16 are in New York. But up until the DOT's first
17 street design manual we were using the same design
18 guidances that were being used in cities like
19 Cheyenne and Juno. We never had streets designed by
20 New Yorkers for New Yorkers. By requiring the city
21 to continue updating the street design manual we'll
22 remain on the cutting edge. All the innovative
23 street designs that we've seen in the last five
24 years are, it can be directly attributed to the
25

2 street design manual. And so we're very supportive
3 of the council's efforts in this regard. And thank
4 you very much.

5 CHAIRPERSON VACCA: Sir.

6 STEVE VACCARO: Thanks. I'm Steve
7 Vaccaro. I'm a community activist who's worked with
8 and in community boards and with Transportation
9 Alternatives since 2006 on street safety issues.
10 I'm also partnering a law firm that represents
11 pedestrians and cyclists injured in crashes
12 including hit and run crashes. And thank you very
13 much Chairman Vacca for the opportunity to speak to
14 these two pieces of legislation today. The street
15 manual bill is, is really important because you
16 know, and I was reminded of this as I spent a long
17 time at a community board meeting last night on, on
18 the upper west side where there was a lot of back
19 and forth about a proposed safety redesign for
20 Amsterdam Avenue. And what I'm reminded of is that
21 we have tried these new things that we didn't have
22 in New York before when I came here back in the 70s
23 Bulb-outs, and daylighting, and protected cycle
24 tracks and all of these new things and, and, and
25 we've brought them in. We've used trials and, and

1 through trial and error we have found things that
2 have worked and been shown to save lives without
3 unacceptably slowing traffic. And it's much too
4 common for at, at the community board level and
5 elsewhere for people to be armature traffic experts
6 and say oh that's going to cause a traffic
7 nightmare. You know but we've actually tried these
8 things. We've studied them. We know which ones work
9 and which ones don't. And so carrying forward to
10 that information is absolutely critical so Council
11 Member Garodnick's proposal that we
12 institutionalize this, that we keep it current. I
13 think is critical to keeping us in what I call an
14 age of enlightenment instead of going back to the
15 dark ages when we were going off of really
16 superstition about how traffic worked instead of
17 having a data driven empirically based traffic
18 design program. On, on the issue 14153 I think this
19 legislation is, is really important. My partner
20 Adam White and I have represented more than 50 hit
21 and run victims and we've consulted on the phone
22 with at least another 100 more. We get calls all
23 the time about this. And in the course of this work
24 two problems have come up concerning NYPD's
25

1 handling of hit and run crashes. First you have
2 officers flatly refusing to investigate cases or
3 even to take a crash report, the MV104 unless the
4 victim agrees to go to the hospital in an
5 ambulance. No matter how seriously the victim
6 appears to be injured at the scene. Now it might
7 seem odd to you that someone who is seriously
8 injured at a scene would refuse an ambulance but
9 consider that there are many people in New York who
10 do not have health insurance, and even more who
11 don't know that there is in fact the state funded
12 compensation program through MVAIC that would be
13 available to them. So, and, and the other thing is
14 crash victims judgment is impaired by, by the
15 trauma. They're not in a position to make the right
16 decision and especially if they're near their home
17 or work they, they often are easily persuaded to
18 forgo a crash report, forgo making a criminal
19 report, and this is exactly what happens. For
20 whatever reason police officers will persuade a
21 crash victim who feels that they may not be that
22 seriously injured to actually go through the
23 process. And what happens is after the endorphins
24 wear off and the adrenaline is over and they get
25

1 home they realize they have broken bones, they have
2 serious medical needs, and they are ineligible for
3 that state funded medical care because they didn't
4 get a crash report taken at the scene. And, and
5 this is really a terrible problem for them. It
6 results in uncompensated care costs through HHC for
7 the city. The other problem we see is sometimes
8 officers will investigate to the point of getting
9 the license plate number of the hit and run vehicle
10 but will tell the crash victim that they have to
11 agree not to pursue a criminal complaint if they
12 want that license plate information in a crash
13 report. And, and perhaps some officers in this
14 situation feel like they're doing a kind of rough
15 justice and you know the victim will get some
16 compensation and you know the driver can, can go on
17 and is doing what the driver has to do but, but no.
18 A hit and run is a criminal offence. It needs to be
19 treated as one and officers should not be permitted
20 to make these kinds of tradeoffs. Someone should
21 not be forced to choose between insurance and
22 compensation for their injuries and seeing the
23 driver who injured them and then drove off from the
24 scene brought to justice. The only thing I'll add
25

2 is that you know certainly crashes are investigated
3 more seriously and thoroughly by police in fatality
4 cases. I'm stressing the serious injury cases so
5 I'm glad that those are included in this bill. It's
6 a good step but I do think the biannual reporting
7 period means we're not going to get any information
8 until 2016 and I'd urge the committee to consider
9 shortening that period up to semiannual or annual
10 reporting period so that we can get moving on this
11 because I think this data is going to show there's
12 a big problem here. Thanks.

13 CHAIRPERSON VACCA: Thank you all but I
14 would like to introduce Council Member Dan
15 Garodnick who is here and he is, he is the sponsor
16 of the legislation you spoke of so I'd like to ask
17 him to say a couple of words.

18 COUNCIL MEMBER GARODNICK: Thank you Mr.
19 Chairman I appreciate your interrupting the flow
20 here. I, I appreciate your hearing the street
21 design bill very much and appreciate your
22 timeliness in starting the hearing too. As we have
23 discussed many times over in the past couple weeks
24 as, as we have noted and as DOT noted in their
25 testimony in 2009 the Department of Transportation

1 released their first ever New York City street
2 design manual. And that manual has guidelines for
3 streetscape improvements that can be used by both
4 city agencies and private developers and community
5 organizations with the ultimate goal of promoting
6 good street design. The latest version of the
7 manual just came out this past October and as far
8 as I am concerned there have been real consequences
9 to good street design. And by way of an example
10 there have been 34 percent fewer traffic fatalities
11 on streets with major design changes since 2005.
12 And I think that this street design manual should
13 be a living document regularly updated to reflect
14 new practices, innovations, and the results of
15 testing and experienced. That's why we're looking
16 to codify the manual and make sure that it is
17 regularly fresh and updated every four years. And
18 we want to make sure that future administrations
19 continue to be smart and think smart about how we
20 make our streets safe and attractive and
21 convenient. So Mr. Chairman as always thank you
22 very much and I appreciate the opportunity to say
23 something on the bill.
24
25

2 CHAIRPERSON VACCA: Thank you Council
3 Member Garodnick. Any questions from any committee
4 members. Well Councilman Comrie?

5 COUNCIL MEMBER COMRIE: I want to thank
6 Mr. Vaccaro and her coming today and also the
7 transportation alternatives coming, Mr. Martinez
8 and I wanted to ask you and thank you for, for
9 testifying to the bill and I'm, Mr. Vaccaro you
10 asked that we should shorten the period to
11 semiannual or annual for posting the information
12 about it and you agree with Mr. Martinez about
13 posting it online and making sure that it's
14 available all over the web so that folks can see
15 all of the details and all of the statistics that
16 the NYPD has put together in dealing with this hit
17 and run issue.

18 STEVE VACCARO: Absolutely. I think
19 there's a, an advocacy community and a movement out
20 there that will take that data as soon as it's
21 available showing the investigative measure
22 employed by police on these hit and run crashes.
23 And we'll, we'll be right back here trying to talk
24 about ways to improve those investigations.

2 COUNCIL MEMBER COMRIE: And what do you
3 find is that the, the most difficult part with
4 getting information from the NYPD in terms of these
5 investigations? What do you feel that they could do
6 better?

7 STEVE VACCARO: You know there's a
8 pecking order of crimes for police to investigate.
9 Something I'm told by police officers more than
10 once is that no one became a cop to investigate
11 traffic crashes even when it's a hit and run crash.
12 I think that to the extent that there's any
13 productivity goals for police officers pushing them
14 in the direction of investigating hit and run
15 crashes. Although it may not be as ruminative,
16 would be better than pushing them in the direction
17 of issuing a certain number of summonses because
18 these are important crimes as Mr. Martinez said. So
19 I think within the institution the the profile of
20 hit and run needs to be raised. I think also that
21 there needs to be a victim a special victim's sort
22 of approach to hit and run crashes. Because as I
23 said the crash victim, their judgment is impaired.
24 A lot of times they, they may not have information
25 about insurance and their only contact with

1 government or people who can give them the
2 information is going to be contact with the police.
3 And the police are not forthcoming. They don't for
4 example give the crash victims information about
5 the insurance that's available through MVAIC and
6 they could easily give them that on a piece of
7 paper when they visit them at the scene. There's
8 also a problem and I heard from survivors of two
9 crash victims who are sitting here today lost
10 someone just last week where you know they're
11 trying to get information. And the problem is that
12 the collision investigation squad is really removed
13 from the same kind of community access and
14 transparency that you have at precincts. Precincts
15 will have a community precinct council meeting
16 every month. People can come. They can speak with
17 the officers. There's an exchange of information
18 and frankly there's some pressure from the
19 community for the police to focus on what the
20 community perceives as the problem. The collision
21 investigation squad is the specialized unit. It's
22 out in Flatbush Avenue by you know way out there.
23 [laughter] I mean it's easy to miss. You can't even
24 find it. And, and they're completely insulated from
25

2 any kind of community input in pressure as far as I
3 can see. Which is why two years ago clients of our
4 firm the Lafay[phonetic] family joined with
5 Transportation Alternatives and actually
6 demonstrated not once but twice in front of one
7 police plaza in order to get attention paid to the
8 shoddy investigation of their son's death.

9 COUNCIL MEMBER COMRIE: Thank you. Mr.
10 Martinez I, I just wanted to ask you the same
11 question. What do you think the NYP could, PD could
12 do better and be, and how could they share that
13 information so that... Do you think it should be
14 posted on the website? And what other information
15 do you think should be posted as well since you,
16 that was your advice?

17 JUAN MARTINEZ: I appreciate that. It's,
18 it's important to remember that the NYPD has you
19 know the most difficult job in the city. And you
20 know the decisions they arrive at are decisions
21 that they arrive at deliberately. They are however
22 a four billion dollar agency and if they were
23 reminded of the importance of these crashes to the
24 council maybe. Throw an investigation to these
25 councilors, these crashes by the council and the

1 importance to the public that these cases are
2 thoroughly investigated. I think we would find
3 immediate action. At the end of the day the
4 criminal investigation squad is still... Wait, I'm
5 sorry. The collision investigation squad is still
6 very small. There are fewer than 30 members
7 handling these cases. And that again is a question
8 of the resources that are allocated. Within a four
9 billion dollar agency there are sufficient
10 resources to increase the size of that unit. It's a
11 decision that has been arrived at deliberately and
12 with pressure from the council they can change. And
13 one final point. There, there are anecdotes, not
14 anecdotes just facts, cases that Steve has worked
15 that you've been involved with where it's not that
16 the NYPD was, was, was less than diligent they just
17 didn't even start the basics of their
18 investigation. And it's unacceptable. That, that's
19 going to end when your bill is passed. And thank
20 you for that.

22 COUNCIL MEMBER COMRIE: Thank you Juan.
23 Do you have examples of what is done in other
24 cities on how data is collected that you can share
25 with the committee if you don't have it today? I

1 know that certain other cities have larger
2 investigation teams and they also you know tie into
3 the, all of the cameras within a perimeter within a
4 five block area Juan and if you could share that
5 with us then we could add it to the bill as well.
6 I'm still very upset that the, that you know that
7 we're not able to make the capture of all cameras
8 in the area a separate and important bill as well.
9 I think that we still need to make sure that we
10 have that information. And I understand that you
11 know the NYPD has a, a lot of responsibilities and
12 they are doing a, as, a great job with a diminished
13 manpower but you know the, the pain, I've seen the
14 pain of these families that are understanding that
15 they are have not contact, no information, and no
16 hope unfortunately. And we need to change that
17 parameter.

19 JUAN MARTINEZ: It's, it's worth noting
20 other cities of our size, there are very few around
21 the world but London for instance, about our size,
22 their crash investigation squad is about four times
23 our size, the size of ours. There's a priority
24 that's reflected in the number of resources that
25 are given to tackle the issue.

2 COUNCIL MEMBER COMRIE: Thank you. Well
3 I want to thank you both. I want to thank the panel
4 for coming and we will look to, to add your
5 suggestions into the bill and hopefully get it
6 passed before I leave in the next 13, 17 days or
7 whatever we have before. Our last meeting is on the
8 19th so... Thank you for coming. Thank you Mr. Chair.

9 CHAIRPERSON VACCA: Thank you Council
10 Member Comrie. We've been joined by Council Member
11 Ydanis Rodriguez. And we have one more speaker. We
12 have Patrick Dominguez Franklin Avenue, Flushing,
13 New York.

14 [pause]

15 PATRICK DOMINGUEZ: Good morning. Good
16 morning. Good morning ladies and gentlemen. Good
17 morning council. My name is Patrick Dominguez. I
18 just wanted to give you guys a story of what me and
19 my family are going through. My brother Dante
20 Dominguez was killed by a hit and run November 2nd,
21 2012. It's a day that, that changed us forever. Now
22 we're born and bred here in this great city in New
23 York. I've given my life for New York City, my
24 blood, sweat, and tears. And when my brother was
25 killed we felt like we had nobody. The

1 investigation started a week after my brother was
2 killed. Not even a cop came to my mother and said
3 you know we're working on it, not even that. My
4 brother left three daughters ages two, seven, and
5 13, and a widow. And it's a nightmare. It's a
6 nightmare every day and it's hard. That's why I ask
7 everyone, everyone please I, I know you guys have
8 all these statistics, all this money whatever. Just
9 open your mind, open your hearts because my
10 brother's not coming back and I'm never going to
11 see him again. But if we can come here and come
12 together and make this great city great and fight
13 and do something about this hit and run nobody,
14 nobody's going to go through this nightmare that
15 we're going through. Or at least there'll be some
16 type of justice. I mean there's not a day that goes
17 by that I don't think about my brother. It's not a
18 day that goes by. But luckily our family we're a
19 union, we're a unit, and we're helping each other
20 go day by day you know making sure his daughters
21 like a happy life. And that's all I wanted to say
22 you guys. I just want something to be done. And if
23 it's not for us at least for the people that are
24 going to come about. Thank you.
25

2 CHAIRPERSON VACCA: Thank you. I'm sorry
3 for your loss and I think you should know that we
4 are working very hard on the council.

5 PATRICK DOMINGUEZ: Yes.

6 CHAIRPERSON VACCA: This committee has
7 enacted much legislation. We are holding the agency
8 New York City DOT, we're holding their feet to the
9 fire when it comes to doing things quicker and
10 moving this issue of speeding and pedestrian safety
11 to the forefront. But I don't think those words
12 help you. I can only tell you that you're in my
13 prayers and that I know that when you, when you
14 lose a family member like that every day is another
15 day where you remember them and keep them in your
16 heart. So I thank you very much for coming here and
17 sharing that with us. I know it's painful for you
18 but thank you.

19 PATRICK DOMINGUEZ: Thank you.

20 CHAIRPERSON VACCA: Okay.

21 COUNCIL MEMBER COMRIE: Councilman.

22 CHAIRPERSON VACCA: Yes Councilman
23 Comrie.

24 COUCIL MEMBER COMRIE: I also want to
25 thank the Dominguez family for coming and sharing

1 that story with the panel and, and with the public
2 in general. I think it only underscores what I've
3 said earlier that, that the impact on the families
4 are devastating. Dante was simply going to a
5 convenience store to bring back something to his,
6 for his family to enjoy. He was run over by a, the,
7 a demon because the person never stopped. They
8 never slowed down. They never even hesitated. They
9 just went away. But you know and, and they have to,
10 the police has been really never give them any type
11 of satisfaction. And the investigation as you heard
12 from Patrick it was a week later before they even
13 started the investigation and that was only after
14 the family went ballistic and, and demanded and
15 protested and called and pleaded repeatedly to the
16 police department to get involved in and at least
17 try to make an investigation. You know there are,
18 there are at least seven cameras within the area
19 that could have picked up a, a speeding car. But
20 that they never looked at and you know there are
21 other things that, that the police department
22 should have done that would have given them at
23 least some type of opportunity to find out who this
24 person was that was driving a car recklessly. And
25

1
2 it's probably still on the road driving recklessly
3 because they haven't been coordinating. And they
4 also don't have the, the, the heart or the right
5 sense to come in and confess. I would hope that
6 it's weighing on their soul what they've done to
7 this family. I hope that it is giving them
8 sleepless nights frankly because they killed
9 somebody and they won't fess up to it. So you know
10 I think that the least we can do is to try to do
11 everything we can to at least make the department
12 be responsive to families like this that have lost
13 a loved one for no good reason. And what they, they
14 at least, the police department at least needs to
15 be compassion, compassionate and understanding. And
16 then utilizing every resource out here to try to
17 help families that are suffering from fatal hit and
18 runs. Thank you. Thank you for coming down.

19 CHAIRPERSON VACCA: Council Member
20 Rodriguez.

21 COUNCIL MEMBER RODRIGUEZ: Well my, I'd
22 like to also suppress my, my support and solidarity
23 to this family. When we hear the story like there's
24 no way of how we can truly understand what we going
25 through you know? Like all we can say that you know

1
2 that we support you and like we work hard to a pass
3 new law and regulation that allows us so yours
4 isn't those cases like a, like two years ago a, a
5 good friend of mine lost his son or, or shall I say
6 similar situation as I recall the other hit and run
7 on Mosholu Parkway. And, and he was a recent
8 college graduate student, a crossing the street.
9 That driver hit him and keep running. He died at
10 the, at the, at the scene. There was a Fox 5, a, a,
11 report. If Google under Fox 5 about that case you
12 saw how the person who committed that crime he even
13 put that car in fire so that he would be able to
14 get rid of all the proof that we would of have.
15 Still today two years after that mother and I
16 recent, a recent college graduate student is asking
17 for justice and they, they haven't had any answer
18 from the NYPD. And I believe that what we're trying
19 to do right now which is to gather a report from
20 the NYPD on what it is that they're doing all those
21 cases is fair, is our right and I hope that as you
22 say we wouldn't be able to bring the, the life back
23 of so many people like your family members and, and
24 the Jimenez family and many other that we heard the
25 story about at least we can say hit and run is not

1
2 acceptable we should have zero tolerance. I hope
3 that we also get more support from Albany so that
4 we can increase a penalty in those cases because I
5 think that we are so weak. I mean we are not, I say
6 we have cases like the proof has been there and
7 it's still, people that being killing a innocent
8 people walking the street. They are not paying for
9 those consequences. We are no, we know that we
10 wouldn't be able to respond to all frustration but
11 at least we trying to do the best we can. So
12 increase the penalty and get those report from the
13 NYPD. Thank you.

14 PATRICK DOMINGUEZ: Thank you.

15 CHAIRPERSON VACCA: Thank you very much.

16 We've been joined by Council Member Darlene Mealy
17 and there being no further business committee it is
18 now five to eleven and the hearing is hereby
19 adjourned.

20 [gavel]

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C E R T I F I C A T E

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



Date _____ December 12, 2013 _____