

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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August 15, 2018
Start: 1:40 p.m.
Recess: 4:42 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Cost G. Constantinides
Chaim M. Deutsch
Ruben Diaz, Sr.
Rafael L. Espinal, Jr.
Peter A. Koo
Stephen T. Levin
Mark Levine
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards
Deborah L. Rose
Rafael Salamanca, Jr.

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

Joan Dean, Families for Safe Streets

Hindi Shachter, Senior Citizen Cyclist/Driver

Bernadette Carna (sp?), Families for Safe Streets

Raoul Ampuero with New York City DOT

Rebecca Zack, Assistant Commissioner for
Intergovernmental and Community Affairs
New York City Department of Transportation

Margaret Forgione, Chief Operations Officer
New York City Department of Transportation, DOT

Robert Fiennes, New York City Department of
Transportation, DOT

Juan Martinez, Director, Traffic Operations Policy
New York City Department of Transportation, DOT

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

Adriana Espinosa, Director, New York City Program,
New York League of Conservation Voters

Greg Mihalovich, NYC Director, Grassroots Advocacy
American Heart Association

Mark O'Connor, Legislative and Legal Director
Transportation Alternatives

Steve Vaccaro, Law Office of Vaccaro and White

2 [sound check] [pause]

3 CHAIRPERSON RODRIGUEZ: Good afternoon,
4 everyone, and welcome to today's hearing of the City
5 Council Transportation Committee. I'm Ydanis
6 Rodriguez, and I have the honor to chair this
7 committee. First, let me introduce our Speaker who
8 will be doing his opening statement, and Speaker
9 Corey Johnson.

10 SPEAKER COREY JOHNSON: Thank you, Chair
11 Rodriguez, and thank you for holding a Transportation
12 Committee hearing on this critically, critically
13 important topic. Up until less than a month ago, New
14 York City had 140 speed cameras in school zones all
15 across New York City. Those cameras save lives.
16 They saved children's lives, but now we are only a
17 few weeks away from the start of the school year, and
18 the children of New York City are at risk. They are
19 at risk because of the New York State Senate. The
20 Senate has failed the city of New York and the
21 children of this city by not extending, never mind
22 expanding and strengthening speed cameras in school
23 zones. They have played political games with the
24 safety of children putting politics before the lives
25 of young people. This is unconscionable. I don't

2 know how they sleep at night. Extending and
3 expanding speed cameras in school zones is such a
4 non-brainer that I can't even believe we need to have
5 a hearing about this today. We are talking about
6 saving the lives of kids trying to get to and from
7 school. There's a reason why we're not hearing the
8 arguments from the other side, and it's because there
9 aren't any. While the speed cameras have been
10 effective, again, they need to not just be extended,
11 but expanded and strengthened. Every school should
12 have a speed camera outside it in the city of New
13 York. On March 5, 2018, a driver in a vehicle with a
14 history of camera violations ran a red light in Park
15 Slope killing 4-year-old Abigail Blumenstein and 1-
16 year-old Joshua Lew. Their mothers Ruthie Ann
17 Blumenstein and Lauren Lew were also injured in the
18 crash, and Miss—and Miss Blumenstein who was pregnant
19 later lost her unborn child because of the injuries
20 she had sustained. We need camera enforcement to be
21 tougher to ensure that drivers don't treat penalties
22 as simply the fee for reckless driving, but rather as
23 punishments that correct dangerous behavior. New
24 York City schools will be in session—be back in
25 session in just a few weeks. State lawmakers need to

2 return to Albany to do their jobs and to extend and
3 expand the School Zone Speed Camera Program. Time is
4 running out on the State to do the right thing.
5 While no single measure including the bills we are
6 hearing today can replace the state's extension and
7 expansion of the Speed Camera Program, if the state
8 does not act, I will make sure that the New York City
9 Council does everything in our legal power to ensure
10 that we create safety around our schools. Again, I
11 want to thank Chair Rodriguez for holding today's
12 hearing. We look forward to hearing from the
13 advocates and families today, and also asking the
14 Administration some questions on how we sort through
15 this problem. Thank you very much Chair Rodriguez.
16 Thank you Speaker Johnson for your support and
17 leadership on this issue, and may other issues in our
18 city. Now, I'd like to not only thank, but dedicate,
19 you know, this emergency hearing to the Families for
20 Safe Streets, and the thousands of families that we
21 have in the great city of New York that they have
22 lost a loved one, and they now, they're fighting not
23 only to seek justice for the family, but for any body
24 else that we never know who is going to be the new
25 person that on any single day will be killed, you

2 know, by a driver that many times they even flee the
3 scene. I feel that the city is committed with the
4 leadership of the Speaker, the Mayor, other agencies,
5 other advocate groups. You know, kudos to Paul TA
6 and all the advocates, you know, for all those hours
7 that everyday have been invested to be sure that we
8 made elected officials accountable. This is not
9 about politics. This is not, you know, anything more
10 than saying the State Senate has to go back, and if
11 the State Senate has to go back, then I feel that the
12 Governor should use, you know, executive order to be
13 sure that we restore those cameras. September 5th is
14 very important because that day we should celebrate,
15 you know, that our cameras are being restored, and
16 these are not operating, he said is one of the worst
17 things that have happened in our city. The speed
18 camera has been reducing, you know, crashes by 50%.
19 So, what we were telling the children and other
20 families that we are bringing back those number—those
21 numbers. So, again, for me this is about being sure
22 that we make all of them especially the Republicans
23 accountable that they go back to Albany, and if they
24 don't go back to Albany, we encourage Governor Cuomo
25 to do it through executive order before September

15th. You know, everyone know that in 2013, New York State passed the law permitting to city to install 20 speed cameras in a school zone. The penalty for a speed camera violation was \$50 fine to the owner of the vehicle. In 2014, this program was expanded to permit 150–140 speed cameras in a school zone that was only made effective until July 25, 2018. These speed cameras have proven highly effective and have unequivocally served–saved lives. Speed camera violations have dropped by over 50% in areas where speed cameras were used have seen a declining crashers, injuries and fatalities of vehicle occupants, pedestrians and cyclists. Most importantly, the number of pedestrian fatalities in the speed camera zone dropped to close to 60%. These aren't just numbers. If not for the speed cameras, more New Yorkers would have been killed. The cameras have saved lives. Despite the clear success of the speed cameras, New York State legislators– legislatures have not renewed the city's authority to operate them. 120 of the 140 cameras stopped issuing violations on July 25, 2018, and the remaining 20 will stop issuing violation on August 30, 2018. Without authorization from the State, students' lives

2 will be at risk when the school year begins on
3 September 5th, and we should know also that many
4 charter school are already open. It is imperative
5 that the State Legislature—Legislature immediately
6 renew the Speed Camera Program. If the state doesn't
7 to back to the section the Governor, as I said
8 before, must use Executive Order to renew the speed
9 camera before schools open on September 15—September
10 5th Turning to legislation, today we are hearing
11 bills and resolutions related to the speed cameras
12 and pedestrian safety. Intro 322, which I introduced
13 will require to DOT to develop a checklist of the
14 street design element to be used to enhance safety
15 throughout the design or arterial high capacity
16 streets. DOT will then be required to state which
17 street design element has been applied, and even if
18 elements has not been applied give the reason for not
19 applying it. We are also hearing Intro No. 971 and
20 972 co-primed sponsored by Council Member Brad
21 Lander, myself and many other colleagues. Intro 971
22 will deter dangerous driving by requiring vehicle
23 owners whose vehicles have received five or more red
24 light camera or a speed camera violation in a year to
25 complete a traffic program. Intro 972 will require

2 the city to study drivers' to determine what driver's
3 behaviors such as different type of previous
4 violations are associated with traffic crashes,
5 injuries and fatalities. Additionally, we are
6 hearing Intro No. 1061 introduced by Council Member
7 Mark Gjonaj, which would require DOT to install radar
8 speed displaced signs in the school zones. Finally,
9 we are hearing Resolution No. 268 introduced by
10 Council Member Alicka-Samuels, which will, which
11 calls on the state to authorize expanded use of the
12 speed cameras in New York City, allow for escalating
13 penalties for multiple violations, and require
14 doctors to report medical conditions that put drivers
15 at high risk of losing consciousness or vehicle
16 control. I would like to invite the sponsor of this
17 legislation who are present to deliver their opening
18 statement.

19 Good afternoon everyone. My name is
20 Councilwoman Alicka Ampry-Samuel, and I want to first
21 thank Council Member Ydanis Rodriguez, the chair of
22 this committee as well our amazing leader, Speaker
23 Johnson, and all of my colleagues here. I am here
24 because I share concern around street safety, and
25 accountability when it comes to reckless driving in

2 New York City, and I am a proud sponsor of Resolution
3 0268 that would, as was just stated authorize the
4 expansion of speed cameras in New York City and
5 provide for the escalation of penalties and
6 consequences for multiple violations issues by red
7 light and speed cameras as well as require physicians
8 to report medical conditions or incidents that
9 indicate a driver is at high risk of suddenly losing
10 consciousness or vehicle control. Now, as the mother
11 of a young son who attends school, and as a member of
12 the New York City Council, I feel it's my
13 responsibility to do something, and I think it's
14 important for all of us to recognize the dangers that
15 come with driving on these just crazy New York
16 streets, not only for drives but pedestrians. When
17 it was brought to my attention that the New York
18 City's authority to use speed and red light cameras
19 in school zones was ending in July, I immediately
20 thought about the crash that took place in Park
21 Slope, which killed the lives of two small children
22 and an unborn baby, and just more closer to home, on
23 the corner of Howard Avenue and East New York Avenue
24 in the Bronx, a section of Brooklyn it's right next
25 to a school, and countless tragic crashes have taken

2 place on just that intersection alone. So, simply
3 put, speed cameras saves lives and New Yorkers are
4 demanding this life saving technology. So, I'm just
5 calling the senators to just really do the right
6 thing at this point. Go back to Albany, pass this
7 legislation, pass the bill and allow the Governor to
8 sign it because this is just craziness, a matter of
9 life and death, and so I thank you for this
10 opportunity and I look forward to the rest of the
11 hearing.

12 CHAIRPERSON RODRIGUEZ: Great. Thank you
13 and now let's hear from another great champion in
14 this fight, great good friend Council Member Lander.

15 COUNCIL MEMBER LANDER: Thank you very
16 much, Chari Rodriguez and I really want to thank you
17 and the Speaker for holding this hearing. I think
18 it's important to point out that this is an emergency
19 hearing. The City Council's committees don't
20 ordinarily meet over the summer, but this is a
21 situation of life and death, and so we knew the right
22 thing to do was to call an emergency hearing and come
23 in session and talk about what we're going to do to
24 get those speed cameras back on and save kids' lives,
25 and that's what we're asking the State Senate to do.

2 If we can have a meeting outside of our normal
3 session, they can have a meeting outside their normal
4 session. Lives are on the line. So, thank you,
5 Chair Rodriguez. Thank you Speaker Johnson, and
6 thank you to the families for keeping this issue
7 front and center everyday. Both the Speaker and
8 Council Member Ampry Samuel mentioned the horrible
9 crash in my district that killed Abigail and Joshua.
10 Those are just two of the five kids that have been
11 killed in my district alone in my time in office.
12 We're going to hear later from the grandmother of
13 Sammie Cohen Epstein, and I'm also thinking of Joey
14 Sellers and Nyeen Ooden (sp?), whose families I've
15 also gotten to know, and we're going to hear from
16 other families. It's so many families around the
17 city that are here today, and that we keep seeing who
18 don't show up out of any reason other than they don't
19 want the tragedy that happened to them to happen any
20 other family, and we're just going to keep showing up
21 until that happens. I wholeheartedly endorse the
22 chairs calling on the Governor to issue an executive
23 order, but I want to offer him one other idea as
24 well, which is that he also the power to call the
25 State Senate back into session, and while he cannot

2 force them to bring up or pass any particular piece
3 of legislation, he can call them back into session
4 every single day, and this is an emergency, and I
5 believe that he should call them into session
6 everyday, and give them an opportunity everyday to
7 pass the bill that will restore these school zone
8 speed cameras, and—and—and we'll keep working
9 together to make that happen. I want to thank the
10 chair for hearing these two bills that together
11 comprise the Reckless Driver Accountability Act, and
12 it connects to the cameras and here's how: For the
13 vast majority of drivers, one \$50 ticket is enough to
14 get you to slow down so that 80% of drivers who get
15 one ticket don't get a second, and that's how these
16 cameras mostly work is that people get the ticket,
17 and they know they don't want to get the ticket so
18 they slow down, and they don't get one at all, or if
19 they get one, they don't want to get a second, and
20 that's why we see 68% drops in speeding and
21 significant reductions we'll hear about in terms of
22 crashes or fatalities. So, that is the critical way
23 that that program works, and why it saves lives, but
24 it also has highlighted something for us, and that is
25 a very small percent of drivers who just keep

2 speeding and running red lights, \$50 ticket after \$50
3 ticket after \$50 ticket operating their vehicles like
4 weapons aimed at their neighbors. Really, the people
5 we're talking about are in many ways sociopathic
6 drivers. Five or more violations it shows you just
7 have a reckless indifference to the lives of your
8 neighbors, and one such driver Dorothy Bruns is the
9 driver that killed Abigail and Joshua, and that's
10 what called our attention to this real gap. If you
11 got points for these violations, you would lose your
12 license very quickly, but the cameras don't put
13 points on your license, they just give you the \$50
14 ticket. So, the idea that we have in the bill we're
15 hearing today is a simple one. If you give five,
16 that's 1%, less than 1% of drivers, the same number
17 that Dorothy Bruns had before she killed Abigail and
18 Joshua. We're not just going to say another \$50
19 ticket and you can keep driving. We're going to say
20 we're going to boot or impound your car until you
21 come and take a reckless driver accountable program,
22 and pay for that program and pay for the booting
23 before you can get back on the road with that car,
24 and I'll talk about this more maybe on panel when—
25 when DOT speaks, but the program we're asking people

2 to do has been operated by the Center for Court
3 Innovation at the Red Hook Justice Center and in
4 Staten Island and has been shown to have a 40%
5 recidivism reduction in reckless driving. We have
6 the tools to save more lives by confronting reckless
7 driving. We will keep fighting to get the cameras
8 back on, and we will keep pushing in New York City to
9 do everything we can to confront reckless driving.
10 It is not either/or, it is both, and we must do those
11 things because the lives of our children and our
12 families depend on it. Thank you, Mr. Chair.

13 CHAIRPERSON RODRIGUEZ: Council Member
14 Gjonaj.

15 COUNCIL MEMBER GJONAJ: Thank you, Chair
16 and I want to plug and our Speaker and all my
17 colleagues for being here today, and taking the
18 aggressive approach that is needed to protect our
19 children. The failure of the State Legislature to
20 secure funding for the school zone speed cameras is
21 morally indefensible. We must never use the safety
22 and wellbeing of anyone let alone our children to be
23 used as political bargaining chips. Even if the
24 funding gets restored at double from 140 cameras to
25 290 as some in Albany are advocating for, that will

2 still leave a bout 1,000 public schools that have no
3 form of speed control at all. We should not choose
4 which children get protection and which don't. I
5 urge all of my colleagues to support this bill, but
6 encourage that we use every tool possible, and I
7 would imagine the most effective tool is additional
8 law enforcement officers that can issue moving
9 violation tickets that would stiffen the penalties
10 and eventually get rid of some of these reckless
11 drivers. I would also—that would also increase the
12 number of fines that they receive, and it's just not
13 the school system. These protections should be
14 throughout New York City. They should around
15 playgrounds. They should be around houses or worship
16 and they should be around senior homes and high
17 traffic areas utilizing every tool that's available
18 from additional police officers to additional speed
19 cameras, to radar cameras, to speed bumps, to red
20 lights, to stop signs to whatever it takes to make
21 sure that cars don't jeopardize or those drivers
22 don't jeopardize the lives of our most valuable
23 assets and that's our children, and I look forward to
24 being—to hearing more from DOT and law enforcement as
25 we discuss the alternatives and how we can make New

2 York City safer for all, but most of all in and
3 around our school systems. Thank you.

4 CHAIRPERSON RODRIGUEZ: Speaker instruct
5 us to organize this hearing in a way that we just
6 started not with an agency, but the human faces of
7 injured people that have been voice for justice to
8 restore the speed camera, and many of them they have
9 lost a loved one. I'm putting the microphone back to
10 Speaker Johnson.

11 SPEAKER COREY JOHNSON: So, I want to
12 call up the first panel of witnesses for this hearing
13 today: Joan Dean from Families for Safe Streets;
14 Raoul Umbero from Families for Safe Streets, Hindi
15 Schachter for Families for Safe Streets, and I
16 apologize if I mispronounce your name, Bernadette
17 Carna from Families for Safe Streets. Oh, yes, Chai
18 Rodriguez, I want to mention the—the members that are
19 here today. Of course we heard from Council Member
20 Ampry Samuel. We have Council Member Chaim Deutsch,
21 Council Member Diaz, Sr., Council Member Peter Koo,
22 Council Member Fernando Cabrera, Council Member Steve
23 Levin, Council Member Daneek Miller, Council Members
24 Brad Lander, Mark Gjonaj, and Council Member Costa
25 Costantinides. You may begin in whatever order you'd

2 like. Just make sure the microphone is on. Maybe we
3 can start with you, Ms. Dean. If you'd push the
4 button.

5 JOAN DEAN: My name is Joan Dean. I'm a
6 member of Families for Safe Streets, and we're an
7 advocacy group comprised of victims of traffic
8 crashes in New York City. My grandson Sammy Cohen
9 Eckstein was killed by a reckless driver in 2013 in
10 front of his building in Brooklyn. He was 12-1/2,
11 was prepared—I'm sorry. It's hard. He was preparing
12 for his Barmitz Vah. He was kind and smart, and
13 charming and handsome, mature beyond his—beyond his
14 years. He loved to argue with me, and I kept telling
15 him he's going to become a lawyer like his dad when
16 he grew up. Sadly, he didn't get that chance, and I
17 miss him every day. [crying] Sorry. Our family has
18 been devastated by this loss. The year Sammy died
19 two other students from Middle School 51, Sammy's
20 School were also killed by traffic. We want to make
21 sure this didn't happen to anyone else, and my
22 daughter Amy Cohen, who co-founded this organization
23 we joined with others so that—to fight for change.
24 Families for Safe Streets was instrumental in
25 Albany's passage of the new 25 mile an hour speed

2 limit legislation, and after its passage, a child was
3 hit in the same location on Prospect Park West and
4 the driver was obeying the speed limit and the child
5 survived. Families for Safe Streets has been working
6 leading the fight for street safety cameras in school
7 zones for three years. We have created a coalition
8 of 300 schools, healthcare providers and community
9 organizations and Ushiva Simka (sp?) to support
10 legislation for 290 cameras and to extend the program
11 until 2022. The bill has bipartisan support in the
12 Legislature with 43 Assembly sponsors and 35 Senate
13 sponsors and the support of Governor Cuomo. So, we
14 have the votes, and as you've heard, the cameras that
15 are—have been shut down a few weeks ago. So, we urge
16 the City Council to pass Resolution 268 calling upon
17 the Legislature to pass and the Governor to sign
18 Senate Bill 6046 and Assembly Bill 7798. I want to
19 thank the New York City Council for helping us to
20 save lives, being the leader in street safety, and I
21 especially want to thank Sandy's Council—Sammy's
22 Council Member Brad Lander, and the Chairman Ydanis
23 Rodriguez. Thank you.

24 SPEAKER COREY JOHNSON: Thank you, Joan
25 so much. You may begin.

2 HINDI SCHACHTER: Okay. I'm Hindi
3 Shachter. I'm a senior citizen cyclist, pedestrian,
4 and driver, and in all those roles, I want safe
5 streets. I'm here today to back up Ydanis
6 Rodriguez's bill about Vision Zero Design Standards.
7 Why am I fixating on the--for street design? Well,
8 because of another senior citizen. Here's the senior
9 citizen, 75 years old in July 2014 running the Race
10 of Champions put on the by the New York Roadrunners
11 Club and meddling to his age group many races in the
12 future, signs up for the 2014 Marathon.
13 Unfortunately, on August 3, 2014, this man my beloved
14 husband of 47 years Irving Schachter was doing an 18-
15 mile run in Central Park in the pedestrian only lane
16 when a 17-year-old cyclist veered at speed into the
17 pedestrian only lane. They collided. Irv fell back
18 and hit his head and it was all over. What did we
19 learn from this? Well, we learn that we had a
20 negligent speeding cyclist, and that's a problem,
21 although the vast majority of such cases involve car
22 drivers, but also we learn the design of the roads
23 was poor. The lines demarcating pedestrian only and
24 cyclists allowed were not as clear as they should be.
25 So, of course, the fault is on the negligent cyclist,

2 but negligent drivers we will always have, and we
3 don't want deaths. What can the City Council do? It
4 can't abolish negligent people. Would that you could
5 make such a law, but you can't. I'll tell you that.
6 Your power is limited, but what you can do is you can
7 all vote for the Rodriguez bill that when the pave
8 the street, you have to either put in all of the
9 Vision Zero design standards that save lives or
10 explain why in a particular case one of these useful
11 standards cannot be used. This is a life saving
12 bill. This is one person whose life cannot be saved
13 from it, but I think he'll rest a little easier
14 knowing that you've passed the bill, and in his
15 memory, I speak to the City Council today. Thank you
16 for giving me this opportunity.

17 CHAIRPERSON RODRIGUEZ: Thank you.

18 SPEAKER COREY JOHNSON: Hindi, thank you.

19 BERNADETTE CARNA: Good afternoon,
20 Chairman Rodriguez and members of the Transportation
21 Committee. My name is Bernadette Carna. I am a
22 member of Families for Safe Streets and survivor of a
23 hit and run crash. [coughs] Excuse me. On June 8,
24 2016, a reckless driver hit me as I crosswalk the
25 street in the crosswalk with the light. The driver

2 dragged me 50 feet and then fled leaving me for dead.

3 Two years later, I was traumatized again when I

4 learned that police had positively identified the

5 vehicle that struck me, but dropped the investigation

6 because the vehicle owner denied involvement. That

7 owner had been involved two other crashes in the

8 prior year. The police just took his word for it,

9 and dropped the investigation. Let me give you some

10 idea of my first trauma. While in the ambulance I

11 thought I was going to die. I couldn't breathe as I

12 drifted in and out of consciousness. While in the

13 ER, the pain from the insertion of the chest tube was

14 unbearable. I laid in the ICU recovery room for days

15 attached to various tubs and monitors. I was

16 overwhelmed and in constant pain. My ribs were

17 crushed requiring surgical fixation with metal

18 plates, and I had numerous other fractures to my

19 back, shoulder, knee and foot. I was in physical

20 therapy for nearly two years and unable to work for

21 20 months. The day after my crash a detective was

22 assigned. I was hopeful that the driver would be

23 found and prosecuted, but police never reported back,

24 forcing us to pursue a Freedom of Information

25 request. It was 20 months before I learned the

2 truth. What I learned is that the city has a network
3 of videos cameras that capture millions of license
4 plates each day called the Lower Manhattan Security
5 Initiative or LMSI. LMSI cameras caught the license
6 plate of the car that hit me, but because no one
7 could identify the driver, just took the owner's word
8 for it when he said he didn't do it even though he
9 admitted to no one else had use of his vehicle making
10 his-making this his third crash in a single year. I
11 also learned it is the NYPD's official policy to end
12 the investigation when a vehicle owner denies
13 involvement in a hit and run even when a video or an
14 eyewitness positively identifies the vehicle. The
15 policy was applied in my case, and the details are
16 provided in a letter that my counsel provided to you.
17 There are parallels to the crashed caused by Dorothy
18 Bruns and injured their mothers in Park Slope earlier
19 this year. Bruns had a previous hit and run, eight
20 moving violations caught on camera and a seizure
21 disorder, but no one took any steps to get her off
22 the road before she killed those toddlers. Why does
23 the city collect all this information on reckless
24 driving, but fail to use it to prevent reckless
25 driving? Please enact Intro 971 and 972, which allow

2 the city to analyze all the information it has to
3 identify and intervene with reckless drivers to get
4 them off the road before they injure and kill.
5 Surviving a crash is traumatic, exhaustive, and life
6 altering. When a vehicle is identified as being
7 involved in reckless driving, whether it is a camera
8 based violation or a hit and run. If we give the
9 owner and automatic pass or a slap on the wrist,
10 they'll just do it again. Either the owner must take
11 responsibility or the owner must identify the
12 responsible driver. This is what Intro 971 and 972
13 would do: Give the city the tools to intervene and
14 change driver behavior before the next devastating
15 injury, before the next death. Every six minutes
16 another person in New York City is injured in a motor
17 vehicle crash. The clock is ticking. Please pass
18 Intro 971 and 972 before the next person is hit.
19 Thank you.

20 SPEAKER COREY JOHNSON: Thank you,
21 Bernadette.

22 RAOUL AMPUERO: Good afternoon, anyone.
23 My name is Raoul Ampuero and I wanted to thank the
24 City Council for this opportunity. It's not easy for
25 me to speak at the moment, but I had to. I lost my

2 son Giovanni approximately three months ago. He was
3 9 years old. He was hit by a car. It's awful for a
4 doctor to come out of surgery and tell you that your
5 is dead. The first thing I thought was: Why? Why?
6 And I said that—if this is what you want, this is
7 what I need to accept, and since then my life has
8 changed a lot. I see horrible things what a human
9 being could do, and this is one of the things. They
10 don't want to save lives. I lost my son and there's
11 nothing that's going to bring, not a love one, my son
12 or anyone I here, nothing. It doesn't matter where
13 you come from. It doesn't matter what religion you
14 are or what background you come from, this is our
15 children. This is our children that we want the best
16 for them. What else do we want? That's all. We
17 want them to grow, play, go to college, be someone
18 with principles and morals that's what I did for
19 Giovanni and my other two ones, which the other one
20 is 14, the other 20, and right he's studying criminal
21 justice. I always tell them the best to do is go to
22 school be somebody. Giovanni didn't have that
23 opportunity. I am very upset with the city. I'm very
24 upset with the Republicans because they don't want to
25 save lives, and you know what? Screw them. If they

2 don't want to help us, let's do it ourselves. How
3 simple could that be? It's not hard to ask. We vote
4 for them, and they don't want to help us. That's
5 completely, completely wrong. My son after the use
6 of the cars went over him, he was still alive and he
7 was asking for his mom. Please mom, don't let me go,
8 and this is awful. This is horrible and--and everyday
9 I try to go to events, rallies, and I try to do the
10 right thing because I think no parent should be
11 burying his boy or his daughter or a lovely one. It
12 shouldn't happen, and that's why we're here in front
13 of all you guys to see what else we can do to pass
14 this to move on. We should be with out families
15 having a good time. Unfortunately, there's nothing I
16 could do, but I put my hands in your hands, guys and
17 as God is my witness, I would do whatever is
18 necessary so parent should go with this pain that I'm
19 going right now. So, on behalf of myself, I'm asking
20 you please. That's all I'm asking you. Please, it's
21 such common sense. We want a safe life. That's what
22 we want, and screw them, I don't care. All I care is
23 I want to save kids. Simple as that. So, I'm asking
24 Governor Cuomo. I'm asking Mr. de Blasio we got to
25 do something because it seems to be that even if

2 their own will die, they won't care. That's the way
3 I see it. These people they don't have no respect
4 whatsoever, morals or principles because they just
5 simply don't care. If they don't care, screw them. I
6 don't care. My son is dead. I go visit him almost
7 every weekend in the cemetery, and I cry and I cry,
8 and I say, Giovanni, I do whatever is necessary to
9 save lives, and that's exactly why I'm standing here
10 in front of you guys, and I'm begging you to use your
11 powers as much as you can to save a boy or a little
12 girl. That's all I'm asking. Is that too much to
13 ask? I don't think so. I wanted to thank you City
14 Council for the opportunity again one more time, and
15 again I'm stretching my hand to you guys and I hope
16 you guys will not disappoint me. Thank you so much.

17 SPEAKER COREY JOHNSON: I want to thank
18 you. [applause] Thank you very much. I want to thank
19 you, of course, Raoul, for being here, and I'm very,
20 very sorry for your loss.

21 RAOUL AMPUERO: Thank you.

22 SPEAKER COREY JOHNSON: I want to thank
23 you Bernadette being a survivor, and Hindi and Joan
24 for everything you guys have done. The level of
25 trauma that each of you have experienced through

2 these crashes and what has happened to you, the
3 bravery and courage to be here today and to continue
4 to advocate for other folks and the memories of the
5 loved ones that have been lost is incredibly moving
6 and impactful, and I want you to know that this
7 Council is committed to doing everything within our
8 legal authority to step up to the plate given the
9 shameful and immoral inaction that the State Senate
10 have shown. We even have to go beyond that. There
11 are other things to do as well, but today is really
12 focusing on how we get these speed cameras up and
13 running again, and what the city's role is moving
14 forward. So, Chair Rodriguez, I don't know if you
15 have any questions for these wonderful--

16 CHAIRPERSON RODRIGUEZ: More than
17 questions. It's like we--let's not worry, and now we
18 can say, you know, you guys are the husband, the
19 father the partner, the brothers and sisters. I
20 don't think that the elected officials and anyone
21 that is not in this type of room and get to hear, you
22 know, your story would be able to understand the
23 feeling, and there's no word that can come from us
24 that can express our support and solidarity. All we
25 can say is thank you for your leadership, and here we

2 are to continue this journey. Hopefully we are
3 fighting for your relative one, the loved one so that
4 it doesn't happen to anybody else, but I know that as
5 a father with two daughter, those are. (sic) So, I'd
6 like to

7 COUNCIL MEMBER LANDER: [interposing] I
8 have one question. Thank you. Thank you, Mr. Chair,
9 and I'll just, you know, extend the gratitude of the-
10 the Chair and Speaker. Your-your courage is
11 extraordinary and the generosity to work hard to save
12 other kids and other seniors and other families lives
13 is extraordinary, and I think it's worth saying you
14 already have. Like let's remember that, the reducing
15 of the speed limit, all the Vision Zero changes that
16 we've made together, but led by your advocacy has
17 prevented deaths already. Of course, we'll never
18 know who they are, thank God. So, thank you not just
19 for your courage and your advocacy, but for the lives
20 that you've already saved, other people's kids, other
21 people's spouses, other people's family member.
22 Bernadette, I have one question for you because your
23 story really gets at trying to identify reckless
24 drivers from the information that we have before
25 they're out there. That, you know, the speed cameras

2 prevent the vast majority of people from speeding,
3 but some of these fatalities and crashes are caused
4 by people who we could know are going going—are
5 reckless already, and we're not yet targeting in the
6 ways that we need to be, and that's why your story is
7 instructive. I wonder how you found that the driver
8 that hit you had already been in the two prior
9 crashes, or that the car had been in two prior
10 crashes? How did you get that information?

11 BERNADETTE CARNA: I—I found out through
12 my lawyer. When we received the—the FOIL, the
13 Freedom of Information Law, it had his name and a
14 license plate number. So, with that information we
15 were able to find him.

16 COUNCIL MEMBER LANDER: And we can follow
17 up afterwards. Do you know what—with that
18 information like what data base, or because, you
19 know, we'll follow up with you.

20 BERNADETTE CARNA: I don't know. I don't.

21 COUNCIL MEMBER LANDER: We'll follow up
22 with you. Oh, alright and Steve is your lawyer. So,
23 I'll ask him when he's on the panel later. I think
24 this really goes at one idea we have, and a powerful
25 one is to use the red light and school zone speed

2 cameras, but that's only one data source that exists
3 and the work we need to do. That's why the other
4 bill here 971 goes at what can we learn about
5 patterns of behavior? We've already got all this
6 data. Let's use it to identify and get those drivers
7 off the street or to change their behavior before
8 they hit you, before they hit anybody else's loved
9 one. So, thank you for sharing you story with us.

10 BERNADETTE CARNA: Thank you.

11 COUNCIL MEMBER LANDER:

12 CHAIRPERSON RODRIGUEZ: Thank you. So,
13 thank you to all of you. Good job. [Speaking
14 Spanish] With that, we are going to the next panel,
15 which is the DOT and I would like to welcome the
16 representative of the Department of Transportation,
17 and Police Department who will testify on the city's
18 Speed Camera Program and the proposed legislation.
19 Thank you for being here. We now ask the Counsel to
20 administer the affirmation, and then invite the
21 Administration to deliver your statement. Just be
22 sure—please identify yourself so that we have your
23 name in the record.

24 REBECCA ZACK: I'm Rebecca Zack with New
25 York City DOT.

2 MARGARET FORGIONE: Margaret Forgione,
3 New York City DOT.

4 ROBERT FIENNES: Robert Fiennes, New York
5 City DOT.

6 JUAN MARTINEZ: You don't say. Juan
7 Martinez, New York City DOT.

8 THOMAS CHAN: Thomas Chan, Chief of
9 Transportation NYPD.

10 LEGAL COUNSEL: Do you affirm to tell the
11 truth, the whole truth and nothing but the truth in
12 your testimony before this committee today?

13 MARGARET FORGIONE: We do.

14 JUAN MARTINEZ: Yes we do.

15 REBECCA ZACK: I do.

16 THOMAS CHAN: I do.

17 MARGARET FORGIONE: Okay, good afternoon
18 Speaker Johnson, Chair Rodriguez, and members of the
19 Transportation Committee. I am Margaret Forgione,
20 Chief Operations Officer at New York City DOT. With
21 me today are Director of Traffic Operations Policy
22 Juan Martinez and Assistant Commission for
23 Intergovernmental and Community Affairs Rebecca Zack.
24 Together with Chief Thomas Chan and our NYPD
25 colleagues, I am pleased to be here today to testify

2 on behalf of Mayor de Blasio about the city's
3 essential effective Speed Camera Program and how the
4 New York State Senate's failure to reauthorize and
5 expand the program makes our streets more dangerous.
6 Speeding is the leading cause of traffic fatalities
7 in New York City. Deterring speeding is critical
8 because the faster a vehicle is moving the harder it
9 is for the driver to avoid a crash. In fact, a
10 driver 40 miles per hour needs 300 feet to proceed,
11 react and brake to an unexpected event, twice as far
12 as a driver at 25 miles per hour who only needs 150
13 feet. A pedestrian who is struck by a vehicle
14 traveling at 30 miles per hour is twice as likely to
15 be killed as a pedestrian struck by a vehicle
16 traveling at 25 miles per hour. Speed cameras
17 provide predictable and consistent enforcement of the
18 speed limit, which encourages drivers to maintain a
19 safer speed. At a school with a fixed camera,
20 speeding violations dropped by 63%. That change in
21 behavior directly leads to safety improvements. DOT
22 analysis shows that through December 2016 there were
23 17% fewer pedestrian, motorist and cyclists injured
24 and traffic crashes at schools with fixed cameras
25 each year and 21% fewer fatal and server injuries

1 annually. For instance, major streets with speed
2 cameras in every borough saw dramatic safety
3 improvements since their arrival. On Ocean Parkway
4 speeding declined 63% and 32% fewer people were
5 injured. On 10th Avenue in Manhattan speeding
6 declined 83% and 26% fewer people were injured. On
7 Forest Avenue in Staten Island speeding declined 27%
8 and 35% fewer people were injured. On Union Turnpike
9 speeding declined 80% and 43% fewer people were
10 injured, and on the Grand Concourse speeding declined
11 83% and 22% fewer people were injured. These
12 reductions mean an average of 540 fewer people were
13 injured, 28 people avoided serious injury and 10
14 people avoided deaths at those locations each year.
15 These safety gains were achieved despite the fact
16 that we are restricted from enforcing the law through
17 the use of speed cameras at night, on weekends, and
18 at other times school is not in session. We can
19 evaluate the effectiveness of a program by how well
20 it changes behavior in the long term. Speed cameras
21 have passed that test with flying colors. During the
22 two-year period between the start of the program in
23 2014 and 2016, just over 80% of vehicles that
24 received one violation from the speed cameras did not
25

2 receive another. That means drivers got the message
3 and were deterred from speeding in the future by one
4 \$50 ticket. It is remarkable how much these cameras
5 achieve. In order for the Speed Camera Program to be
6 effective, it must be fair. We had this in mind from
7 the moment we began to designing the program. We
8 focused entirely on the safety benefits that these
9 cameras could provide. Our contractors paid a flat
10 fee per camera per camera purchased. Unlike some
11 jurisdictions where similar vendors are paid a
12 commission based on the number of violations issued.
13 We do not and would not enter into such an
14 arrangement because it distorts the purpose of the
15 program to increase safety. DOT experts selected
16 locations for 100 fixed cameras after a rigorous
17 review of crash histories and evaluation of the
18 speeding data, and the roadway geometry of each
19 school. Additionally, we operate 40 mobile speed
20 cameras, which we relocated daily in order to
21 increase deterrents around the city. Each violation
22 is reviewed by a trained city employee to confirm the
23 integrity of the violations that we issue. These
24 technicians inspect the video or photographic
25 evidence carefully. Additionally, our camera systems

2 undergo a daily self-test of their functions and an
3 annual calibration check by an independent lab.

4 Additionally, the Department of Finance adjudicates
5 all violations, which vehicle owners claim were

6 erroneously issued. Both Administrative Law Judges
7 will not uphold a violation unless the evidence

8 demonstrates that the vehicle cited was speeding in a
9 school speed zone during school hours. Less than

10 .05% of all speed camera violations are overturned at
11 hearing. We consider this fact a testament to the

12 accuracy of this technology and the thoroughness of
13 our manual review. Now, I will turn to the current

14 situation in Albany and the safety implications for
15 all New Yorkers of the Senate's inaction. In 2013,

16 after years of advocacy, the State granted New York
17 City the authority to pilot an automated Speed

18 Enforcement Program to deter speeding around 20

19 schools. The first speed camera violation was issued
20 in January 2014. In April, 2014, in order to bolster

21 Vision Zero, the city secured an expansion of the

22 pilot to a total of 140 school locations. The point

23 of the pilot was to prove whether the program works,

24 and whether the city could be trusted to run the

25 program fairly. At this point, the results speak

2 volumes. Accordingly, over the past several years an
3 impressive coalition has advocated for an expansion
4 of the Speed Camera Program that would allow us to
5 deter speeding at more schools during more hours. All
6 legislative efforts involve compromise. Through a
7 sincere and multi-tier effort to address the
8 professed concerns of the Senate Majority, the
9 proposed expansion shrank to a relatively modest
10 increase in the number of schools, some flexibility
11 on placement of speed cameras near a school while
12 also adopting reasonable new placement
13 considerations, and four-year extension of the
14 program. As you may know, the Assembly has
15 repeatedly passed this bill in multiple forms over
16 the last two years, but the New York State Senate
17 leadership declined to allow the bill to come up for
18 a vote despite the fact that a bipartisan majority of
19 senators have committed to vote for the bill if
20 allowed the opportunity. Accordingly, DOT is now
21 required to shutter the successful programs. On July
22 25th we stopped speed camera enforcement on 120 of
23 the 140 schools and as the Mayor announced Monday, we
24 are still collecting data even though license plates
25 are not recorded. As he noted in just over two

2 weeks, more than 130,000 vehicles have already been
3 spotted dangerously exceeding speed limits by the
4 cameras. When our remaining authority to deploy
5 cameras at 20 schools across the city expires in 15
6 days, we will be forced to stop issuing violations
7 altogether. In a few weeks school will resume, and
8 unless the Senate's leadership reconvenes, we will
9 not be able to use one of the most effective safety
10 tools the city has ever had to protect to our
11 families. Proven safety programs that are saving
12 lives should not be held hostage to politics. Now, I
13 will briefly comment on the bills before the
14 committee today.

15 Intro 322 by Chair Rodriguez would
16 require DOT to developed checklist of best-best
17 practice elements for arterial street designs and
18 post a list of such projects with explanations if
19 particular elements are not utilized. The elements
20 proposed in the bill for inclusion in such a required
21 checklist are consistent with current DOT best
22 practices. Under Vision Zero every street design
23 project is considered for opportunities enhance
24 safety and every project include ADA compliance. Our
25 toolkit includes, but is not limited to all of the

2 elements specified in the bill, and we consider all
3 elements for inclusion depending on the usage,
4 existing conditions and amount of street width
5 available. In these ways, DOT's existing design
6 processes accomplish the goals of the proposed
7 legislation. However, enacting the reporting
8 requirement in this bill would add costs and delay to
9 the delivery of Vision Zero projects and other
10 mobility projects by consuming project staff time at
11 their completion. The accumulation of such
12 requirements would reduce the quantity of projects we
13 are able to undertake. Furthermore, weighing street
14 design safety elements to employ in any project is
15 individualized, complex and dependent on any number
16 of site-specific factors. Intricacies of these
17 decisions cannot be conveyed in a quantifiable
18 checklist, which would be misleading because it would
19 not reflect how DOT is maximizing safety at any given
20 location using our engineering judgment. For these
21 reasons, DOT respectfully opposes the proposed
22 legislation. Intro 971 by Council Member Lander
23 would provide that after a vehicle received its fifth
24 speed camera or red light camera violation, owners
25 must complete a required traffic safety program, and

2 that their vehicle may be subject to impoundment
3 until they do so. This Administration also supports
4 escalating sanctions for camera violations up to and
5 including taking the worst offending vehicles off the
6 road. The Mayor has called for legislation at the
7 state level to that effect and we welcome this
8 proposal. The Council Member's bill—the Council
9 member's bill raises legal issues that require
10 further review as well as presenting operational
11 questions. That being said, we are very interested
12 in continuing to work with the Council Member to
13 focus on addressing the most dangerous drivers. But,
14 of course, when it comes to camera enforcement, our
15 top priority is and focus must be on renewing and
16 expanding the city's authority to operate the Speed
17 Camera Program that we know has been very effective
18 at reducing speeding and saving lives. Fortunately,
19 for most drivers, as we noted, even the first \$50
20 ticket has a strong deterrent effect.

21 Intro 972 also by Council Member Lander
22 would require the Mayor's Office of Operations in
23 collaboration with NYPD and other appropriate
24 agencies the Mayor may identify to study driving
25 behavior to identify patterns associated with

2 crashes, injuries and fatalities. Proposed
3 recommendations based its findings and report on
4 implementation of any recommendations. The Vision
5 Zero Task Force is currently developing a variety of
6 research initiatives, which are intended do address
7 many of the goals of this bill including an
8 exploration of the factors that may best predict
9 dangerous driving. This involves reviewing what data
10 can be feasibly obtained. The proposed legislation
11 would require us to analyze certain data such as that
12 held by private insurance companies, which is not at
13 the disposal of city government. We support this
14 legislation in concept, and are happy to work further
15 with the bill's sponsor on this proposal.

16 And finally, Intro 1061 by Council Member
17 Gjonaj would require DOT to install a radar speed
18 display sign or speed board adjacent to every school
19 in the city with more than 250 students. Speed
20 boards cannot compare to speed cameras if our goal is
21 safer driving citywide. They are by no means a
22 practical substitute for speed cameras, which
23 evidence shows have a far superior long-term
24 deterrent effect. They are two different tools for
25 different situations. While mobile speed boards can

2 be helpful in temporary situations such as work
3 zones. Speeding reductions are modest and short
4 lived. At a cost of over \$26,000 per fixed speed
5 board installation, placing them in up to
6 approximately 1,600 locations as required by the
7 bill, would cost over \$46 million. These fund would
8 be much better allocated for more effective street
9 treatments and programs selected for a data driven
10 approach. Entertaining this proposal distracts from
11 the crucial importance of renewing and expanding the
12 city's Speed Camera Program. For this reason, DOT
13 opposes this legislation.

14 In closing, I would like to discuss the
15 status of the Vision Zero Initiative generally. In
16 2013, the year before Vision Zero began, 299 people
17 were killed in crashes. In 2017, that number
18 declined to 222 people a record low. This year we
19 are on track for even fewer unnecessary deaths.
20 However, much more still needs to be done, and I fear
21 this trend will not continue if New York drivers
22 realize that enforcement of the speed limit is less
23 consistent and predictable. I can assure you the
24 city is doing more safety work of all kinds across
25 the five boroughs than ever before. Traffic signals,

2 stop signs, speed hubs, pedestrian islands, bike
3 lanes, public education campaigns and much more.
4 NYPD is issuing more speeding and other hazardous
5 violations than ever. Our sister agencies TLC, BIC
6 the MTA and DCAS are implementing dozens of
7 initiatives to prevent crashes involving the fleets
8 they manage or regulate. The Speed Camera Program
9 complements these safety measures and protects people
10 in a way that other interventions simply cannot. If
11 that were not the case, the city would not be
12 pressing so hard to reauthorize and expand the
13 program. Finally, I would like to say thank you to
14 the large and broad coalition who have fought so hard
15 in our state capital for the renewal and expansion of
16 speed cameras, street safety advocates, school
17 children, seniors, medical professional, law
18 enforcement, labor, disability advocates, civic
19 associations and, of course, those who have lost
20 loved ones to traffic crashes. Together with you,
21 this administration and our allies in Albany will not
22 stop fighting for this vital life saving program, and
23 thank you to Speaker Johnson and so many of your
24 colleagues for your strong support for these efforts.
25 We urge the Senate to reconvene and pass this common

2 sense and essential legislation without delay. Thank
3 you for the opportunity to testify before you today,
4 and I would be happy to take questions after you hear
5 from Chief Chan.

6 SPEAKER COREY JOHNSON: Thank you,
7 Margaret.

8 MARGARET FORGIONE: Okay.

9 CHIEF THOMAS CHAN: Good afternoon
10 Speaker Johnson, Chair Rodriguez and members of the
11 Council. I'm Chief Thomas Chan, the Chief of
12 Transportation for the City of New York for the New
13 York City Police Department. On behalf of the
14 Police Commissioner James P. O'Neill, I am pleased to
15 testify before you here today and the committee on
16 the topic of speed cameras. After over four years—4-
17 1/2 years of Vision Zero, New York has seen roadway
18 fatalities dramatically decline bucking the national
19 trend of increased fatalities. The speed cameras
20 installed in 140 school zones throughout our city are
21 a vital part of the city's commitment to Vision Zero.
22 Over the last several years I've traveled to Albany
23 with the Department of Transportation, DOT
24 Commissioner Trottenberg and other traffic safety
25 stakeholders to advocate for the expansion of speed

2 cameras in our city. Speed cameras are a valuable
3 force multiplier for the NYPD. These cameras reduce
4 speeding, keep our streets safe, they supplement the
5 NYPD resources and protect our city's children,
6 seniors and families. It is unfortunate that the
7 cameras in 120 of these zones are no longer operable.
8 The current state of affairs jeopardizes the safety
9 of our pedestrians, children attending our schools in
10 these zones and other pedestrians also. Since July
11 25th, when most of the cameras became inoperable the
12 department has directed additional resources in the
13 impacted school zones. Specifically, in zones where
14 schools are in session for the summer and between the
15 period of July 25th through July 27th, there was a 33%
16 increase in speed summonses issued by our patrol
17 officers in these zones. Additionally, every
18 precinct maintains a traffic safety team. This
19 summer these teams have been instructed to focus on
20 speeding, and other hazardous violations in school
21 zones. Working in partnership with our partner in
22 the Department of Transportation, we deployed focused
23 resources to those zones whose cameras have
24 historically issued the most summonses. Over the
25 last few weeks our Traffic Enforcement Agents have

2 been instructed to concentrate on hazardous parking
3 violations, double parking in these school zones to
4 ensure pedestrian safety. Traffic Enforcement Agents
5 and our auxiliary officers have also been
6 supplementing the work of our crossing guards
7 throughout the city to help pedestrians safely cross
8 the street. The department has also engaged in a
9 significant outreach. Personnel from the School
10 Safety Division, the NYPD Transportation Outreach
11 Unit have been visiting schools, distributing flyers
12 on tips and best practices for pedestrian safety.
13 Additionally, the Transportation Bureau has engaged
14 in a recent social media campaign that emphasizes the
15 dangers of speeding and reckless driving as well as
16 the penalties and the fines for engaging in such
17 conduct. The department is committed to conducting
18 this additional enforcement. I want to note,
19 however, while I have not—while I have the completed
20 confidence of our personnel, these efforts will not
21 completely replace the workflow of the automated
22 camera system. Last year 140 school zone speed
23 cameras issued 1.3 million speeding summonses.
24 Comparatively even with our focused efforts on Vision
25 Zero, the NYPD patrol officers issued approximately

2 150,000 speeding summonses citywide last year.
3 Moreover, on average it takes and NYPD Patrol Officer
4 ten minutes to issue a speeding summons whereas
5 cameras can capture and record the violation
6 automatically. In order to get to our goal of Vision
7 Zero, we need to continue all the progress that's
8 been made over the last 4-1/2 years. Speed cameras
9 are a critical component of this initiative. We
10 strongly urge the reauthorization and the expansion
11 of this life saving tool. We thank you for the
12 opportunity to testify today. My colleagues and I
13 would be very happy to answer your questions. Thank
14 you.

15 SPEAKER COREY JOHNSON: Thank you, Chief
16 Chan. Thank you, Margaret and the team at DOT. So,
17 as you all know, as per state law 120 of 140 cameras
18 sunsetted on July 25th and the remaining 20 cameras
19 sunset on August 30th if there is not action by the
20 state to reauthorize the program. I'd love to hear,
21 and I know we heard a little bit about it, Chief Chan
22 and what you all have done since July 25th from
23 enforcement perspective, but I'd love to hear from
24 DOT and the NYPD about the city's plan to fill the
25 enforcement gap. What-if-if some reason they do not

2 reauthorize this from September 5th moving forward
3 until we get the cameras reauthorized besides the—the
4 good things that you mentioned here with many, many
5 more students coming back besides the students that
6 are at summer school right now, what is the holistic
7 plan to step up enforcement to protect children?
8 [pause]

9 CHIEF THOMAS CHAN: As I mentioned
10 previously in my—my testimony, speeding is certainly
11 one of the leading causes of such injuries and also
12 fatalities, and we found, of course, the speed
13 cameras have been very effective. They're efficient
14 use of technology, and it both supports and it also
15 supplements the work that's done by our uniformed
16 police officers out there, and the cameras certainly
17 can free up our officers to do—do other enforcement
18 out there. The NYPD supports the renewal and the
19 expansion of this—this very important program. In an
20 effort and in preparation, a contingency plan was
21 developed in the NYPD meeting with other units within
22 the New York City Police Department. We are prepared
23 in the event that the cameras are not reinstated on
24 September the 5th, we have been doing enforcement, as
25 I mentioned before the added enforcement during an

2 enforcement initiative on the 25th the 26th and the
3 27th of July when the program expired. Currently, in
4 each and every precinct, part of the Vision Zero
5 Program is to have a traffic safety team and a
6 traffic safety program. We have received the data
7 from the Department of Transportation identifying the
8 priority locations, the locations with 100 cameras
9 that are stationary, and also locations where we also
10 identify as pedestrian collision pro-locations.
11 Based on these particular locations, we've deployed
12 our officers from the Traffic Safety Team to do
13 enforcement, which includes speed enforcement, but
14 that also includes hazardous. Hazardous violations
15 could be red light summonses, right-of-way, failure
16 to yield to the right-of-way to a pedestrian or
17 bicyclist, disobeying signs, disobeying improper
18 turns, cell phone distracted driving, cell phone and
19 texting while you're operating the vehicle. So, our
20 officers in each precinct throughout the city we have
21 a Traffic Safety Team that has been instructed to
22 conduct enforcement. On top of that--

23 SPEAKER COREY JOHNSON: [interposing]

24 Just Chief Chan, I want to ask something on that.

25 So, you know, we have 77 police precincts in New York

2 City, police precincts are different geographically,
3 schools are sited differently throughout New York
4 City. So, some police precincts may have many more
5 schools than other police precincts. Some police
6 precincts may have schools that have—that have
7 challenges when it comes to the amount of traffic
8 depending on where they are sited. And so is there a
9 more surgical approach that the NYPD is planning for
10 from an enforcement perspective before if for some
11 reason it doesn't get reauthorized and expanded and
12 strengthened, looking at each police precinct,
13 mapping out the schools at each police precinct all
14 across the city looking at the NYPD crash data, on
15 where there have been crashes, looking at the speed
16 camera violation data to see which areas there have
17 been more tickets issued to understand where to
18 surgically and strategically create more enforcement
19 if there are not speed cameras?

20 CHIEF THOMAS CHAN: Again, they're
21 currently the—there are 106 locations where we have
22 cameras. We have 77 precincts. We have Traffic
23 Safety Teams working in each one of those commands.
24 What happened is that they will look at the data that
25 we provided them for locations. So, in other words,

2 there may very be precincts—I'll the example in
3 Manhattan there are not necessarily any fixed cameras
4 that are in Lower Manhattan. I believe we only have
5 two in that location. So, but there is an
6 expectation that the other precincts that don't have
7 cameras will do enforcement where they see that they
8 have speeding conditions in their local precinct
9 areas. So what happened is that the analysis is
10 going to be done on the individual basis by the local
11 precincts provided by the data that we look at on a
12 daily basis, weekly basis. On our Traffic Stat
13 Report we identify pedestrian collisions where
14 injuries are occurring, and they will review that
15 data and then also review the deployment of our
16 officers to each of the locations. But in
17 collaboration there are a whole list of things that
18 in the Police Department and other—the auxiliaries,
19 utilizing our Traffic Agents, as I indicated before
20 that we will supplement that to get additional
21 officers and also visibility at those locations. The
22 School Safety Division has a uniformed task force.
23 They visit over 100 different schools on a weekly
24 basis. They've been asked to join in Neighborhood
25 Policing Program, NCO Sector, Resource Officers,

2 Community Affairs. We've asked them to increase and
3 also visit these locations that have the ability to
4 hand out flyers involving pedestrian safety,
5 targeting our school children and I believe DOT is
6 also doing that sending out teams to do that. So,
7 it's a group effort. It's not just the summons
8 aspect. It's the education portion also that the DOT
9 and also the NYPD will be working on that aspect

10 SPEAKER COREY JOHNSON: So, the--the 140
11 schools that have cameras currently will there be an
12 effort to increase uniformed personnel or NYPD
13 vehicles outside the school as a deterrent if people
14 are driving by and they see a police vehicle, a
15 marked police vehicle parked? Do we think that would
16 help them maybe slow down or if they saw uniformed
17 officers?

18 CHIEF THOMAS CHAN: Absolutely. What
19 happened is that as the school begins certainly we
20 have a presence by our School Safety Division, which
21 is--those are civilians, but also the uniformed task
22 force officers, but in conjunction as part of our
23 NYCO program, we've asked our NYC Officers to make
24 visits to the schools, and again, to get that message
25 across to parents and to teachers and our children

2 that they should exercise caution when they're cross
3 the street. Don't take it for granted that the
4 motorists see them. So, it's—that's part of the
5 program also that, but in—in issuing all summonses we
6 have the Traffic Safety Teams, as I mentioned. We
7 will have officers out there issuing additional
8 summonses, targeting speeding violations in that
9 particular area. So, it's kind of a combination of
10 parking summonses where people who are double parking
11 they may inhibit people from crossing or utilizing
12 the marked crosswalks and things of that nature. So,
13 I think that collectively we also have scheduled just
14 a normal process as part of our Vision Zero. We've
15 had Speed Enforcement Initiative, Pedestrian Safety
16 Initiative, Bicycle Safety Initiative. We have a—we
17 just completed another Speed Enforcement Initiative
18 that occurred last week on the 10th, 11th and the 12th.
19 So we are continuing to increase our enforcement, and
20 they will see more officers out there issuing
21 violations for people who are speeding.

22 SPEAKER COREY JOHNSON: Chief Chan, I was
23 very distressed and a little shocked to hear
24 testimony from the previous panel from Mr. Bernadette
25 Carna who had testified she is a survivor of a crash.

2 She was nearly killed. She talked about that in
3 detail and I was—and I have her testimony here, and
4 I'll just re-read a part of it. It said the day
5 after my crash, a detective was assigned. I was
6 hopeful the driver would be found and prosecuted, but
7 police never reported back--

8 CHIEF THOMAS CHAN: Uh-huh.

9 SPEAKER COREY JOHNSON: --forcing us to
10 pursue a Freedom of Information Request for 20 months
11 before I learned the truth. What I learned that the
12 city has a network of video cameras—as you talked
13 about—that captures millions of license plates each
14 day Lower Manhattan Security Initiative, LMSI. LMSI
15 cameras caught the license plate of the car that hit
16 me, but because no one could identify the driver, the
17 police just took the owner's word for it when he said
18 he didn't do it. Even though he admitted that no one
19 else had use of his vehicle making this his third
20 crash in a single year. What I also learned is the
21 NYPD's official policy is to end the investigation
22 when a vehicle owner denies involvement in a hit and
23 run even when a video or an eye witness positively
24 identifies the vehicle. The policy was applied in my
25 case and I will share that evidence in my written

2 testimony. So, I have the same question that--that--
3 that Bernadette asked. She went on and she said why
4 does the city collect all this information on
5 reckless driving, but fail to use it prevent reckless
6 driving. You may not be able to speak about the
7 specifics of this case, but I would like to hear
8 generally the answer to that question, which is, is
9 that true that you--the NYPD takes the word of someone
10 who's a suspect even if their license plate or an
11 eyewitness positively IDs them as someone who was
12 involved in a crash that injures or kills someone.

13 CHIEF THOMAS CHAN: When we take a look
14 at a--at a leaving the scene collision, and again, I'm
15 not going to comment specifics on her particular case
16 that I'm not familiar with it off hand, but what I
17 will say is that in identifying the vehicle is one
18 part of the investigation, and following up also to
19 try to identify the operator of the vehicle at the
20 same time, and again we do need to have evidence and
21 we work with the DA's Office in terms of determining
22 whether we have probably cause to make an arrest in
23 each and every case, and each and every case will be
24 different on different times if we have video tape of
25 the individual exiting the vehicle, if we have

2 eyewitnesses and so forth, but I would say that is
3 not a blanket policy for the NYPD to say that. The
4 person simply denied that he was the driver of the
5 vehicle because we have many people that deny that
6 they're culpable of the robbery or the burglary and
7 things of that nature and, of course, we just don't
8 take their--their word for that.

9 SPEAKER COREY JOHNSON: [interposing]

10 Well, I--

11 CHIEF THOMAS CHAN: [interposing] There
12 is a thorough investigation that's completed by our
13 Collision Investigation Squad, and from what I
14 understand, I believe that is going to be a Collision
15 Investigation Squad that she was involved in, but
16 again I need to take a look at that.

17 SPEAKER COREY JOHNSON: [interposing]

18 Well, I--I--I've never Bernadette before besides seeing
19 her testify here today. So, I don't know the
20 specifics of her case beside--besides what she
21 testified on, but I would say I take her at her word
22 that she testified in truth today, and if the truth
23 is that a--she never heard back from the NYPD.

24 CHIEF THOMAS CHAN: Uh-huh.

25

2 SPEAKER COREY JOHNSON: It took 20 months
3 to get information, and she only got it via Freedom
4 of Information Act request, and the person who was
5 driving the car was identified and the NYPD asked a
6 question, and then there was no follow-up that is
7 very, very, very upsetting. It's unacceptable. It's
8 just concerning, and I would ask you all, you and
9 Oleg to go back and to understand the specifics of
10 this case, but also the detective squad who works on
11 similar cases like this. What is their protocol on
12 how they handle this? We saw the horrible, horrible
13 video two days ago of a child being run over by a car
14 in Queens riding a bike and I saw last night that the
15 NYPD identified the—the owner of the vehicle, the
16 suspect, and I assume that there's an investigation
17 going on. I sure hope that the NYPD doesn't show up
18 and ask who they think drove the car? Were you
19 driving the car, and if the person says no the NYPD
20 leaves. That would be shocking and upsetting
21 allowing someone who potentially could have killed a
22 child and almost killed Bernadette to continue to get
23 back on the streets of New York City without a
24 thorough investigation. So, as a follow-up, I would
25 really appreciate the NYPD getting back to this

2 Council to give us answers on what is the exact
3 investigation, collision investigation protocol--

4 CHIEF THOMAS CHAN: [interposing] Uh-huh.

5 SPEAKER COREY JOHNSON: --in
6 circumstances like this and how that parallels other
7 investigations moving forward because ultimately if
8 someone is a serial speeder, a serial dangerous-
9 dangerous driver, we want them off the streets of New
10 York City, and to ask a simple question and for them
11 to deny it and then continue to drive on the streets,
12 they're putting more people at risk. So, I really
13 need to understand this process. Similarly, it
14 points to the fact with Dorothy Bruns as Bernadette
15 said, and as Council Member Lander said, we need to
16 get these folks off the streets, and if some of the
17 limited tools that we have are good detective work in
18 figuring out what-if there is someone who perpetrated
19 a crime, we need person off the street.

20 CHIEF THOMAS CHAN: Absolutely, and we
21 will look into the particulars of that particular
22 case, her case, but I would venture to say the
23 Collision Investigation Squad that comes out there
24 and conducts an investigation, we have the level of
25 an investigation of a homicide, alright. As if we

2 were sending out a homicide team to do a thorough-
3 Their investigations goes from A to Z and nothing is
4 left unturned on it, but again, we'll look into the
5 specifics of her case.

6 SPEAKER COREY JOHNSON: I-I-maybe this
7 case, hopefully this case, and we are very fortunate
8 that she survived and courageous enough to be here
9 today to testify is an aberration, and there was a
10 mistake. I do not know because I've never met her
11 before. I've never had a private conversation
12 before. I don't know if there's current litigation
13 with the NYPD. So, and I don't know legally what
14 you're allowed to say if there is litigation. I
15 would say that survivors of this deserve justice.

16 CHIEF THOMAS CHAN: Yes.

17 SPEAKER COREY JOHNSON: And I think we
18 all agree on that, which means that if there was a
19 mistake here in the way this investigation was
20 handled, number one, that should be corrected, and
21 she deserves justice and information and transparency
22 on the person who almost killed her, and number 2 we
23 have to make sure this doesn't happen again to other
24 people who either lose their lives or are survivors.
25 So, I hope we can get some answers on that. Thank

2 you Chief Chan. So, I just have a couple more
3 questions. How much revenue was brought in by city
4 in speed camera tickets since 2013?

5 MARGARET FORGIONE: Okay, so the—the
6 total revenue was 100--\$183 million between 2014 and
7 the end of 2017.

8 SPEAKER COREY JOHNSON: \$183 million?

9 MARGARET FORGIONE: Yes, but the net
10 revenue is \$83 million.

11 SPEAKER COREY JOHNSON: Is \$83 million.

12 MARGARET FORGIONE: After we pay the
13 costs.

14 SPEAKER COREY JOHNSON: Okay, the reason
15 why I asked that is because, Margaret, in your
16 testimony and—and I just want to be clear. I said
17 this in the beginning in my opening statement, we
18 don't, at least I don't. I can't speak for other
19 Council Members, but I do not believe that anything
20 that we are proposing here today is a replacement for
21 the Speed Camera Program or even potentially would
22 achieve the same results and data drive results that
23 we've seen of the effect of the Speed Camera Program,
24 but that doesn't mean we shouldn't have a full
25 complement of things that could potentially work in

2 slowing people down, and when you testified on
3 Council Member Gjonaj's legislation Introduction
4 1061, which would require DOT to install radar speed
5 display signs or a speed board. So, for folks that
6 don't know, if you are driving on a road, and you're
7 getting close to what it would seem with the speed
8 limit sign is it tells you what your speed it and how
9 much over the speed limit you're going. So, if
10 you're in a 25 mile an hour zone, and you're going 38
11 miles an hour, it's flashing telling you you're going
12 38 miles an hour. I will tell that in my experience
13 whenever I've driven—I don't own a car—but whenever
14 I've driven, rented a car, used a friend's car, and I
15 see that I am going slightly over the speed limit,
16 and I'm going 28 miles an hour in a 25 mile an hour,
17 I slow down when I see it flashing that. And one of
18 the things that was said in your testimony speed
19 board cannot compare to speed cameras if our goal is
20 safer driving citywide. There were no means of
21 practical substitute for speed cameras, which
22 evidence show that have a far superior long-term
23 deterrent effect. They are two different tools for
24 different situations. While mobile boards could be
25 helpful in temporary situations such as work zones,

2 speeding reductions are modest and short lived. At a
3 cost of \$26,000 per fixed speed board installation,
4 placing them at 1,600 locations as required by the
5 bill would cost over \$46 million. So, I would love
6 to understand data. I would love to understand other
7 cities. I would love to understand what New York
8 City has seen and the effectiveness, because we—at
9 least I'm saying that this is a replacement for speed
10 cameras, but if this is a layered on effective tool
11 to help, so if you have speed cameras and speed
12 boards, would that save more lives potentially, and
13 if we are brining in after costs \$83 million over the
14 course of, you know, four years, then some of that
15 money could potentially go towards the installation
16 of speed boards, and we're not saying they all—they
17 should all be installed at once, but they could be
18 phased in again at the most dangerous schools that
19 we're doing in a data driven way. So, I'd love to
20 hear a response to that.

21 MARGARET FORGIONE: Okay, Juan will speak
22 in a moment about some of the studies that have been
23 done on the effectiveness of speed boards but, you
24 know, what—what we have seen is we have put them out
25 and what we do see is a very short-term temporary

2 improvement where they're placed, but over time, you
3 know, it's human nature if there is no repercussion,
4 if there is no consequence for speeding, human nature
5 lets you slip back and do something--

6 SPEAKER COREY JOHNSON: [interposing] But
7 what if you had both?

8 MARGARET FORGIONE: in some case-cases.
9 Well, we certainly need the speed cameras,
10 absolutely.

11 SPEAKER COREY JOHNSON: And what if we
12 had both. Well, the speed boards again we don't that
13 it's a good investment for that kind of money. We
14 actually thin that if we were going to invest into
15 something like that at the rate of \$46 million, we
16 might be better served to put that money towards some
17 of our street redesigns, which have proven long-term
18 benefits. So, Juan will just speak for a moment
19 about some of the studies out there that have looked
20 at the effectiveness of the Boards.

21 JUAN MARTINEZ: And--and what Margaret
22 just said is exactly right, right. There's--the
23 story Vision Zero has been implementing every
24 solution following the data, looking at the
25 effectiveness of every intervention that we could

2 find, and when we have looked at the way speed boards
3 have performed in the city, and when they are new,
4 when they're novel when there is something along side
5 like a work zone, right, it's a good indication that
6 hey there is something special here. You need to-to
7 pay attention, and apparently when you're, you know,
8 drive very infrequently for instance, but we learned
9 that people have—just tune them out. You know, you—
10 once you see that the speed board isn't associated
11 with any increased penalty or any reason to-to-to
12 fear a consequence, right, to change your behavior,
13 you—if you keep on going past the Speed Board at the
14 same speed, nothing happens, it doesn't change the
15 behavior is the ultimate result, right. There are a
16 lot of things that—that we have been doing that have
17 been very effective around schools. We've been
18 ramping that up around Vision Zero to a dramatic
19 degree and not just around schools, but everywhere
20 that people—that kids walk, but when it comes to the
21 Speed Boards when we've studied it we've seen that
22 without that object lesion that comes with
23 deterrents, it—the—the—the reduction in the speeds in
24 New York City is very minimal, and more intense when
25 the speed board was novel.

2 SPEAKER COREY JOHNSON: Well, I-I-I would
3 look at the statistics and understand the studies. I
4 would also be interested because we have been
5 creative about Vision Zero, and what we think works
6 and using things that could potentially reduce
7 fatalities and injuries. What if you had a speed
8 board that had large signage on it say there's also
9 speed camera here as well? You know, are there ways
10 to use both these things? The only reason why I'm
11 asking is I want to be as effective as we can be with
12 all the tools that we can be to reduce speed and save
13 lives. Okay, I'm going to just quickly—a couple more
14 questions, and then I want to turn it over to the
15 Chair. Are there currently any limitations to
16 accessing the data that we are getting from speed
17 cameras? Do we have access to all the data, speed
18 camera data?

19 JUAN MARTINEZ: So, right now what we're
20 doing is counting the number of vehicles that pass
21 the camera, the—and the number and the speeds of
22 those vehicles. We're not collecting any
23 information, license plates or anything else.

24

25

2 SPEAKER COREY JOHNSON: What I'm saying
3 is the data we do collect, the city, the NYPD and DOT
4 has access to all that data?

5 JUAN MARTINEZ: Yes.

6 SPEAKER COREY JOHNSON: Okay, and the
7 time of day is that collected?

8 JUAN MARTINEZ: Yes.

9 SPEAKER COREY JOHNSON: Okay, and are DOT
10 and PD exploring ways to replace or supplement the
11 Speed Camera Program? Is the city considering
12 implementing its own program if this is not renewed?

13 MARGARET FORGIONE: We don't think we're
14 able to implement our own program.

15 SPEAKER COREY JOHNSON: Got it.

16 MARGARET FORGIONE: Okay, so aging that's
17 why we need the Senate to get back there right away.

18 SPEAKER COREY JOHNSON: [interposing] I
19 agree with that. We need the Senate the come back,
20 and we want to do all we can to pressure them and
21 shame them into coming back--

22 MARGARET FORGIONE: [interposing] Yes.

23 SPEAKER COREY JOHNSON: --but also if
24 there are other tools that we have if they do
25 continue to their dereliction of duty, we want to use

2 those tools. So, I want to thank you all for being
3 here. I want to turn it back to Chair Rodriguez, and
4 Chief Chan if you please get back to men or Oleg
5 (sic) on the questions that I had about the Collision
6 Squad investigations, and how we ensure that victims
7 and survivors are being treated correctly. Thank
8 you.

9 CHAIRPERSON RODRIGUEZ: Thank you,
10 Speaker for your support and leadership to this
11 meeting. Is the city speaking to the counterpart in
12 Albany to explore also the possibility that in case
13 the Governor's Office in the conversation to use the
14 executive order to restore speed camera?

15 MARGARET FORGIONE: Okay, we are not sure
16 that an executive order could actually do that. So,
17 at this point, we aren't convinced that that would be
18 able to reach our goals. So, again, you know, we
19 have been in contact with everybody in Albany. The
20 Governor has indicated he is ready to sign it into
21 law. We have enough senators in support who are
22 willing to vote yes on it. Of course, the Assembly
23 has passed it several times. So, we—we are coming
24 back to that that that is what needs to happen to
25 move this forward.

2 CHAIRPERSON RODRIGUEZ: And in speaking
3 to some people who are following this situation,
4 especially some lawyers, they do believe that the
5 Governor can use his executive order to restore in
6 case that the Senate didn't go back. So, you're
7 saying that your team at City Hall they don't feel
8 that this is something that can be done through
9 executive order?

10 MARGARET FORGIONE: Right so initially we
11 are—we don't know that that could actually happen.
12 There's—there's doubt that that would be the case.
13 So, right now I'm not able to say for sure if that
14 would be a path forward.

15 CHAIRPERSON RODRIGUEZ: Okay, again, in
16 listening and speaking to some people who are very
17 knowledgeable with this matter, they do feel that
18 this is something that the Governor has the law on
19 his side to use his executive order in case as Plan B
20 the Senate fails to go back there. So, I just hope
21 also that City Hall will continue as a leader that
22 you guys have been with the Mayors and other on
23 Vision Zero and especially this is a few days that we
24 have left, you know, from here to September 5th. So,
25 hopefully we can continue engaging in Albany and

2 explore both. One, the Senate to go back, and I as
3 my colleague Lander he say, you know, the Governor
4 also should explore to call the Senate, but if this
5 doesn't happen, we hope that a city where we have
6 close to 10 million from the 20 million residents in
7 the State of New York everyone should know that we
8 are not speaking for a few couple of hundred
9 thousand. This is about for the large percent of the
10 State New York who live in this municipality they
11 should feel that they're safe.

12 MARGARET FORGIONE: Uh-huh.

13 CHAIRPERSON RODRIGUEZ: The other thing
14 is have you explored also to banning cars from this
15 around the schools as a--another option because at
16 this moment it's a matter of student safety, and we
17 have to put all the cards on the table. So, we have
18 a numbers at the school probably not--not all of them,
19 but also we can show that, you know, for the--during
20 the time that we continue this conversation,
21 hopefully we get a majority in the Senate and we'll
22 be able to resolve this issue in the worse scenario
23 by January next year. If that will be the situation,
24 is the city ready to also explore banning cars from

2 the surrounding school where logistically it can be
3 done?

4 MARGARET FORGIONE: Alright, with over
5 3,000 schools that would be a major operational
6 challenge to pull that off, right, the closing of
7 streets adjacent to schools, but perhaps letting in,
8 of course, school buses—and—and, of course, you have
9 parents dropping off. It might introduce—I'm just
10 thinking out loud—it might introduce some new safety
11 concerns, but I know in terms of personnel in order
12 to carry that out, that would definitely be a
13 challenge.

14 CHAIRPERSON RODRIGUEZ: I—I just hope
15 that this moment it doesn't matter what our
16 challenges are now. At this moment—at this moment,
17 it's about can—we have other resources to be sure
18 all the students are safe, and again, we cannot go
19 backward. We have to continue forward, and whatever
20 resource it takes, it's more valuable than the number
21 of any lives that we can lose if by any chance with
22 the—with the reckless drivers that also are driving
23 over the speed limit just around the school. So,
24 what I would like us to encourage, I want to put on
25 you the spot to the Administration to also look at

2 the opportunity to identify potential schools, if not
3 all, especially there where we have more opportunity
4 for based on your own data of—before having the speed
5 camera that you feel that we also—we should ban
6 vehicles from this—around the school to explore that
7 as also as an option to deal with this situation.
8 When you look at all this, especially from the NYPD
9 perspective when you compare all those things here,
10 and all those in 2017, what is the number on—on
11 tickets given for speed camera? Can you say is the
12 same number, reduction or the number has been higher,
13 an increase?

14 CHIEF THOMAS CHAN: Since the—the cameras
15 were turned off on July 25th there, we've increased
16 our speed enforcement by almost 18%. So, our
17 officers are out there, and I will say, as indicated
18 before, with 100 fixed locations, we are actually
19 with traffic safety teams in every precinct. We are
20 also getting summonses in locations that did not
21 traditionally have speed cameras. While there is 40
22 mobile ones that are moved about by the Department of
23 Transportation, our officers are out there do speed
24 summonses, and I can anticipate that again well
25 hopefully that Albany will step up, but again, we are

2 prepared to have our officers continue to do and
3 increase the enforcement that we've had during the-
4 the summer and also as we move into September itself.

5 CHAIRPERSON RODRIGUEZ: Okay, so I'm not
6 going to be getting on why DOT refused to support my
7 bill. Of course, I don't take no as the answer. I
8 feel that we have to continue, and as we've been
9 working, I can say in working together in many
10 initiatives, I just want for you to know that I
11 definitely will continue pushing to you guys and
12 continue conversation on this bill, and also many of
13 the bills that we are listening today, but I-I'm
14 going to leave it here so that my colleague also will
15 have the opportunity to ask questions. We were also
16 joined before by Council Member Salamanca, but now we
17 have questions from Council Member Lander followed by
18 Council Member Gjonaj.

19 COUNCIL MEMBER LANDER: Thank you very
20 much, Mr. Chair and to DOT and the NYPD. Thank you
21 for being here and for your strong advocacy to get
22 those speed cameras turned back on and expanded in
23 all your Vision Zero work. I'm going to start with
24 this question about Albany just to make sure, and I
25 know you guys are not the Law Department or the

2 opiners on the New York State Constitution, and I,
3 you know, I like the idea of the Governor issuing an
4 executive order, but I'll—I'll leave that to the—to
5 the Chair and other, but on this idea that the
6 Governor has the power to call the Legislature or the
7 Senate back into session I think it's pretty clear
8 under Article 4 Section 3 of the New York State
9 Constitution that the Governor has the power to call
10 either the whole Legislature or just the Senate back
11 into session. So you have the same sense I have of
12 the Governor's powers in this matter?

13 MARGARET FORGIONE: Yes, yes.

14 COUNCIL MEMBER LANDER: [laughs] That's
15 good stuff.

16 MARGARET FORGIONE: Certainly.

17 COUNCIL MEMBER LANDER: It's pretty
18 straightforward. The Governor clearly has the power
19 to call the Legislature and/or just the Senate back
20 into session. I'll just, you know, say this again:
21 He obviously cannot force them to vote on any
22 particular legislation. So, if what happens is he
23 calls them back into session, and if they get up
24 there and they refuse to vote on the bill to expand
25 and extend the Speed Camera Program, shame on them.

2 Let's do it again tomorrow until they vote to restore
3 those cameras. So, thank you for continuing to push.
4 I guess that I'll say it this way: If those—if the
5 sessions were called, would the city and its
6 legislative and DOT be willing to send
7 representatives of the city up to answer any
8 questions and provide any information needed about
9 the program?

10 MARGARET FORGIONE: Absolutely.

11 COUNCIL MEMBER LANDER: Outstanding.

12 Thank you, um--

13 MARGARET FORGIONE: [interposing] We just
14 need the Senate Republican to go in and do that, and
15 we'd be happy to show up.

16 COUNCIL MEMBER LANDER: Very good. Thank
17 you very much. Alright. So thank you for your
18 feedback on Intros 971 and 972. I appreciate your
19 willingness to work with my office on both of those
20 to drill down onto the details. Obviously, on the
21 one that's about data we have to figure out what data
22 we can get, and, of course, work on the legal and
23 operational issues, and I don't want to spend too
24 much time late this afternoon drilling in. I'd be
25 glad to follow up afterwards, but I would like to

2 just talk a little bit about the particular effort of
3 focusing on the most reckless drivers and getting
4 them off the road before they kill someone or do more
5 harm. We have done together many great things
6 thorough Vision Zero. So I want to give credit where
7 it's due. Big effort at DOT, significant effort at
8 NYPD to man—and lives have been saved as a result,
9 and we need to get the cameras back on as part of
10 that effort, but it does seem to me an area where we
11 have not yet really done nearly enough or as much as
12 we could is this issue of identifying those most
13 reckless drivers. We've got a whole set of programs
14 for making intersections safer, the set of programs
15 the speed cameras work to slow people down. We have
16 a, you know, the crash investigation squad that looks
17 at crashes after they happen, but I think it seems to
18 me we just haven't started really doing yet, is
19 focusing on what data do we have that points us to
20 those drivers who are most likely to cause harm as a
21 result of this range of data that we have, and then
22 what interventions would either change their behavior
23 or get them off the road before they kill or injure.
24 Obviously, it would be great if the state was a
25 partner here since, of course, the DMV is who keeps

2 people's licenses, and points go against licenses,
3 but there is the issue that (a) right now the State
4 is not acting as our partner, and even if they were,
5 this--this juncture between the camera violations,
6 which are of cars, and written human violations,
7 which can go against a driver, create this space
8 where we now have a lot of data, a lot of information
9 that we could be using that we're not yet using, and
10 I guess I'll just end the question with this: You
11 know, the Speaker spoke before about Bernadette's
12 case and I just am going to underline a little about
13 Dorothy Bruns' case because I mentioned all the
14 camera violations. What I didn't mention, but has
15 been publicly reported is she also had been involved
16 in a hit and run in Queens that wound up in a file
17 drawer it seems like at the precinct, and I know you
18 guys acted in that case to discipline the individual
19 officer. But it's not clear to me on crashes for
20 example that don't get a CIS investigation, and where
21 the precinct does the investigation, you know,
22 because no one Thank God was killed or likely to die
23 or very seriously injured. You know, are those just
24 winding up in file drawers? Are the hit and runs
25 more generally put in the database, and are we doing

2 everything we can? And if not, how can we start
3 taking steps to do everything we can to gather all
4 this data, and use it to really focus on identifying
5 those most reckless drivers. To me, it seems like
6 that's the principle of CompStat or Trafficstat, but
7 we're not yet having reckless driver stat. So, can
8 you talk a little about what's underway and how we
9 can work together again? I'm not interested in
10 playing a backwards looking blame game here. I'm
11 interested in in working together moving forward to
12 figure out what can we do to focus on the most
13 reckless drivers and use the effective interventions
14 to either change their behavior or get them off the
15 street before they injure or kill our neighbors.

16 MARGARET FORGIONE: Okay, So, we total
17 agree with your approach here and your concept. There
18 is a lot of information out there, and we wish we
19 could use it, and we want to be able to use it, and
20 be able to prevent some of these crashes and get some
21 of these people off the road. It's complex legally,
22 and we know we have to work with the State on this.
23 We're working on sitting down with DMV shortly to
24 kind of go through some of this. They have all the
25 data. They're really the keeper of a lot of the good

2 information. Of course, we do have some on our end
3 with the cameras, but we need to start with them.
4 So, we do—we do plan to work on this. We want to
5 work on this. We have to kind of wrap our hands
6 around how it's going to happen legally.

7 COUNCIL MEMBER LANDER: What's the data
8 that DMV has that we don't?

9 MARGARET FORGIONE: Well, DMV has all of
10 the points on the licenses, all the violations,
11 validity of licenses, car registrations, et cetera,
12 et cetera.

13 COUNCIL MEMBER LANDER: But don't—I mean
14 I guess it seems to me there's a lot that—a lot of
15 that is collected by the NYPD in the first place,
16 right?

17 JUAN MARTINEZ: But--

18 MARGARET FORGIONE: I'll—yeah, go ahead.

19 JUAN MARTINEZ: Yeah, the other—the other
20 half of is once you have the data, once you've
21 identified these drivers, what is it that we can do
22 to keep them from harming somebody, right, and the
23 State has a lot of power there, but they don't view—
24 it hasn't been tradition that the DMV views traffic
25 safety in the holistic way that we do, right. The—

2 it's a—New York State contains multitudes. There's a
3 lot of different types of reasons that people have to
4 be able to drive. So, some of the decisions that
5 they make at the state level. For instance that you
6 have to accumulate 11 points within an 18-month
7 period before they start talking about suspension,
8 right? Like that's a very high standard, right and
9 it makes sense outside of New York City. Perhaps
10 there should be a different approach in New York
11 City. That's the kind of thing that you would be
12 advocating for once we've collected this data. They
13 have to be our partners outside of this project.

14 COUNCIL MEMBER LANDER: So, I'm all for
15 getting the DMV and Albany to be stronger allies
16 here. If they had a Vision Zero approach, we would
17 be a lot better off, and I appreciate your efforts to
18 bring the DMV more on board that when the camera
19 legislation, as we authorized it allows for
20 escalating penalties that's part of Council Member
21 Ampry-Samuel's resolution. So, those are all good
22 things. I don't have confidence that that is going
23 to happen, and I don't—we—we can't wait until we
24 change Albany's approach to street safety to take
25 this focus on reckless on drivers. So, I guess what

2 I do want to know is what can the City do? We—we,
3 you know, for the cameras we have, for the tickets we
4 write, for the crashes we get information on, with
5 the LMSI, you know and there's a lot of different
6 things we could do. You know, police officers could
7 go knock on their doors and say, you're operating
8 your vehicle like a weapon aimed at your neighbors.
9 We're here to prevent that from happening. So, I'm
10 sure we could do that, you know, so I—I think there
11 would be a range of things, and I guess, you know,
12 are you familiar with the—I think you guys are
13 because you're partners in the program at the Red
14 Hook Justice Center, this Driver Accountability
15 Program that preliminary data says, you know,
16 achieves 40% recidivism reductions. That's just done
17 by the NYPD working with the courts to refer cases
18 into that program rather than just letting them go to
19 the DMV for points on a license, which maybe should
20 be meaningful, but—but currently aren't. So, what
21 are we doing as a city to get more focused on the
22 most reckless drivers, identify them through the data
23 we can have with or without the state, good to pursue
24 the state and achieve some additional interventions?

2 CHIEF THOMAS CHAN: Currently, we do have
3 in place also where we have individual drivers who
4 are suspended as a result of not responding to
5 summonses and things of that nature. In other words
6 if you get a speeding summons and you don't answer
7 the speeding summons and you're and other violations,
8 and subsequently as a result of that, the State will
9 suspend your license to operate on the road, and
10 subsequently if you are stopped by a police officer
11 from example currently in our patrol guide, if you're
12 involved in a collision, the officers will then run
13 your name and conduct a name check and things of that
14 nature. If your license comes back suspended, the
15 officers will—in that case, they will not issue a
16 summons. They will actually arrest you, and again,
17 that's a—that's a program and an arrest that's been
18 in place for many years as long as I can remember,
19 and that's certainly an effective tool targeting
20 individuals because again, if you're not answering
21 the summonses when you receive them, then, therefore,
22 you're likely—there's a possibility that you may flee
23 after you strike another car or another individuals
24 and that's a summons or an arrest that I've been
25 encouraging and continue to talk about at almost

2 every stat for the last four years since I've been
3 the Chief of Transportation. It's an important one
4 because the individual if he has multiple suspensions
5 or for whatever reason again, could very well decide
6 to leave the scene because he says I know I'm going
7 to be arrested.

8 MARGARET FORGIONE: Okay, and just to add
9 to that, what we want to do is explore this further,
10 talk with you. You know, we need to look at the due
11 process of people and take that into account. So, we
12 think it's pretty complex and also, you know, where
13 the state sort of has jurisdiction and what the city
14 can actually do. So, we'd be really happy to explore
15 it with you further.

16 COUNCIL MEMBER LANDER: That's right and
17 I'll--do you have one more thing, Chief?

18 CHIEF THOMAS CHAN: I-I just--I will
19 mention year to date we've arrested 17,361
20 individuals for BLT 511, which is a suspended license
21 this year.

22 COUNCIL MEMBER LANDER: So--so that's a
23 useful stat, and I think it speaks to thoughtful and
24 creative use of the powers that the city has, and how
25 we can more strategically be using them in pursuit of

2 or Vision Zero goals, and I look forward to—to
3 following up with. I won't—I won't take more time
4 today. I'm—I'm a big believer in due process. I'm not
5 a big believer in all the ways the state preempts us
6 from doing things, but I recognize that we may in
7 some cases be stuck with those even if we don't
8 believe in them in the way we believe in due process.
9 So—but I am really confident that even with just the
10 powers that New York City and the tools that New York
11 City has, we can take some significant steps forward
12 in using data to identify the most reckless drivers
13 and piloting a set of interventions that changed
14 their behavior or arrest them or boot their cars or a
15 set of things we will conclude we have the legal
16 power to do even where we are now. And I'll just
17 conclude by saying I think just so it's clear for the
18 record and the public, none of this is a substitute
19 for getting those speed cameras back on. The Senate,
20 you know, needs to do that today. Not today then
21 tomorrow. The Governor should call them back into
22 session, but I appreciate the willingness to work
23 together to confront reckless driving and take
24 further steps towards saving lives. Thank you.

2 COUNCIL MEMBER GJONAJ: Thank you. Once
3 again Chief Chan I want to thank you for the
4 incredible work that you're doing as well as each and
5 every man and woman in blue. You did mention
6 something that concerns me. At the beginning of the
7 school year, you anticipate putting additional agents
8 out there that would be issuing tickets. Is that
9 what I understood for double parked cars and-?

10 CHIEF THOMAS CHAN: [off mic] We've-[on
11 mic] We've actually instructed our Traffic Agents to
12 target that already. So, what happens-that what I
13 meant that when the school year starts we're going to
14 have the school safety personnel. You're going to
15 have these-it looks like the task force that are
16 going to visit schools that are open. If they're
17 not-if they're closed right now they certainly will
18 not be visiting. So, there certainly would be an
19 increase in visibility of the Police Department
20 personnel and activity around these schools when the
21 school actually opens or a week before when they
22 start, as the individuals start showing up.

23 COUNCIL MEMBER GJONAJ: When you say
24 presence, does that mean enforcement of traffic laws
25 as well?

2 CHIEF THOMAS CHAN: I'm going to say that
3 the Traffic Enforcement Agents they're out there
4 currently and doing the enforcement, and they're
5 going to continue all the way up to the school
6 opening itself, but where there is actually physical
7 presence of school safety agents and things of that
8 nature that's not going to occur until when these
9 schools themselves open.

10 COUNCIL MEMBER GJONAJ: But I'm asking a
11 specific question. Will that mean enforcement of
12 traffic violations?

13 CHIEF THOMAS CHAN: The traffic and the
14 enforcement will be beforehand, because as I
15 mentioned before, we did enforcement on the July 25,
16 16, 27. Last week we just did another speed
17 enforcement. So, we are going to continue to do
18 enforcement, and it's occurring as we speak or there
19 will be speed initiatives that also will be
20 scheduled. So, it's not that we're going to wait
21 until September 5th, then we're going to start.

22 COUNCIL MEMBER GJONAJ: No, my-my concern
23 Chief is simple, and we know that our hard working
24 parents during-when the school year begins make every
25 effort to drop off their children, and we know that

2 dropping off children requires double parking. What
3 I'm afraid of is this aggressive approach by Traffic
4 Agents storming similar to what we've done for clear
5 curbs in and around our schools issuing tickets for
6 every mom that's dropping off her child, which has
7 pretty much been tolerated in the mornings, and when
8 they pick up their children. So, I'm afraid of over-
9 enforcement, and I'm not referring to speeding, which
10 obviously in itself warrants the additional
11 attention. I'm concerned about the double parking
12 that we won't have an aggressive approach of
13 ticketing of these hard working mom and dads that are
14 dropping off or picking up their children.

15 CHIEF THOMAS CHAN: During the school
16 year I've actually heard both sides of the story
17 where school officials certainly try to work with the
18 parents, advise them not to drop off directly in
19 front of the school itself, and to advise the parents
20 and thing of that nature. There is, and as a parent
21 myself and luckily my children are older now, but
22 there's an area where we want to drop off our
23 children and watch them enter the school, but then
24 that also causes congestion at that location, and
25 when our children are able body and can, it makes it

2 much more difficult to drop them directly only at the
3 entrance, but then that really causes traffic
4 congestion, and the other parents say, well why
5 aren't we doing anything because of all--all these
6 individuals. So, again, if they can spread it out,
7 we can try to work with them. We're not looking to
8 try to catch them as they're dropping off their
9 children, but I'm talking about where people double
10 park, and they're blocking the--the crosswalks. Now,
11 people have to walk around them, and where motorists
12 are not expecting to see them at certain locations.
13 So, but again, the whole idea behind this is not to
14 Gotcha to parents who are dropping off their
15 children, but we certainly want them to work with us,
16 and if we have to spread out and--and drop off, that
17 works much better.

18 COUNCIL MEMBER GJONAJ: Chief, your
19 presence is certainly something that I welcome and
20 Traffic Agents helping with the flow of traffic is
21 something that I welcome and it creates for a safe
22 environment, and it creates for traffic to flow more
23 smoothly. I am certainly supportive of that. I'm
24 worried about little Johnny starting Pre-K or
25 kindergarten where every parent is looking forward to

2 dropping off their child that first day of school and
3 what's going to be a long-what we hope will be many
4 years of education for that child, but every parent
5 tries to be a part of, and I'm afraid of an over-
6 zealous attack on those cars, and we'll work on it,
7 but you understand my concern. Your presence is
8 welcome certainly to help with the flow of traffic as
9 well as the safety.

10 CHIEF THOMAS CHAN: We'll bring back that
11 message, and I'll make sure that is part of our
12 message to our Traffic Agents is that we be
13 considerate, and I understand that--

14 COUNCIL MEMBER GJONAJ: [interposing]
15 We're working with our parents, not looking to
16 penalize them.

17 CHIEF THOMAS CHAN: Yes.

18 COUNCIL MEMBER GJONAJ: So, thank you
19 again for that hard work. I'm going to turn to DOT,
20 and you mentioned an executive order is something
21 that you do not believe would reinstate the Speed
22 Camera Program. Can you elaborate a little bit more
23 on that because what we believe and what can actually
24 be perceived--this could have been over--

2 MARGARET FORGIONE: [interposing] So,
3 right, so Council Member--

4 COUNCIL MEMBER GJONAJ: Yeah.

5 MARGARET FORGIONE: Right. So, I'm not an
6 attorney.

7 COUNCIL MEMBER GJONAJ: Yeah.

8 MARGARET FORGIONE: We've spoken very
9 little about the details of this. This is what--that
10 I'm aware of that there are some serious challenges
11 here. The Devils are in--the Devil is in the details
12 of working that out for an executive order. So, I
13 don't want to--I--I don't have a lot more information
14 to share with you at this moment. What we can do is
15 try to follow back up with you, and the rest of the
16 Council after getting some guidance from--from others.

17 COUNCIL MEMBER GJONAJ: I just want to
18 make sure that we're pursuing possibility--

19 MARGARET FORGIONE: [interposing] Yes,
20 right, yes.

21 COUNCIL MEMBER GJONAJ: --to restore the
22 Speed Camera Program immediately.

23 MARGARET FORGIONE: Right.

24

25

2 COUNCIL MEMBER GJONAJ: And if that mean
3 asking the executive—asking for an executive order,
4 we should be doing so.

5 MARGARET FORGIONE: Uh-huh.

6 COUNCIL MEMBER GJONAJ: I don't want that
7 off the table, and focus on the Senate coming back to
8 Albany when perhaps this can be done with the stroke
9 of a pen--

10 MARGARET FORGIONE: Uh-huh.

11 COUNCIL MEMBER GJONAJ: --and I want to
12 hear that you're going to be committed to looking
13 into that, and if—if necessary, ask for an executive
14 order on the reinstatement of our speed cameras.

15 MARGARET FORGIONE: Good. So, we will
16 follow up with you. Yes.

17 COUNCIL MEMBER GJONAJ: Yeah, but
18 following up doesn't mean that you're--

19 MARGARET FORGIONE: We—we—trust me, we
20 want these cameras back on as much or more than
21 anybody else. So, you have our commitment that by
22 all means if there were other options we would want
23 to know about them and pursue them. So, we—we will
24 get you more information.

2 COUNCIL MEMBER GJONAJ: Great and in
3 addition, I would imagine the most effective way to
4 prevent speeding or driving behavior and making sure
5 they comply would be using law enforcement. Correct?

6 MARGARET FORGIONE: The--the cameras have
7 proven to be an excellent alternative to having a law
8 enforcement person physically there.

9 COUNCIL MEMBER GJONAJ: Right the
10 physical presence of a law enforcement agent probably
11 is the most effective way of making sure motorists
12 are complying with the laws.

13 MARGARET FORGIONE: Well, in the case of
14 speed by schools, I have to say I think the cameras
15 are outstanding in that they're quite scientific. It
16 doesn't take manpower. They're generated almost
17 automatically. They're required by-- Of course, we
18 carefully look at each and every one, and we analyze
19 them. We have people that do that but it alleviates--
20 alleviates a big burden on NYPD. So, I would argue
21 that it's an excellent alternative to having police
22 officers.

23 COUNCIL MEMBER GJONAJ: [interposing] An
24 alternative, but probably the most effective would be
25 having a--

2 MARGARET FORGIONE: [interposing] I don't
3 know, but we've had—I'd like Chief Chan to give you
4 his thoughts on that, too.

5 COUNCIL MEMBER GJONAJ: Well, I think we
6 just heard testimony that speed cameras are great to
7 issue a ticket, but there is no revocation of
8 licenses. There's no point, there's no arrest.
9 Those are the immediate--

10 MARGARET FORGIONE: [interposing] Well,
11 those are advantages to having a person be present.

12 COUNCIL MEMBER GJONAJ: Right. So there
13 would be an advantage to having it. So, that would be
14 the first—the first choice, and then obviously the
15 alternatives would be the speed cameras.

16 CHIEF THOMAS CHAN: Yes.

17 MARGARET FORGIONE: But at the volume
18 that we're issuing, you can't beat the Speed Camera
19 Program, right?

20 CHIEF THOMAS CHAN: [interposing] And the
21 fact that it--

22 COUNCIL MEMBER GJONAJ: [interposing] And
23 here's my question.

24 MARGARET FORGIONE: Okay.

2 CHIEF THOMAS CHAN: [interposing] I'm
3 sorry. If you don't mind, I'd-I'd like--

4 COUNCIL MEMBER GJONAJ: [interposing] Oh,
5 please

6 CHIEF THOMAS CHAN: --elaborate on that.
7 Right, if you want to deter somebody from breaking
8 the law, there are really two ways to do it.

9 COUNCIL MEMBER GJONAJ: Right.

10 JUAN MARTINEZ: One is you have
11 unpredictable and--and, you know, unfortunately
12 inconsistent enforcement, but a really high penalty,
13 or you have a minor penalty, but consistent and
14 predictable enforcement, right. And so with the
15 speed camera even though it's only a \$50 ticket, even
16 though there's no points, even though your insurance
17 doesn't go up, but people have the perception that
18 the enforcement is everywhere. We've seen a change
19 in behavior that, you know, NYPD has done an
20 incredible job during Vision Zero nearly doubling the
21 number of speeding tickets, tripling the number of
22 failure to yield tickets and so on, but the--the--the
23 predictability and the consistency of the speed
24 camera enforcement that's just why it's so important
25 that the program resumes.

2 COUNCIL MEMBER GJONAJ: Okay. So walk me
3 through this. I drive by a school or previous to the
4 shutdown of the program.

5 JUAN MARTINEZ: Right.

6 COUNCIL MEMBER GJONAJ: I drive by a
7 school where there was a speed camera. What-at what
8 time do I get or how many days before-after the
9 incident do I get a notice in the mail?

10 JUAN MARTINEZ: Within 15 days.

11 COUNCIL MEMBER GJONAJ: 15.

12 JUAN MARTINEZ: And-and usually far
13 sooner than that.

14 COUNCIL MEMBER GJONAJ: So, that would
15 mean I could conceivably be driving around for 15
16 more days before I receive a piece of mail that
17 notified me that I am in violation of the Speed Law--
18 the speed limits and subject to a fine.

19 JUAN MARTINEZ: What we expect, though,
20 is that because it is so well known that speed
21 cameras are in use in New York City that people
22 change their behavior before they get to the school
23 all over. The-that-the-the--

24 COUNCIL MEMBER GJONAJ: [interposing] But
25 your testimony just showed 130,000 violations were

2 issued since the program was turned off that you've
3 been following?

4 JUAN MARTINEZ: It's a big city with a lot
5 of drivers.

6 MARGARET FORGIONE: Yes, and they weren't
7 issued. They weren't issued.

8 COUNCIL MEMBER GJONAJ: [interposing] So
9 that statement wouldn't be true then what you're
10 just saying that because they know the cameras are
11 there they'll generally slow down based on the
12 evidence we have.

13 MARGARET FORGIONE: Listen, I'm not
14 exactly sure where you're going with it, but I think
15 the point is that once people do get one, they do
16 alter their behavior. Okay. They'll wait--

17 COUNCIL MEMBER GJONAJ: Or get away with
18 it. Yeah.

19 MARGARET FORGIONE: Well, but then they
20 don't know where all the rest are, and there are a
21 lot of them out there. We do believe that people are
22 really altering their behavior--

23 COUNCIL MEMBER GJONAJ: [interposing]
24 That's nice.

2 MARGARET FORGIONE: --and the fact that
3 they have to wait 15 days, you know, we all have a
4 driver's license. We all passed the test at DMV.
5 We're all responsible for our, you know, our driving
6 right, so they don't necessarily--

7 COUNCIL MEMBER GJONAJ: [interposing]
8 That's--that's where I'm actually headed with all this
9 because my understanding is it's only covering 10% of
10 the schools that are out there.

11 CHIEF THOMAS CHAN: Yeah.

12 MARGARET FORGIONE: It's not going to
13 bring them all yes.

14 COUNCIL MEMBER GJONAJ: I'm sorry.

15 MARGARET FORGIONE: Correct.

16 COUNCIL MEMBER GJONAJ: That means 90% of
17 the Johnnys and Lindas in our lives are not being
18 covered by speed cameras, and I'm reiterating the
19 bill that I introduced that a radar system would be
20 an immediate indication to a driver and Speaker
21 articulated so wonderfully that when you may not be
22 realizing you're speeding that this display that
23 would inform you of how fast you're going and what
24 the speed zone is, should be very effective in
25 controlling speeders and reckless driving and

2 protecting our children, and I'm just surprised at
3 the approach of DOT as well as the argument that's
4 being made about the cost, and it just so happens
5 that I reached out to those that provide these
6 systems and we see them all over the state and
7 predominantly Long Island and Westchester and
8 throughout the country. So, there's plenty of data
9 that shows that these radar cameras do work, and I'm
10 saying this should take over speed cameras, but in
11 the meantime, there's no reason why we shouldn't be
12 installing in and around every school to help deter
13 any speeders. The data exists. It shows they do
14 work, and the cost that you have referred to and I
15 believe it says here \$26,000 per fixed speed board.

16 MARGARET FORGIONE: Uh-huh.

17 COUNCIL MEMBER GJONAJ: Well, I've
18 contacted a few of these companies that do business
19 with the City of New York and the rest of the state
20 and we've gotten pricing for \$2,800 to \$3,900.

21 MARGARET FORGIONE: Uh-huh.

22 COUNCIL MEMBER GJONAJ: You're quoting
23 us--

24 MARGARET FORGIONE: [interposing] And
25 there are--

2 COUNCIL MEMBER GJONAJ: --ten times that
3 dollar amount and that doesn't take into
4 consideration bulk purchase discount or any other
5 negotiations that we could possibly use because
6 there's 1,200 schools, and--and if the all two sides
7 that's 2,400 schools and that's 2,400 speed radars on
8 top of the other tools such as speed bumps, stop
9 signs, red lights, use of Traffic Agents and speed
10 cameras that would truly provide for a safe
11 environment. So, I question the viability of the
12 number at the estimated price, and I've got quotes
13 here--

14 MARGARET FORGIONE: [interposing] But we--
15 -

16 COUNCIL MEMBER GJONAJ: from reputable
17 companies. Go ahead.

18 MARGARET FORGIONE: Yeah, we--we
19 understand there's a wide ranging type of product for
20 speed boards. There are some that simply attach to a
21 light pole.

22 COUNCIL MEMBER GJONAJ: Uh-huh.

23 MARGARET FORGIONE: There's all different
24 types. In the New York City environment, we would--we
25 don't believe that those sort of lower-end models are

2 going to cut it for us. Okay, we have a lot
3 happening in this environment. There's a lot of
4 visual things going on. We would want one that is
5 much more visible. It would be bigger. It wouldn't
6 just be attached to a light pole as most of these
7 models are, and we do have some speed board, and we
8 do find them useful in certain locations as we
9 testified. So, we are already experienced in the use
10 of speed boards, and what can kind of work best in
11 the New York City environment from a durability and
12 from a visibility perspective. So, it would be the
13 upper—we believe it would be the upper end.

14 COUNCIL MEMBER GJONAJ: And I have one
15 last question for you. What's preventing us from
16 installing cameras so we can get the data that's
17 needed as we move forward?

18 MARGARET FORGIONE: So, similar to what
19 we're doing right now, we have cameras collecting
20 information without actually doing anything with the
21 information.

22 COUNCIL MEMBER GJONAJ: Uh-huh.

23 MARGARET FORGIONE: So, we d-for traffic
24 related purposes we do take camera footage at times.
25 If we're planning safety projects, often we'll mount

2 a camera for three or four days on a corridor to see
3 what's happening to look at the double parking, to
4 look at the behavior of people. So, we do use
5 cameras in order to collect information.

6 COUNCIL MEMBER GJONAJ: So, nothing
7 prevents—Albany wouldn't prevent us from installing
8 these cameras--

9 MARGARET FORGIONE: Correct.

10 COUNCIL MEMBER GJONAJ: --for observation?

11 MARGARET FORGIONE: [interposing] Right.

12 COUNCIL MEMBER GJONAJ: So, why aren't we
13 installing more cameras that can observe what is
14 actually happening in our roadways, and notice be
15 sent—without a violation to those vehicle drivers or
16 drivers of these vehicles, and that will help give us
17 a better indication of what is happening on all city
18 streets in particular and around the safety zone or
19 the safe havens that we would hope our school system
20 falls in.

21 MARGARET FORGIONE: No, it's an excellent
22 question. So, the way we selected the location of the
23 current cameras we looked at crash analysis, we
24 looked at speeds, we looked at the roadway designer
25 geometry. We did all of that to pick the locations

2 we—we know that we have the biggest problem at, and
3 every year, you know, we re-evaluate things at
4 schools in order to see what has shifted and what has
5 improved. So, we feel we have a pretty good handle,
6 but it's an interesting question that your raise.

7 COUNCIL MEMBER GJONAJ: I don't want
8 interesting. I'm hopeful that we can use every tool—
9 -

10 MARGARET FORGIONE: Uh-huh.

11 COUNCIL MEMBER GJONAJ: --available to
12 us. That would help not only provide the data but
13 also make sure that our reckless drivers start
14 changing their behavior and using every method
15 possible whether it be visual displays, summonses,
16 potential arrests, and revocation of their licenses.
17 I encourage that we continue to focus on the real
18 importance here and not allow this to become a
19 political football for any other reason including
20 asking for an executive order, installing speed
21 radars, installing speed bumps, installing red
22 lights, stop signs, yield signs, and additional
23 Traffic Agents at every one of the New York City
24 schools that we currently have, and whether that's
25 1,200 or 1,400, I leave that to you, but I think

2 everyone's child deserves the same protections, and
3 we shouldn't be picking and choosing which child will
4 receive those protections over another.

5 CHAIRPERSON RODRIGUEZ: Thank you. So
6 the next colleague Council Member Deutsch, Richards
7 and Miller.

8 COUNCIL MEMBER DEUTSCH: [off mic] [on
9 mic] Thank you. I've been here since 1:00. So,
10 firstly, it's kind of upsetting because we're all
11 sitting here, all city agencies with City Council
12 members and residents of the city of New York and
13 we're sucking our thumbs today because of something
14 the state didn't do. Vision Zero is in effect for
15 quite a while, and when we're--when we're talking
16 about protecting our children, we should have already
17 had some type of plan even without relying on the
18 state when it comes to speed cameras. Secondly, we
19 have here representative Chief Chan who represents
20 the Police Department. You represent traffic. Do we
21 have anyone here from Patrol? No. So, my question
22 is when someone is speeding, we're talking about
23 speeding. We're not talking about double parking and
24 the triple parking. We're talking about speeding.

2 To my knowledge a traffic agency cannot stop a
3 speeder, cannot do a car stop. Is that correct?

4 CHIEF THOMAS CHAN: Right. Our Traffic
5 Agents other than the Construction Unit do not issue
6 moving violations, and again representing the Police
7 Department, Patrol. We work with Patrol, and confer
8 with them all the time. So, I think we share--

9 COUNCIL MEMBER DEUTSCH: [interposing]
10 So, I mean I think Patrol should have been here, but
11 if the a traffic agent cannot issue a moving
12 violation, and only harass people dropping their
13 children off for double parking, we're talking about
14 speeding. The whole issue today is speeding. That's
15 that the mark. Number two, I have been discussing
16 Traffic Control Officers for the last four years, and
17 I've been saying that yes if we have speed cameras,
18 we cannot rely only on technology. We need to have
19 Traffic Control Officers near our schools to direct
20 traffic. We cannot say oh, we have technology and
21 that's going to protect our children. It doesn't
22 work that way. We need to have human beings there as
23 well to control and direct that traffic just like
24 school safety officers. So, the--how many Traffic
25 Control Officers number one, do you have throughout

2 the city of New York, throughout the five boroughs,
3 and how many of that--of those Traffic Control
4 Officers do you have within--stationed within like 100
5 feet from schools?

6 CHIEF THOMAS CHAN: I'm going to give you
7 an approximate number of Traffic Agents. We have over
8 3,200. That's an approximate. I can get you the
9 exact number down the road. What happened is that
10 again when we're talking about Traffic Enforcement
11 Agents, again these are civilian members of the
12 service who are--we have some agents who are directing
13 traffic, and then we also have agents that are also
14 issuing summonses--

15 COUNCIL MEMBER DEUTSCH: [interposing]
16 Now, see I want to say direct--directing traffic. Not
17 the ones issuing summonses. Not the ones that's are
18 issuing parking tickets.

19 CHIEF THOMAS CHAN: Right.

20 COUNCIL MEMBER DEUTSCH: That--

21 CHIEF THOMAS CHAN: [interposing] who are
22 doing the traffic--

23 COUNCIL MEMBER DEUTSCH: [interposing]
24 The traffic control, the level to the Traffic Control

2 Officers that direct traffic, how many do you have in
3 the five boroughs?

4 CHIEF THOMAS CHAN: I'll give you—I'm
5 going to have to get back to with the exact number of
6 people who are directing traffic at time.

7 COUNCIL MEMBER DEUTSCH: How many from
8 those actually are assigned near schools because
9 there is a school there?

10 CHIEF THOMAS CHAN: We've deployed our
11 Traffic Agents based on traffic volume, depending on
12 the location. For an example, if we are in the
13 vicinity of the Lincoln Tunnel, the Holland Tunnel
14 and things of that nature, so we will deploy the
15 officers or the Traffic Agents.

16 COUNCIL MEMBER DEUTSCH: So, there's no
17 one near schools. So, my—my point is, and I'm going
18 to say it again, and I'm going to say it again. I'm
19 going to say it to everyone. I'm going to say it
20 here live that we need to make sure that we have an
21 extra layer of Traffic Control Officers Level 2s near
22 our schools. We have 900, approximately public
23 school buildings, 300 approximately private school
24 buildings, and in the morning and during—when schools
25 begin and dismissal those are two crucial times.

2 It's not full day, but when children are going to
3 school because unfortunately there's not—you don't
4 have bus service for all children. It depends what
5 grades. It depends how old you are. So, parents are
6 forced to either drive the children to school or to
7 have the children walk to school. So, that is why it
8 is important to have Traffic Control Officers at all
9 our schools during the morning hours and during
10 dismissal. That is important, and I think this is
11 something we need to focus on because if we had that
12 when I brought this up four years ago, and the state
13 shuts down the cameras, at least we had those layers
14 of protection. Finally, I just want to say that
15 school safety officers how many open requests do you
16 have? How many requests do you have? Open requests
17 do have for school safety officers [bell] that are
18 not filled as of today?

19 CHIEF THOMAS CHAN: I don't have that
20 number at this particular time, but I can get back to
21 you.

22 COUNCIL MEMBER DEUTSCH: So, what I'm—
23 what I'm saying is, is that we're on the 12th hour
24 now, and we should have a plan already. We should
25 have these answers. We should have the School Safety

2 Officers and crossing guards in all our schools
3 making sure that all the gaps as filled that if there
4 are schools right now who don't have enough school
5 crossing guards, and if there's any open spots, open
6 spots in schools requests, we have to have this bill
7 today. We cannot wait until--until the 12th hour and
8 start fumbling then and sucking our thumbs. Our
9 children we all know we have people who testified
10 today, and really I was--I'm hear since 1:00 and out
11 of respect for the people who testified today, I'm--
12 I'm still here, and I want to thank you very much for
13 having the courage and coming out today, and
14 unfortunately I--I should--no one should know what it
15 feels like to lose someone who's near and dear and
16 loving to them. So I think you for coming out here
17 today, but we need to be better prepared. I'm going
18 to say it again--my time is up--traffic control
19 officers at every school when children go to school,
20 during dismissal time, school safety crossing guards
21 at every school. We have to make sure that all of
22 those gaps are closed, and we also need to make sure
23 that in addition to traffic agents, we need patrol,
24 we need officers, live officers. Thank you very
25 much.

2 CHAIRPERSON RODRIGUEZ: Council Member
3 Miller. I mean Richards.

4 COUNCIL MEMBER RICHARDS: Okay, so he's
5 the better looking version of me. Good afternoon. I
6 want to gear my questions, and thank you Chair for
7 holding this hearing. I want to gear my questions
8 more to DOT on strategic planning around accidents
9 and then and obviously we know we've—in the Rockaway
10 Peninsula suffered two pedestrian deaths over the
11 past month, and then obviously we had the 11-year-old
12 who was hit yesterday, which was a hit and run
13 incident who is stable. What triggers—when do
14 conversations occur between PD and DOT when you
15 notice that they are—what would trigger a
16 conversation between the two agencies when you notice
17 a pattern of particular—that has been troublesome
18 for—for a long time? Do you have discussions on
19 these things? So, for instance if there have been
20 five accidents at a corner, when would we communicate
21 that to DOT?

22 CHIEF THOMAS CHAN: We are in direct
23 contact with DOT on a regular basis, and I can tell
24 you at every Traffic Stat, which is scheduled on

2 Thursdays, and there's one scheduled for tomorrow,
3 and there was one scheduled last week, and

4 COUNCIL MEMBER RICHARDS: Uh-huh.

5 CHIEF THOMAS CHAN: --we meet and do our
6 DOT representatives for the particular borough who
7 are present at our meeting. So, if there is anything
8 of an urgent nature that we spot, our statisticians
9 and our people who look at the--the collision and
10 things of that nature, information share this on a
11 regular basis. It's only--they're only a phone call
12 away. So, they are present at our meetings on a
13 weekly basis. Again, we have another--

14 COUNCIL MEMBER RICHARDS: [interposing]
15 I'm going to move from you, though, because I want to
16 know what DOT does with that information.

17 MARGARET FORGIONE: Right. First of all,
18 we have complied--

19 COUNCIL MEMBER RICHARDS: [interposing]
20 Did that automatically--sorry to cut you off--does that
21 automatically trigger a study for an intersection--

22 MARGARET FORGIONE: [interposing] Okay.
23 Right.

24 COUNCIL MEMBER RICHARDS: --or what
25 happens after.

2 MARGARET FORGIONE: So, what we do is we—
3 we run on a different bases like quarterly and
4 yearly. We run fresh information on areas of
5 concerns. We run our major corridors. You know
6 every year the Vision Zero corridors shift, right.
7 Some of them we've addressed through our safety
8 projects and then others emerge as the next set of
9 them. So, we are—we are periodically updating our
10 information.

11 COUNCIL MEMBER RICHARDS: [[interposing]]
12 Now--

13 MARGARET FORGIONE: When we have
14 something like what you're describing in the
15 Rockaways you know our borough commissioner, you know
16 between the rest of us watching the Press Office,
17 everything, if we have sort of an uptick in an—in an
18 incident, yes we do reach out to PD. We have three
19 different periods, you know, monthly meetings with PD
20 with different groups of—of DOT and some with Chief
21 Chan and some with his colleagues. We—we do a lot of
22 safety education and outreach around locations like
23 that and then we do look at whether or not—usually
24 it, you know, we create a project. Our design team,
25

2 our planners, our engineers will create a project for
3 problem areas like what you're talking about.

4 JUAN MARTINEZ: And then--

5 COUNCIL MEMBER RICHARDS: Okay.

6 JUAN MARTINEZ: --one last aspect of this
7 collaboration comes from our work on the Vision Zero
8 Task Force not just NYPD, but the Department of
9 Health, the City Fleet, the Taxi and Limousine
10 Commission and other agencies meeting several times a
11 month to go over the data, go over the trends that
12 we're seeing. Things like the--the Police Department's
13 efforts on motorcycle enforcement came out of
14 conversations with our Task Force, things like the
15 dusk and darkness, the special emphasis on
16 enforcement during the winter months when--when light
17 is--is at a premium late in the evening. Those
18 successful initiatives came out of that really
19 constant collaboration. That's the--the benefit of
20 Vision Zero is that we're talking at a--at a--at a
21 depth and--and that has never been before.

22 COUNCIL MEMBER RICHARDS: Okay, so it
23 sounds good. So, Merrick Boulevard--I'm going to get
24 away from Rockaway for a second--was one of the most
25 dangerous intersections to--which I was astounded at

2 when we saw the actual pedestrian well not only
3 deaths we had there, but also accidents, and it seems
4 like the only time these things are dealt with is
5 when an elected official's office brings it to your
6 attention, and it was movement, and I want to thank
7 our Queens Borough Commissioner for movement on it,
8 but it's just a little bit astounding on how any time
9 we pick up the phone the study then starts when
10 obviously you are seeing patterns. Before we would
11 we see it, you're seeing the crash data. I think we
12 had over 100 crashes on that particular stretch.
13 I'll mention Rockaway Boulevard and Brookfield
14 Boulevard and Rockaway Turnpike the same thing, and
15 there seems to be no immediate action until our
16 office gets complaints or we complain to you. How
17 many people are on staff to do these studies? How
18 many people are assigned to do traffic studies in
19 DOT? So, if you can break down by borough.

20 MARGARET FORGIONE: Yeah, we don't—we
21 don't have them allocated by borough. We have teams
22 of planners [bell] and others who do it as part of
23 their job, some who do it as all of their job.

24 COUNCIL MEMBER RICHARDS: What's the
25 ballpark figure?

2 MARGARET FORGIONE: I have to—I will have
3 to get back to you, but I--

4 COUNCIL MEMBER RICHARDS: [interposing] I
5 actually know the answer to it because I'm asking
6 this question--

7 MARGARET FORGIONE: [interposing] Well,
8 that's interesting because I'm anxious to hear what
9 your answer is. [laughter]

10 COUNCIL MEMBER RICHARDS: No, I-I-I-it's
11 the lawyer's rule. Ask the question--

12 MARGARET FORGIONE: [interposing] Okay,
13 fine.

14 COUNCIL MEMBER RICHARDS: --that you know
15 the answer to.

16 MARGARET FORGIONE: Okay.

17 COUNCIL MEMBER RICHARDS: Did we see an
18 increase in the budget? Because clearly, and I know
19 this from my officer to Council Member Miller's
20 Office every Council Member's Office is giving an
21 uptick in requests for it's—and we are getting the 3--
22 the 3-1-1 data now sent to us on a weekly basis--

23 MARGARET FORGIONE: Uh-huh.

24 COUNCIL MEMBER RICHARDS: --and we can
25 clearly see based on that data that the number one

2 request from my district and I'm sure citywide seems
3 to be streetlights, speed humps--

4 MARGARET FORGIONE: Uh-huh.

5 COUNCIL MEMBER RICHARDS: --stop signs.

6 That is consistently across the board, but there
7 seems to be every year when we have this budget
8 discussion no real uptick in the amount of engineers
9 and people who do these studies being put into our
10 neighborhoods. So, I'm interested in seeing what the
11 numbers are, and if there's a real plan to increase
12 the number such we're getting such a much higher
13 volume, and especially because there's much more
14 awareness around Vision Zero. Now, you know, people
15 are calling for these things, but a study is taking
16 more than a year to happen on average, right? And in
17 the meantime, you know, once someone dies, all of a
18 sudden, there is this movement to fix the issue.

19 MARGARET FORGIONE: Okay.

20 COUNCIL MEMBER RICHARDS: Why should we
21 wait for deaths to occur when we know that, you know,
22 a lot of times people are pointing out the
23 intersections that are problematic, and you know,
24 and--and this is what I've seen--I've been here 15
25 years--consistently. If something bad happens, we

2 will see a stop sign in two months when we've been
3 calling for it for two years. So, I'm just saying
4 that to put it on the record. I would hope we are
5 going to be more proactive than reactive on a lot of
6 this stuff. I applaud you for the work in pushing
7 for the speed cameras, but that's one piece because
8 speed cameras can't go on residential blocks
9 apparently. So, I just wanted to--

10 MARGARET FORGIONE: [interposing] I just
11 want to mention we received in this Administration a
12 lot of additional funding for personnel for Vision
13 Zero, okay. So we have absolutely increased our
14 staffing both to examine and study as well as to
15 implement, and we have more—we have done more or all
16 of our safety items than we ever have in the past.
17 So, just to tick a few off, we have in 2017—this is
18 all about 2017—we installed over 800 leading
19 pedestrian intervals, which is a signal safety
20 benefit. We put in 92 miles of Priority Corridor
21 safety projects. 114 of our total safety projects,
22 25 miles of protected bike lanes, 400 speed humps,
23 which is more than we have ever done before. So, you
24 know, you're concerned about staffing. I want to
25 just highlight that. Our numbers aren't reflective

2 of a lack of staffing or reduced staffing, and then
3 about your question about, you know, what's happening
4 in your district and does someone need to get hurt
5 for something to happen. What I want to suggest is
6 that we come in and sit down with you--

7 COUNCIL MEMBER RICHARDS: Okay.

8 MARGARET FORGIONE: --and look at your--
9 your district, and look at the Vision Zero corridors
10 within that district and the nature of them. So, you
11 know what--exactly what's on our radar, and what we're
12 looking to do projects in.

13 COUNCIL MEMBER RICHARDS: And--and I'll
14 say this, we have no, um--what's the name of the
15 program, the Vision Zero Program? We have no Vision
16 Zero corridors--

17 MARGARET FORGIONE: Corridors.

18 COUNCIL MEMBER RICHARDS: --in our
19 district at all--

20 MARGARET FORGIONE: Okay.

21 COUNCIL MEMBER RICHARDS: --and I find it
22 astounding that Merrick Boulevard had over 100
23 accidents and we still have not--

24 MARGARET FORGIONE: [interposing] Right.

2 COUNCIL MEMBER RICHARDS: --automatically
3 put into that batch.

4 MARGARET FORGIONE: There can be a lot--
5 there can be a lot more in other corridors, but I
6 want to go through the numbers. We need to--

7 COUNCIL MEMBER RICHARDS: [interposing]
8 Right.

9 MARGARET FORGIONE: --show you that.

10 COUNCIL MEMBER RICHARDS: But I will say
11 this: I hear what you're saying. The staffs are
12 great and I take hats off for the commitment by the
13 Mayor to--to address this issue, but it's not
14 reflective and if you're saying staffing was
15 increased in these areas, the study was still taking
16 way too long to get back to us. So, if you're saying
17 you added more staffing, something is wrong with this
18 bill is taking over a year or a year or two.

19 MARGARET FORGIONE: [interposing] A lot
20 of people are coming to us, and that's--

21 COUNCIL MEMBER RICHARDS: [interposing]
22 Yeah.

23 MARGARET FORGIONE: --and it's a good
24 thing.

25 COUNCIL MEMBER RICHARDS: Yes.

2 MARGARET FORGIONE: But everybody knows
3 about all of these different treatments and everybody
4 wants them. The numbers are going through the roof.
5 Okay, so that--that's probably the reason--

6 COUNCIL MEMBER RICHARDS: [interposing]
7 Agreed.

8 MARGARET FORGIONE: --in some cases.

9 COUNCIL MEMBER RICHARDS: But I've been
10 here 15 years, and it's--I'm not--my responses are no
11 different than when--when I was staff member than
12 being a Council Member now. So, I'm just putting it
13 out there. I'm not saying nothing is being done, but
14 it's very clear that we need to ramp up more here.
15 Thank you, Chair.

16 CHAIRPERSON RODRIGUEZ: Great. Thank
17 you. Council Member Miller.

18 COUNCIL MEMBER MILLER: Thank you, Chair
19 Rodriguez for this important hearing, and thank the
20 Administration for being here, and Chief and NYPD,
21 DOT I applaud your efforts and your commitment to
22 retaining the speed cameras around schools, and I
23 understand that this--what this hearing is about, but
24 based on the Speaker's commitment and Mayor's
25 commitment, I--I trust that all that--all bases are

2 being touched and all that we can do at city level is
3 being done. So, what I would like to focus my short
4 time on the other things that we have done that
5 Council Member Richards just talked about around
6 schools and other places to-to mitigate traffic
7 hazards for our young people and others in our
8 community so that we are all the inhabit and all the
9 pedestrians feel safe in walking. There is—there is—
10 one of the things that I've tried to do over the past
11 five years to ensure that all parks, major parks and
12 schools in the district had safety provisions either
13 speed bumps, necessary stop signs, daylighting or
14 whatever is necessary. I had this conversation with
15 the Commissioner. I had this conversation with the
16 Queens Commissioner, and even with the best of
17 intentions as my colleagues said, we probably have
18 10% over the past five years. Accidents continue to
19 occur, and as we have these kind of engagements about
20 what we can do, and—and we know that speed bumps
21 everybody wants a speed bump until you get a speed
22 bump, and you don't want this in front of your home
23 or— But the fact of the matter is—is that they are
24 very, very hard to come by. Even in the areas of
25 schools, and in terms of coordination, we've Had—

2 we've been fortunate to have the right of street
3 repaving in—in Southeast Queens, which means that for
4 the motorists it allows them to go off the main
5 streets with the traffic apparatus, and then they
6 ride the side streets, which basically become
7 freeways, and you can go nearly 10 blocks without
8 stopping, and sometimes they're in front of schools.
9 Those should be priorities, and we've asked that when
10 you have these situations, that we make sure that
11 with the repavings and repairs that is accompanied by
12 traffic apparatuses and usually that's only stop
13 signs. That has become increasingly difficult to
14 facilitate as well. Going back to what the
15 Councilman said, at what point does—is there agency
16 coordination or at what point does it kick in and
17 trigger that something has to be done. I got told
18 last summer by a woman who said it was a school bus
19 accident at a particular street in Queens Village
20 223rd Street and 107th Avenue, and as it turned out,
21 there were 17 accidents in that location in three
22 years, and after we got involved two months later, it
23 was a stop. There's a 4-way stop sign there, but
24 there needs to be a better mechanism to figure that
25 out that after two or three that there is a problem

2 that we are—communities are asking for certain safety
3 provision stop signs or whatever, and it always has
4 to be a study. But I really want to focus on the
5 areas around the school what can we do to mitigate
6 that in lieu of the speed cameras? Can we use stop
7 signs because I know we have one principal who wants
8 the—the kind of illuminated stop sign on the corner,
9 but there are not a lot being done, and every—I think
10 every school has a problem with parents double
11 parking, not—where the PTAs offered to come and get
12 the kids two blocks up, and they want to take their
13 kid there. They're parking in folks' driveways,
14 they're double parking. It's a real problem but when
15 the school is down and we have the summer to kind of
16 figure this out, we're going to go back to the same
17 situations in September that we left in June when
18 school closed. Are we focusing on how do we mitigate
19 and how do we address the loss [bell] of the speed
20 cameras?

21 MARGARET FORGIONE: Okay. So, DOT is
22 constantly using all of the tools that we have.
23 We're—we're going at it non-stop, and we're going to
24 keep doing that. So, we have a lot of tools at our
25 disposal. Last year we installed by, you know, for

2 example 60% more signals than we ever have, you know,
3 we did the previous year, and it's-it's going up and
4 up. We also installed 757 all-way stops, which is
5 more than we have ever done. So, first of all, if
6 you have locations you're concerned about that you're
7 not getting information on, if you can let us know,
8 we will make sure you do get that information, but I
9 want to try to reassure you that we already have a
10 very data driven approach. So, if we see accidents
11 on the rise at a location, that comes to our
12 attention and we do look at it. Okay, so we-and we
13 have all of these things that we've talked about
14 today in order to-to deploy there. So, we wouldn't
15 put a stop sign unless the stop sign was needed, but
16 if-if one is needed, it would be there in a very,
17 very quick time frame, and the same goes for our
18 traffic signal.

19 COUNCIL MEMBER MILLER: So, we work very
20 closely with our borough Commissioner, and--

21 MARGARET FORGIONE: Okay.

22 COUNCIL MEMBER MILLER: --that's just not
23 the case, and-and we-when we get it out, we-we have
24 trained the community--

25 MARGARET FORGIONE: Uh-huh.

2 COUNCIL MEMBER MILLER: --that when there
3 are accidents that they fill out proper reports and
4 that's been a problem as well that we've known that
5 there been five or six or seven accidents, and we
6 call the precinct and there were two actual reports
7 filed.

8 MARGARET FORGIONE: Uh-huh.

9 COUNCIL MEMBER MILLER: Things like that-
10 -

11 MARGARET FORGIONE: [interposing] Right.

12 COUNCIL MEMBER MILLER: --but
13 specifically I want to focus on how do we mitigate
14 traffic incidents around the school area? Some
15 schools don't have speed bumps or traffic stop signs
16 within two blocks leading up to the school, and
17 that's what I'm saying. Like even if there-it might
18 in front of the school building, but leading up to it
19 like traffic the-the speed cameras covers what? A
20 quarter of a mile?

21 JUAN MARTINEZ: A quarter of a mile on
22 the street before and after the school.

23 COUNCIL MEMBER MILLER: Right, so we-we
24 want to get close and-and the signage and what other
25 mechanisms that you have. So, even if you have a

2 stop sign two or three blocks ahead so that they
3 don't have that full head of steam or that they have
4 a—a speed bump around there making sure that we have
5 apparatuses to support the loss of the speed cameras,
6 or in lieu of the speed cameras even while that--

7 MARGARET FORGIONE: [interposing] And one
8 other thing we want to mention is that speed camera
9 and a stop sign perform two totally different
10 functions. So, a speed camera gets at the speed of a
11 vehicle in between intersections okay. Whereas a
12 stop sign obviously or a traffic signal is
13 controlling the corner, and it's controlling who gets
14 to go at the corner. So, it's very, very different.
15 So, a speed, you know, the thing you were mentioning
16 don't--

17 COUNCIL MEMBER MILLER: [interposing] But
18 they're not mutually exclusive. They're—they're not
19 mutually exclusive. If you have to stop on this
20 corner--

21 MARGARET FORGIONE: [interposing] That
22 will help.

23 COUNCIL MEMBER MILLER: --and then the
24 next corner, then you're—you're not--

25 MARGARET FORGIONE: [interposing] If you.

2 COUNCIL MEMBER MILLER: --you're not
3 doing 30 miles an hour from block to block and you
4 just pick it up in speed. So they're not mutually
5 exclusive.

6 MARGARET FORGIONE: Uh-huh, uh-huh.

7 COUNCIL MEMBER MILLER: That would help
8 to mitigate speeding if you had to--look, if you can
9 got ten and when I say ten blocks, I literally mean
10 blocks ins residential communities without stopping
11 on perfectly paved road is dangerous.

12 MARGARET FORGIONE: Uh-huh.

13 COUNCIL MEMBER MILLER: And so we need to
14 take a look at that, but when those blocks include
15 schools, we have to be able to expedite that
16 happening and--and that's where I'm--I'm getting at. I
17 think we're all on the same page, but there is--those
18 are the simple solutions, and I--and I--I know the
19 study for--for--for the--the cameras and--and the--the
20 lights and so forth I think stop signs are relatively
21 simple, but at every school and parks should have
22 them.

23 MARGARET FORGIONE: Where they're needed
24 yes we agree, and we would--we would get them up. We--
25 we have to comply with engineering standards. We

2 won't just put them at every location, but I give you
3 my word if you have locations that you feel we're not
4 responding to quickly enough if you get them to me we
5 will make sure we do.

6 COUNCIL MEMBER MILLER: I'm—I'm going to
7 give you my three-year--

8 MARGARET FORGIONE: [interposing] Yeah.

9 COUNCIL MEMBER MILLER: --and--and--and I'm
10 not one that I--if we do a hearing, I'm not going to
11 talk about some new stuff unless we finish last year.
12 I'm going to send you what we have requested over --

13 MARGARET FORGIONE: [interposing] Okay.

14 COUNCIL MEMBER MILLER: --the past three
15 years, and see what has been checked off.

16 MARGARET FORGIONE: Thank you.

17 COUNCIL MEMBER MILLER: Okay, thank you.

18 MARGARET FORGIONE: Council Member, I
19 have a running like conversation with Candace in your
20 office. She can send it to me if that's helpful.
21 Thank you.

22 CHAIRPERSON RODRIGUEZ: Thank you. So
23 with that I would like to summarize. First that it is
24 in the interest of the whole city of New York, and in
25 this case the Council and the Administration to see

2 that State Senate going back to Albany, and authorize
3 the city to—I mean to restore the speed camera. Is
4 that something that we can say that we agree?

5 MARGARET FORGIONE: Yes.

6 CHIEF THOMAS CHAN: Yes.

7 MARGARET FORGIONE: Completely.

8 CHAIRPERSON RODRIGUEZ: And—and we also
9 know that there is—that's the idea. That's what
10 we're fighting for. That's what we will continue
11 mobilizing everyone together with TA and Families for
12 Safer Streets, everyone who cares for the safety of
13 our students in New York because we want the Senate
14 to go back and authorize the city to maintain—to
15 restore the speed camera. We also as you heard we
16 want to—not to be limited and, of course we don't we
17 don't want to compromise that if we don't we get the
18 Senate to go and act, then we should do something
19 else. Our interest to get the authorization that we
20 need as a city, but if by any chance they don't go
21 back or they try to continue pushing back for an our
22 and from my end I can say from the Chairman of this
23 committee I hope that the Administration will
24 continue as advocating, you know, for other ways on
25 how we can get the authorization—the authorization to

2 happened, and as I said, that can be—You heard that
3 the governor is to use his power to convene the State
4 Senate back there. I also feel that we should also
5 encourage the Governor to use his power for the
6 Executive Order knowing that as you heard probably
7 you are not too sure. From the city whole
8 perspective this is something that we feel that the
9 governor can do it, based on what I heard from some
10 people who are the experts in the law area, they feel
11 that that's also doable. But the summary that we all—
12 we all want to maintain our speed cameras, and you
13 heard from my colleagues also other suggestions. You
14 know, the—the crossing guard. You know, that's
15 something that we hope that by any chance we don't
16 have the speed camera by September 5th that also we
17 have alternative plan on reducing vehicles, continue
18 increasing the ticket and to those drivers who are
19 driving over the speed limit. So, with that, I would
20 like to thank the Administration for being partners
21 with the Vision Zero and this initiative, and I know
22 that we have a common interest, which is to maintain
23 safety for all—the whole 8.5 million residents, but
24 especially in this particular case to those students
25 and their parent who walk every day around to the

2 school. With that, I'd like to thank you, and now
3 I'm going to be calling the names for the last
4 panels.

5 LEGAL COUNSEL: For the next panel Mark
6 O'Connor from Transportation Alternatives; Adriana
7 Espinosa from the New York League of Conservation
8 Voters; Steve Vaccaro from Vaccaro and White; Edith
9 Prentiss from Disabled in Action. [pause] And for
10 the last panel, which will be coming up after this
11 panel if you're here, it will be Oleg Chernovsky,
12 Executive Director. No, this person has left. Greg
13 Mihalovich, American Heart Association. Is he here?
14 Yes, he is here.

15 CHAIRPERSON RODRIGUEZ: You can join us.

16 LEGAL COUNSEL: Steve Vaccaro from
17 Battery Place, 17 Battery place, another Steve
18 Vaccaro.

19 STEVEN VACCARO: [off mic] It's the same
20 Vaccaro.

21 LEGAL COUNSEL: Okay, the same person.
22 There was another ticket. Okay, thank you.

23 CHAIRPERSON RODRIGUEZ: Thank you. You
24 will have three minutes. [pause]

2 ADRIANA ESPINOSA: Good afternoon. My
3 name is Adriana Espinosa. I'm the Director of the
4 New York City Program at the New York League of
5 Conservation Voters. NYLC represents over 30,000
6 members in New York City, and we're committed to
7 advancing a sustainability agenda that will make our
8 people, our neighborhoods and our economy healthier
9 and more resilient. I'd to thank Chair Rodriguez for
10 the opportunity to testify here in support of Intro
11 322 of 2018. One of NYLC's top priorities is
12 ensuring that New Yorkers have access to sustainable
13 low-carbon modes of transportation. We believe that
14 pedestrian safety and smart street design are crucial
15 to the achieving this goal, and with the safe and
16 well designed streets New Yorkers can more easily
17 pursue sustainable modes of transportation and reduce
18 dependency on high emission vehicles. That is why we
19 strongly support Intro 322 to deploy more Vision Zero
20 street design standards on arterial streets. This
21 proposal will advance New York City's Street Safety
22 Initiative. The Mayor's Vision Zero plan to end
23 traffic casualties calls for the adoption of new
24 street designs and configurations to improve safety
25 and the 2017 data showing that 58% of fatal

2 pedestrian crashes occurred on arterial roads. It's
3 clear that the city must address arterial street
4 safety to achieve Vision Zero. The legislation would
5 also encourage the proliferation of green
6 infrastructure such as street trees and bioswales,
7 which would help to enhance the city's air and water
8 quality. While Intro 322 provides a comprehensive
9 list of standards that must be considered when
10 redesigning major streets, it does not mandate that
11 New York City DOT implement any specific elements
12 leaving the city's experts to make the best decisions
13 on a project-by-project basis. We believe a thorough
14 and transparent review of Vision Zero Design
15 Standards will help these measures become the norm in
16 redesign projects and keep the city' agencies
17 accountable to the public. I'd like to thank the
18 Committee on Transportation for your ongoing support
19 for transit issues that concern our members and I
20 look forward to continuing this work in the future.
21 Thank you. [pause]

22 GREG MIHALOVICH: Good afternoon. My
23 name is Greg Mihalovich. I'm the New York City
24 Director of Grassroots Advocacy with American Heart
25 Association. Thank you Chair Rodriguez and the

2 members of the Council Committee on Transportation
3 for the opportunity to appear before you in favor of
4 Intro 322. So, the American Heart Association is the
5 nation's oldest and largest voluntary health
6 organization dedicated to fighting heart disease and
7 stroke 80% of diagnoses of which are preventable.
8 That's why the AHA prioritizes increasing physical
9 activity because engaging in daily physical activity
10 reduces the risk of obesity, coronary heart disease,
11 stroke, hypertension, diabetes and even some types of
12 cancer. Promoting active transportation, which is the
13 opportunity to bike, walk, roll to work, school or
14 just around your community is actually the leading
15 evidence-based strategy to increase physical activity
16 across a lifespan. So, having this checklist of
17 street design elements that enhance the safety for
18 all road users would not only reduce injury and death
19 from traffic violence, it would also improve health
20 equity for all New Yorkers. So, the vulnerable
21 populations, which include people of low income,
22 people of color, the elderly, people with
23 disabilities are often disproportionately affected by
24 incomplete and unsafe streets. Pedestrian fatality
25 rates are higher in these communities, and the

2 communities also suffer from higher rates of obesity,
3 diabetes and heart disease. So, the American Heart
4 Association recommends at least 30 minutes of
5 moderate intensive-intensity aerobic activity at
6 least five days a week to maintain overall
7 cardiovascular health and an average of 40 minutes of
8 moderate to vigorous intensive activity four days a
9 week to help lower blood pressure and cholesterol.
10 So providing safe and active transportation options
11 for these under-served communities will actually
12 provide them an opportunity for daily physical
13 activity and result in better health outcomes from
14 all New Yorkers. Obviously talking to the
15 Transportation Committee you're well aware of transit
16 deserts and the first mile/last mile problem that
17 many communities face. Having New York Street—here
18 to receive street design standard would allow many of
19 these New Yorkers to safely opt for a brisk walk or a
20 bike ride to traverse that last mile/first mile to
21 home, work, school or wherever and help them get that
22 recommended amount of physical activity each week.
23 So, not only would New Yorkers be safer with the safe
24 street design standard, but would be healthier as
25 well. Thank you.

2 MARK O'CONNOR: Good afternoon. My name
3 is Mark O'Connor. I'm the Legislative and Legal
4 Director with Transportation Alternatives. Thank
5 you, Chairman, Council Member Lander as well as
6 Council Member Samuel, Gjonaj and for the legislation
7 that you have introduced that can save lives. We'd
8 like to also express our gratitude to the city for
9 the work that has been done to the Council, which has
10 resulted in historic reductions in traffic fatalities
11 even as traffic fatalities have increased nationwide.
12 Still, however, the loss of life on our streets is
13 unacceptable. Since 2001, more than 5,000 New
14 Yorkers have died in traffic crashes and every day
15 more than 200 people are injured. Traffic violence
16 is a public health crisis, and Transportation
17 Alternatives strongly supports the legislation of
18 today's hearing as a critical means to reduce
19 dangerous driving, prevent the loss of life and
20 achieve Vision Zero by 2024. Transportation
21 Alternatives strongly supports Intro 322, which would
22 create a checklist of proven street safety and
23 accessibility measures that the DOT must consider
24 when re-engineering or repaving any arterial street
25 in New York City, and critically the DOT must publish

2 online any reason for not including a particular
3 design element. This creates transparency. Our city
4 has done tremendous work in recent years, but it
5 remains clear that much more must be done, and we
6 must prioritize saving lives in passivity (sic) and
7 diverse mobility over the movement of cars, and over
8 parking. The majority of the crashes that killed 222
9 people last year occurred on arterial streets and
10 were caused predominantly by behaviors like speeding
11 and failing to yield. These behaviors are too often
12 enabled by street signs that prioritizes driver's
13 speed and convenience while the safety and
14 experiences of pedestrians and cyclists too often is
15 relegated to an after thought. A standardized street
16 design is needed so that safety can be ensured by
17 default. Once built, these streets are not subject
18 to the shifting winds of politics and Mayor de Blasio
19 I believe should have an interest in preserving his
20 own legacy when it comes to the Vision Zero. The
21 complete streets checklist would be an important step
22 towards creating transparency and for the public to
23 know when for example and proven safety element is
24 sacrificed in order to preserve one or more parking
25 spots, which happens repeatedly throughout the city.

2 Furthermore, in order to be truly equitable and
3 effective, street design and safety measures must-
4 must be consistent across neighborhoods so that no
5 part of the city is left behind. By employing the
6 safety elements of this checklist, our city can
7 cement a lasting legacy of safety into our streets.
8 That legacy will encourage more people to walk and
9 ride bikes, make bus service more efficient, and
10 enhance the mobility of the elderly [bell] and
11 disabled. But we also just want to state our strong
12 support for Intro 971, 972, and 1066 to impound the
13 vehicle of repeat dangerous drivers, a dangerous
14 driving study and speed boards. Finally, we strongly
15 support Intro 268 by Council Member Samuel, which
16 will call upon the State Legislature to pass speed
17 cam legislation, and for escalating fines for
18 repeated violations and physician reporting. A
19 resolution from this Council will help solidify the
20 strong support, the support from throughout the city
21 that shows a united city on this issue of speed
22 safety cameras and—and it will send a message that
23 renewing and expanding the Speed Camera Program is in
24 the interest of all New Yorkers. Thank you.

2 STEVE VACCARO: Good afternoon. I'm
3 Steve Vaccaro. I am from the Law Office of Vaccaro
4 and White, which has represented hundreds of crash
5 victims here in New York City including the families
6 of Family Sammy Cohen Eckstein, Alli Rial, which
7 you've heard from already today as well as Bernadette
8 Carna. I'm also a founder with fellow Safe Streets
9 activists at Street Pac, the organization that
10 supports elected officials who are working to keep
11 our streets safe and make them safer. Thank you,
12 Chairman Rodriguez and Council Member Lander for your
13 presence here. I'm going to abbreviate my comments.
14 I passed out my-my comments as written with some
15 attachments, and I just want to draw your attention
16 to them because they address some of the previous
17 testimony that you've heard today and I'll go through
18 them quickly. My-my major point is that we need to
19 move from a-a criminal justice and law enforcement
20 paradigm that we've been using for the most part, and
21 we rely exclusively on for street safety over to a
22 public health paradigm, and that's what Intro 971 and
23 972 would do. Okay, instead of becoming ensnared in
24 all of the issues that arise with treating misconduct
25 in traffic as a crime, or as traffic violation, we

2 should be able to look at the data and see that this
3 a behavioral problem, and-and take the tools that we
4 know that we have that can improve it and use
5 educational rather than—educational means rather than
6 penalties to resolve them. So, this legislation
7 would identify what cars are being used in a
8 dangerous way. We have these camera systems, the
9 LMSI, the speed cameras, the red light cameras. We
10 have NYPD officers who go to the scene of a crash
11 when summoned fill out reports showing that a crash
12 occurred and who was involved, and we can take this
13 data, and we can identify the—the vehicles that are
14 involved. If you are working through a criminal
15 justice paradigm, you have to have a perpetrator and
16 that's the problem. That's the reason why speed
17 cameras don't involve points on the license because
18 there is this issue of oh, who was driving the car.
19 We don't know. It may have been the owner. It may
20 not have not have been. So, we can't apply a penalty
21 to anyone's license. It's the same veil of anonymity
22 that protects the owner of the vehicle most likely
23 the driver of the vehicle that struck Bernadette.
24 Okay, because the NYPD doesn't know who was driving.
25 They just dropped the investigation because if you

2 don't know who the perpetrator is what's the point of
3 investigating anything more? Even if there's video
4 that shows the collision, shows the license plate.
5 I've attached the FOIL documents in Bernadette's case
6 to my testimony. They show the vehicle, the license
7 plate and the back and forth between the NYPD Legal
8 Bureau and the detective investigating her case, and
9 they leave no doubt that it is the official policy of
10 NYPD to drop investigations when they can't
11 positively identify the driver of the vehicle even
12 when the vehicle is positively identified by a
13 license plate. The other attachment is a memorandum
14 that was prepared by our law firm that explains why
15 the city has the authority and the jurisdiction to
16 enact this program, which is a program for education,
17 intervention and remediation, not criminal penalties.
18 And once you get away from criminal penalties, you
19 can do a lot more, and I believe—we've—we've shown at
20 the Red Hook Community Justice Center. We've shown
21 with booting vehicles. It will be more of a
22 deterrent with these hardcore reckless drivers than
23 the \$50 penalties, which remarkably thousands, tens
24 of thousands of drivers are willing to pay over and
25 over and over again, as the—as—as the cost of driving

2 fast, and putting the rest of us in danger. So,
3 this--this program is a different approach. I think
4 it will be a more effective approach, and it will
5 address the concerns of critics who say this is just
6 a revenue grab when you have these speed cameras.
7 Don't make it about revenue. Make it about changing
8 behavior. It will also address concerns that there
9 will be disproportionate imposition of law
10 enforcement on people of color. You know, through--
11 through, you know, the--the profiling that takes place
12 with in-person policing. You know, you can address
13 all of these concerns. This isn't punishment. This
14 is remediation. This is education. This is not law
15 enforcement, and that's the way you should be taking
16 your continued Vision Zero efforts.

17 EDITH PRENTISS: My name is Edith
18 Prentice and I am here as a member of the Catches
19 (sic) For All Campaign, which is a general transit
20 issue discussion as it impacts the disabled. I'd
21 like to point out my relative height. In many ways--
22 in ways we are just like school kids. We're short as
23 are many seniors. It's very important that one of
24 the issues of concern is crosswalks and great because
25 parked at crosswalks, which obstruct the vision of

2 the driver of us as we cross the street similar to
3 babies being pushed in carriages where you literally
4 have to peek out around the car to see if it's safe
5 to proceed. We have many, many traffic issues that
6 we need DOT to focus on. These 10 issues are very
7 important, but there are issues for example the—Vinny
8 Gentile when he was a Council Member pushed a bill
9 that allowed parking in crosswalks on T intersection.
10 Well, that means you can't get onto the sidewalk
11 where you're going to walk to be healthy. You can't
12 get off bus stops when the bus stops are on the side,
13 the same sidewalks. When we had—this—this speed—this
14 speed camera session in Brooklyn last week for Moped,
15 I got off a bus and I couldn't cross this incredible
16 street until the police officer J walked me. We all
17 know that cross-streets require traffic signals, but
18 there are lots of places people cross because there
19 aren't other options that need to be looked at. We
20 need to look at the safety, the every day safety, and
21 these items are very important. I just am concerned
22 that they will become a situation where DOT has no
23 overview from the world of New York City from the
24 citizens of New York City as to what our issues and

2 needs are. There needs to be a dialogue not a
3 monologue. Thank you.

4 CHAIRPERSON RODRIGUEZ: [off mic] Thank
5 you. [on mic] So with that we came to the end,
6 right. The most important thing is to continue
7 working to restore speed camera. I'd like to thank
8 everyone an Speaker Johnson for his support and
9 Council Member Lander who also was very instrumental
10 to get this emergency hearing, and I feel that, you
11 know, with the pressure that we will continue
12 building in these next couple of days. Hopefully, we
13 can be able to restore the speed camera. Before I
14 pass it to Council Member Lander if he has also a few
15 words, I would like also to invite all New Yorkers to
16 be part of our second train station tour, which we're
17 going to be doing in September and get in contact
18 with other riders and see how much progress we've
19 been making in our city. With it last year it would
20 be our first train station tour, and this time around
21 we are hoping to do our second one in the month of
22 September. So, later on we're going to be sharing
23 more information. So, with that, Council Member
24 Lander.

2 COUNCIL MEMBER LANDER: Mr. Chair, I look
3 forward to riding the rails with you again in
4 September as—as we did last year. That brought a lot
5 of attention to the subway crisis and sadly we have
6 not made enough progress. So, thank you guys all for
7 being here and all for your advocacy and sticking
8 through this whole conversation. I really appreciate
9 it. I want to ask Steve a question or two following
10 up on Ms. Carna's testimony and also our Speaker's
11 reaction to it, and I know that you drilled a little
12 more in your testimony. I just wonder if you can
13 just say for starters a little more about this hit
14 and run situation more broadly and the back and forth
15 that took place between the Speaker and Chief Chan
16 about what we are and aren't doing in hit and run
17 investigations.

18 STEVEN VACCARO: Okay, I'll say in the
19 first instance that Chief Chan alluded to the
20 Collision Investigation Squad. That's the
21 specialized NYPD unit that investigates the most
22 serious collisions. Usually the fatal collisions are
23 ones in which there is a likelihood of a fatality.
24 Those cases get a serious investigation from the
25 NYPD. No question about it. They are a tiny handful

2 of the serious crashes that occur, the thousands of
3 crashes each year that—that—that injure people, and
4 we're glad that the police do that job in those case,
5 but in a case like Ms. Carna's, which brought her
6 close to death, but thankfully left her alive, and
7 able to recover, there is not a meaningful
8 investigation, and that's fully documented in the
9 FOIL file, pages of which are appended to my
10 testimony as distributed and in the eight cases that
11 are referenced in the letter to Chief of the
12 Department Terence Monahan that letter of August
13 10th, which our firm wrote at the request of Chief
14 O'Neill in a meeting that we had about street safety
15 issues and these hit and run collisions. The problem
16 is that the precinct level detectives, who are not
17 part of the Collision Investigation Squad, do not
18 generally speaking investigate these cases because
19 unless someone can identify the perpetrator, there is
20 no hit and run charge that can be pursued and brought
21 to a conclusion in a prosecution. So, the ID of the
22 car the license plate is just put in the file. It's
23 buried. It is not shared with any other agency, and
24 nothing is done with it, and this is—is really a
25 waste of valuable information. And—and on dozens of

2 clients that our firm has represented over the years
3 we have found precinct level detectives unwilling to
4 investigate these cases, and we put just a few as
5 examples in our—in our letters, the attachment to
6 Chief Monahan. This should be one of the streams of
7 data that is going in through 972 to inform the
8 Intervention and Remediation Program under 971. So,
9 Police Accident Reports so called. Every time
10 there's a collision. There were two priors for the
11 vehicle that struck Burnett—Bernadette Carna. You
12 know, the police collect that data. So, the idea we
13 have to get it from Albany, that's a dodge that you
14 heard from some of the executive branch officials
15 here today. If the police are collecting it in the
16 first instance, they can share it with their
17 colleagues in city government, and not tell you to go
18 to Albany to get it. The same thing with the ID or
19 the license plates of the hit and runs. They have
20 it. The same thing with the LMSI. How many of those
21 millions of license plates images captured each year
22 are going to be vehicles registered to a driver with
23 a suspended license. I think more than a few, and I
24 think that someone should be looking see hey this
25 vehicle is coming into New York every day in and out

2 and it's registered to someone with a suspended
3 license and then they're involved in a crash, and
4 then there's tickets that they get on a speed camera
5 or red light camera. Someone should put this data
6 together.

7 COUNCIL MEMBER LANDER: That's very
8 helpful and just I was struck by this in your
9 testimony that there were, and I know this is
10 something that the Chair has really worked on hit and
11 runs. There were 46,000 hit and runs in 2017.
12 That's in the letter that you, you know, and that
13 that--

14 STEVEN VACCARO: That includes property
15 damage only cases.

16 COUNCIL MEMBER LANDER: Yes but still,
17 you know, that's—I mean and—and right now if—if—if it
18 triggers a CIS investigation that might lead to
19 identification of the driver and specific punishment
20 if not, then—then even if we have the license plate
21 essentially nothing happens. It goes—it doesn't go
22 into a database. It just—just sits in a file.

23 STEVEN VACCARO: That's exactly right.
24 It's never used for anything except potentially civil
25 litigation of the sort I do.

2 COUNCIL MEMBER LANDER: So, in Dorothy
3 Bruns' case, they had—she had been in a hit and run
4 previously. They—they disciplined the officer who
5 had put it in a file, but it sounds to me like that's
6 actually the policy. It's just like that nothing
7 more would have happened to her in any case.

8 STEVEN VACCARO: That's exactly right.
9 That's exactly the policy as articulated in Follow-Up
10 No. 10 from the investigation that was conducted in
11 Bernadette Carna's case. It's attached to my
12 testimony, and there a legal NYPD Legal Bureau
13 Attorney named Elizabeth Moley, gave the advice that
14 there was nothing to pursue in this investigation
15 because if the driver denied involvement in the
16 collision even if he said he was the only one with
17 access to his vehicle at the time of the collision,
18 well there's nothing that can be done even though
19 that vehicle was identified by a license plate. No,
20 no one—if you asked on the street would say, If you
21 do a hit and run and someone gets your license plate,
22 there's no consequences, but that's what the rule is
23 in black and white NYPD Legal Bureau.

24 COUNCIL MEMBER LANDER: Okay, and then I
25 asked this question of—of Bernadette, you know, where

2 you found through FOIL that there were two prior
3 crashes that that driver had been involved in. Do
4 you know where the data came from to identify those
5 two prior crashes?

6 STEVEN VACCARO: Yes, when there's a
7 motor vehicle crash usually someone calls the police,
8 calls 911, the police come. There's a police
9 accident report. It called-filled out to document
10 that happened, and that's where that data came from.

11 COUNCIL MEMBER LANDER: And does that
12 data go in either for the driver or the license plate
13 into a database that the NYPD is keeping. This gets
14 more to the-what data we have to identify the most
15 reckless drivers.

16 STEVEN VACCARO: The-the police send
17 those accident reports to Albany, but they could just
18 as easily share them with the rest of city
19 government, and that's what they should be doing.
20 It's an important valuable resource. There's
21 something going on with someone who has been involved
22 in three crashes in a year probably, and it's at
23 least worth looking at.

24 COUNCIL MEMBER LANDER: Yeah. Okay,
25 thank you.

2 MARK O'CONNOR: Yes, Council Member, if I
3 can just add, there's also a serious question as to-
4 to whether NYPD is even in compliance with state law
5 when it comes to serious crash investigations or
6 under the State Penal Law, the-the NYPD is required
7 to investigate any serious crash to determine whether
8 a violation of State Law or Local Law has occurred,
9 and we know that upwards of 3,000 serious injury
10 crashes occur in New York City annually, but the CIS,
11 the Collision Investigation Squad investigates only 3
12 to 400 crashes. That includes probably every fatal
13 crash as well as a-a smaller portion of the serious
14 injuries, but we know also that the NYPD actually has
15 as a policy to not pursue for example right-of-way
16 criminal violation investigations without the CIS
17 investigating a crash. So, essentially you have the
18 NYPD precluding by not sending out the CIS in those
19 crashes, serious injury crashes that they preclude,
20 but they are not going to even investigate, as to
21 whether a certain, you know, that violation has
22 occurred on the-the Right-of-Way Law, the criminal
23 portion, and so we believe there is serious question
24 as to whether the NYPD is even in compliance with the
25 State Penal Law.

2 COUNCIL MEMBER LANDER: Alright, thank
3 you guys very much. Mr. Chair, I think, you know,
4 obviously the—the near-term focus is getting the
5 cameras back on. There then the legislation we are
6 looking at today starts to get at some additional
7 treatments like for intersections and redesigns and
8 for reckless driving. Let's get those things done,
9 and then I think, you know, we did a hearing it's now
10 two terms ago where we focused on CIS at a time when
11 we really had a—and we did get more resources. This
12 is back in the Bloomberg Administration because they
13 weren't even getting at that point I think to every
14 fatal crash or, you know, but it sounds like we may
15 have some work to do to look back again at CIS and
16 what resources it needs to do its job, and then in
17 the cases of these crashes that CIS is not coming out
18 to, a real gap that we—that we may want to come back.

19 EDITH PRENTISS: Can I ask a question.
20 What is the distribution of the schools that do have
21 cameras? Are they equitably distributed across the
22 city? Are they distributed in relation to where
23 there are incidences of—of accidents to begin with?
24 I think it's really important to question that, and
25 also the fact of the matter is if you've got a speed

2 camera on your school and one block away, there's no
3 protection at all for your--for--for anyone.

4 CHAIRPERSON RODRIGUEZ: Well, with--with
5 that question, I can say that the city--the Council
6 has been fighting very hard for the state to allow
7 the city to control all the speed cameras that we
8 need here. So, that's our goal, that's our aim,
9 that's what we've been fighting for. So, far, you
10 know, we've been working with the NYPD and the rest
11 of the agencies and DOT who are the ones that based
12 on the data have determined the needs--

13 EDITH PRENTISS: [interposing] So, it's
14 going back to earlier?

15 CHAIRPERSON RODRIGUEZ: In which to run
16 the school we have this camera, but, you know--

17 EDITH PRENTISS: [interposing] Speed
18 cameras.

19 CHAIRPERSON RODRIGUEZ: --Council Member,
20 we have colleagues here that they are introducing a
21 resolution that also would like for the state to
22 allow the city to have all the power we need to
23 determine where we have this camera. I--I ask, you
24 know, I would like to end by saying that I will
25 continue working with my colleague here Council

2 Member Lander. In the last budget session we did ask
3 for an increase for the investigation of squad units.
4 Right now we have the average like at 50 individuals
5 that they are assigned to that unit. That's not
6 enough. With the 46,000 hit and runs, many of those
7 damaged, but 3,000 of those and there were
8 individuals being sent in critical condition to the
9 hospital, and one person dying on average per week in
10 our city. So, this an epidemic that we are dealing
11 with, and definitely we will continue advocating
12 together to see how we can see an increase of funding
13 for that unit. With that, this hearing is adjourned.

14 [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 August 21, 2018