

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
HEARING BEFORE THE CITY COUNCIL COMMITTEES ON TRANSPORTATION
AND PUBLIC SAFETY ON INTROS. 1354, 1435, AND PRECONSIDERED
INTRODUCTIONS
October 24, 2019**

Good morning Chairman Rodriguez, Chairman Richards, and members of the Transportation and Public Safety Committees. I am Polly Trottenberg, Commissioner of the New York City Department of Transportation. With me today are Eric Beaton, Deputy Commissioner for Transportation Planning and Management and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. We are happy to be here, together with our colleagues from the NYPD, on behalf of the de Blasio Administration to testify on cyclist safety, our Green Wave plan for cycling in New York City, and some of the legislation before the Committee today.

Before I begin my testimony, I want to take a moment to note the tragic death this week of a fellow DOT employee, Eduardo Calle-Abril, who served in our Roadway Repair & Maintenance division. Tragically, Eduardo was struck and killed by an agency truck while he performed paving work on the Upper East Side.

Our thoughts and prayers are with Eduardo's family, friends, and coworkers. DOT and the Mayor's Office are doing everything we can to help Eduardo's family at this heart-breaking time.

This is also a painful moment for our entire DOT family. This tragedy reminds us all of the incredibly difficult and sometimes dangerous work the women and men of DOT perform every day to make sure our roads, bridges, sidewalks, ferries, and other infrastructure are safe for all New Yorkers. I am grateful to them all for the dedication they bring to these challenging jobs.

Now, turning to today's hearing, increasing the number of people cycling makes our city a better place to live, and will help keep us at the forefront of sustainability. As the city grows, I want to emphasize that cycling is an efficient, sustainable, enjoyable, and overall quite safe way of getting around our city—and at DOT many of us, myself included, are frequent cyclists. We strongly encourage cycling and have made it substantially safer than it has been in the past—but we also need to do much more.

Too often cyclist trips end in tragedy, especially with 2019's sharp increase in cyclist fatalities, which have run contrary to our five-year trend of improving overall roadway safety citywide.

In response, this summer the Mayor released our Green Wave plan, a long-term, citywide vision for enhancing cycling safety and improving the riding experience for cyclists. In this plan we will:

- Build 30 miles of protected bicycle lane annually, guided by a vision document which you can see behind me;
- Install over 80 miles of protected bike lanes by the end of 2021;

- Build 75 miles of bicycle infrastructure in Bicycle Priority Districts (that you can also see on the board behind me), neighborhoods outside the central core that have high ridership but lack adequate bicycle infrastructure, by 2022;
- Apply innovative intersection designs in at least 50 locations in 2019 with a focus on high-fatality areas, and where possible, protected intersection designs will be added after streets are resurfaced or reconstructed;
- Pilot “Green Wave,” progressive signal-timing that discourages speeding and encourages steady cycling speeds and identify other corridors for implementation in 2020;

And so much more, including a targeted truck safety initiative and continued expansion of cyclist outreach and helmet giveaways.

For the Green Wave plan, the City has committed \$58.4 million in new funding over the next five years, with 80 additional new staff, representing a 75 percent increase in DOT staff who support bike lane infrastructure and we will grow many parts of DOT.

For 2019 we expect to install between 20 and 25 miles of protected bike lanes. These include a number of projects in the Manhattan core such as crosstown lanes on 52nd and 55th, filling the 2nd Avenue gap at the Queensboro Bridge, new lanes on 10th Avenue and Amsterdam, 11th Avenue, 8th Ave and Columbus Circle, and phase one of Central Park West. Our projects also include the 4th Avenue bike lane in Brooklyn from 1st to 60th Streets, Cypress Hills Street in Queens and Brooklyn, and Willis Avenue in the Bronx. And yesterday we celebrated our 100th mile of protected bike lanes under the de Blasio Administration on Fountain Avenue in East New York, where we have created a connection to the beautiful new Shirley Chisholm State Park.

In addition we installed offset crossings on 1st, 2nd, and 5th Avenues in Manhattan after resurfacing. And, we will meet our 2019 goal of installing at least 20 miles of bike infrastructure in our Bicycle Priority Districts.

Implementing the Green Wave plan will not always be easy—the City is committing substantial new resources, and we will need to take on new operational and political challenges. The plan will need to continue to evolve over time, to reflect public input and how the City is growing and changing. But under Mayor de Blasio’s leadership, we have created a plan that is realistic, has the necessary resources and personnel, and meets the urgency of this moment.

Making cycling safer is our relentless goal and one that is not achieved all at once or by any single entity. It will require continual enhancement of cycling infrastructure, targeted enforcement, including holding dangerous drivers accountable, effective public education, and ongoing work to pass and strengthen state and local laws that make our streets safer, including some bills we are here to discuss today. And it will require collaboration of City agencies, elected officials, local businesses and institutions, neighborhood residents, advocates and other stakeholders. But we at DOT look forward to aggressively pursuing this vital work with all our partners.

Legislation

Now, to turn to the legislation before the Committee, starting with the bill to require more side guards. Side guards are rail or panel style pieces added between the wheels of large vehicles that can reduce serious injuries and deaths by preventing pedestrians and cyclists from rolling or falling underneath. DOT supports the bill with some amendments and we look forward to further discussion with you, Mr. Chairman.

DOT strongly supports the implementation of side guard requirements for the BIC and City fleets (currently required by 2024) as soon as feasibly possible. Thanks to DCAS' leadership, New York City deploys the largest number of side guards in North America – over 2,700 vehicles, representing 55 percent of our fleet, with more installations daily. The City now uses trucks with side guards, across numerous agencies, including DOT, DSNY, DEP, NYPD, FDNY, DOC, DOH, DCAS, NYCHA, and Parks.

When DCAS started this work, there was one vendor in North America selling truck side guards. The City have now helped develop this market and we are working with four suppliers and five installers, all of whom we have certified through our continuing partnership with USDOT.

And as called for in our Safer Cycling report and re-iterated in Green Wave, we support expanding this requirement to City vendors, and look forward to further discussions with the Council and our City partners on implementation.

A new requirement for City vendors could build on DCAS' existing system for determining which makes, models and configurations of vehicles are suitable for side guards, and for those, which products and installers work best. I will say that as policymakers add more and more layers and requirements onto the City contracting process, each of which are very worthy in and of themselves, cumulatively it makes it harder to do business with the City and for us to attract capable and affordable vendors, especially MWBEs. So new requirements should be carefully tailored. We recommend the Council consider applying the requirement to contracts above a minimum size—the City of Chicago for example, includes the requirement on contracts over \$2 million.

Another Chairman Rodriguez bill would require drivers to provide at least three feet between their vehicle and a cyclist while passing. The current safe passing law, enacted at the state level in 2010 is vague, and so DOT supports a clearer requirement. Currently 28 states, including California, Florida, Illinois and the District of Columbia, require at least three feet of passing distance. Doing the same under New York City local law would provide specific, easily understandable guidance to motorists and a stronger educational tool.

And we support Intro. 1354 by Council Member Holden with minor amendments. DOT has identified concrete spillage as having a significant detrimental impact on our roadways and posing a particular hazard to cyclists. And it can be prevented with a simple piece of equipment that costs between \$2,000 to \$4,000, which the proposed law would require for all loaded concrete trucks while traveling in New York City. While the law empowers DOT to inspect for compliance, the bill would be greatly enhanced if NYPD as well as DOB and DEP, the agencies responsible for enforcement in construction and aspects of the concrete industry, could enforce

as well. Finally, the bill's notably bipartisan support is a testament to the frustration caused by this careless damage to our roads.

Lastly, Intro. 1435, by Chair Rodriguez at the request of the Mayor, while not directly related to cyclist safety, is a key step the City can take on Vision Zero. Twenty-eight states and the District of Columbia require rear seat belt use by those 16 and above. Since 2012, Hawaii, Illinois, Kansas, Maryland, Minnesota, and Texas have mandated rear seat belt use for adults. According to National Highway Transportation Safety Administration and National Occupant Protection Use Survey data, rear seat passengers are three times more likely to die if unbelted, and rear seat belt use is higher in states with rear seat belt laws, at 83 percent, versus those without at 74 percent.

Currently, in New York State all drivers and front seat passengers are required to wear a seat belt in both private and for hire vehicles, but in the rear seat only minors are required to buckle up. In analyzing crash reports we found that a significant number of preventable traffic fatalities in New York City involve lack of seat belt use by rear seat passengers. Requiring seat belt use in all cases is increasingly a best practice nationally, is strongly supported here in New York by AAA Northeast at the state level, and is a concrete step we should take to achieve Vision Zero.

Under the VTL New York City may establish laws to regulate use of required equipment in vehicles. Pursuant to that authority, the proposed legislation would create a traffic infraction punishable by a fine of up to \$50 for back seat passengers 16 years or over not using a seat belt. And it would add a violation for drivers who fail to ensure seat belt use of their rear adult passengers as well, other than those drivers transporting passengers for hire. We believe an additional violation for the driver, similar to the law in California and at least four other states, provides the strongest and most enforceable provision.

Most importantly, this law would significantly aid in our public education by letting us promote the message that all passengers, in all vehicles, in all positions, *must* wear their seat belt *by law*. We appreciate the opportunity for the bill to have a hearing and urge its speedy passage.

Conclusion

In conclusion, Mayor de Blasio has pledged to New Yorkers that this administration would do everything we could to end traffic fatalities. Thanks to the Mayor's leadership and the effective work of so many in the advocacy community, we are proud to put forward the Green Wave plan and are hard at work making it a reality with all our partners, especially many of you here on the Council. We have assembled a long and aggressive to-do list that we think can help address this year's tragic increase in cyclist fatalities—and encourage even more New Yorkers to get on bicycles.

Thank you for inviting me to testify today and I welcome your questions.

Green Wave

A Plan for Cycling
in New York City



July 2019



Cycling is one of the truly great ways to travel around New York City — biking is efficient, affordable, equitable, healthy and environmentally friendly.

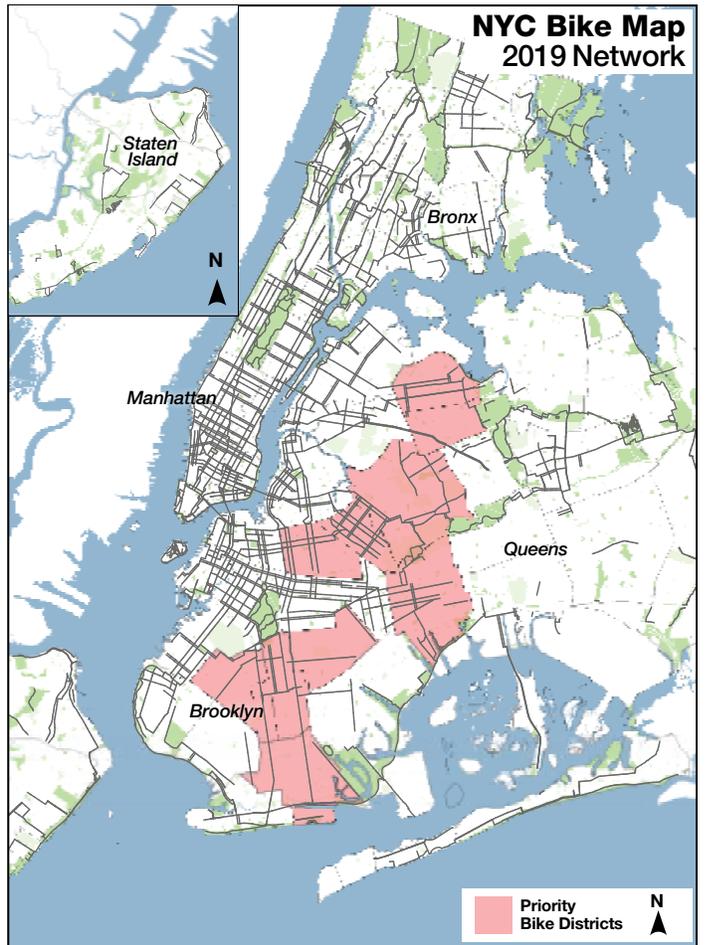


Increasing the number of people cycling makes our city a better place to live, and will help keep us at the forefront of sustainability. But too often cyclist trips have ended in tragedy, especially with 2019's sharp increase in cyclist fatalities in NYC, which have run contrary to the long-term trend of improving cyclist and overall roadway safety citywide. This situation is not acceptable – we have an obligation as part of Mayor Bill de Blasio's Vision Zero initiative to keep all of our residents safe, especially the most vulnerable on our streets.

Green Wave: A Plan for Cycling in New York City is the City's plan to meet this moment. This plan presents a long-term citywide vision for improving cycling safety and the riding experience for cyclists, but marries that with a slate of more immediate improvements. DOT, along with NYPD and other partners citywide, will commit resources to ensure that this plan is not only adopted but accomplished. Making cycling safer is a relentless goal and one that is not achieved all at once or by any single entity. It will require continual improvement of cycling infrastructure, targeted enforcement, including holding dangerous drivers accountable, effective public education, and ongoing work to pass and strengthen State and Local laws that make our streets safer. And it will require collaboration of City agencies, elected officials, local businesses and institutions, neighborhood residents, advocates and other stakeholders.

Although cycling fatalities are up this year, overall as cycling around the city has grown, the risk to cyclists has declined. DOT's aggressive expansion of our bicycle lane network, the growth and the expansion of Citi Bike, improved enforcement, and other changes have made the City vastly better for cycling. Increasing the number of cyclists both improves safety for everyone on the road and creates momentum for more improvements to the City's bike infrastructure to protect those growing numbers. This plan comprehensively addresses the ways safety can be improved, while also working to provide what is needed to get more cyclists on the road, from bike parking to new helmets. And it builds on all the other ways we are working to keep our transportation safe and efficient, from our record speed camera program expansion, to our Better Buses initiative, to our work with the MTA on the Central Business District Tolling Program.

Implementing this plan will not always be easy – the City is committing substantial new resources, and will need to take on new operational and political challenges in all parts of the City. The plan will need to continue to evolve over time, to reflect public input and how the City is growing and changing. But under Mayor de Blasio's leadership, we have created a plan that is realistic, has the necessary resources and personnel, and meets the urgency of this moment.



State of Cycling in NYC

- Since the adoption of Vision Zero in 2014, New York City has increased the miles of bicycle lanes by a quarter from 911 to 1,243, including 83 miles of protected lanes.
- DOT has added an average of 62 miles of bicycle lanes a year for the last three years, the largest increase in the country. This includes an average of 20 additional miles of protected bicycle lanes each year, creating a network of 480 protected lane miles.
- According to DOT's Cycling in the City report 24% of adult New Yorkers, nearly 1.6 million people, ride a bike; on a typical day there are nearly half a million cycling trips made in NYC (+55% between 2012 and 2017).
- The mobility landscape is changing;
 - Citi Bike, the largest bike share system in the USA, grew by 8% last year. DOT and Lyft plan to double its current footprint and triple its fleet by 2023.
 - > There have been 82 million Citi Bike trips since its launch.
 - > The system has a record of 85,000 trips per day, with an average of more than 70,000 trips on fair-weather business days.
 - DOT is bringing dockless bike share to all of Staten Island in 2019.
 - A 2018 DOT Traffic Rule clarified the legality of low-speed pedal-assist e-bikes, which makes cycling easier and more attractive. The Governor is expected to sign State legislation to legalize and authorize localities to establish a regulatory framework for throttle e-bikes and e-scooters. DOT is examining how these newer forms of micro-mobility can safely fit onto our streets.

Bicycle Safety

While progress has not always been linear, including a number of tragic fatalities in 2019, cycling has become considerably safer in the City over the past 20 years. As the bicycle network and ridership have grown, the risk for cyclists being killed or severely injured (KSI) has decreased by 75% since 2000. Even so, 103 cyclists have died on our streets since the launch of Vision Zero in 2014, including 17 fatalities in the first six months of this year (as of July 23, 2019.) These tragic deaths are a stark reminder that we must strengthen our work to support cyclist safety.

DOT performed a detailed analysis of fatalities since 2014, and found the following key factors at play:

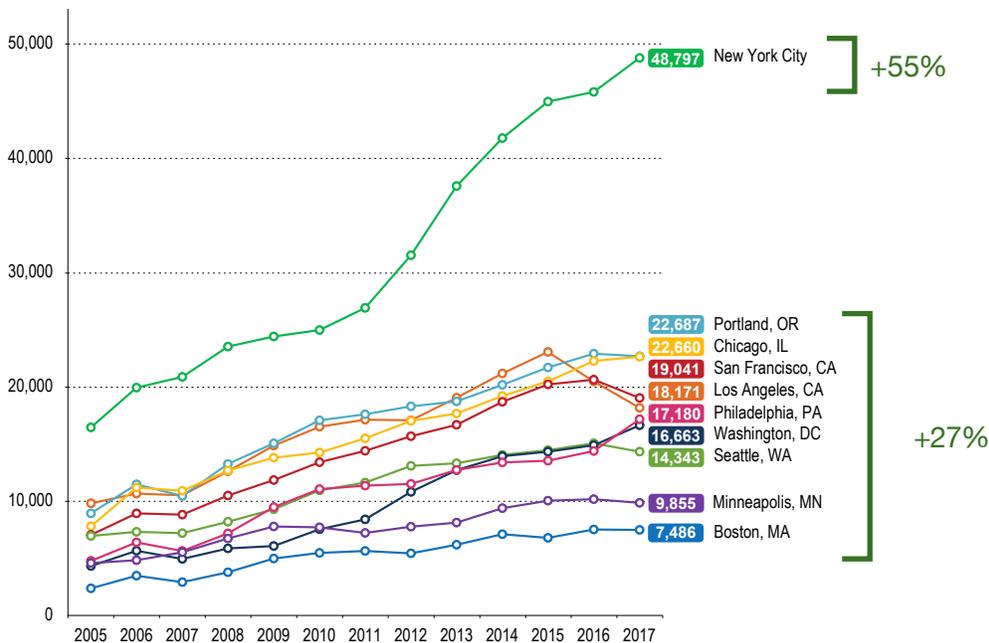
- 60% of fatalities happened at intersections
 - 23% involved a vehicle turn (left turns and right turns were evenly split)
 - 16% involved a driver’s failure to yield the right of way
- Nearly 90% of fatalities happened on streets without bike lanes
- More than 40% of bicycle fatalities have been in Brooklyn, 24% in Manhattan, and 22% in Queens.
 - In 2019 71% of the fatalities have been in Brooklyn
- 30% of fatalities involved a truck; there has been an uptick in truck related fatalities in recent years. (53% in 2019)
 - 45% in Brooklyn, 29% Manhattan, 13% Queens, 10% Bronx, 3% Staten Island
 - 58% occurred on designated truck routes
- 23% involved bicyclists disobeying red light signal
- 23% were hit and run crashes
- 7% were collisions with an open car door, or “dooring”

No fatality is acceptable, and the recent deaths highlight that more needs to be done. The City will increase cyclist safety citywide by building a connected bicycle network, providing education for all road users including vehicle and truck drivers, increasing enforcement to maintain clear bike lanes and safe driver behavior, and developing partnerships between City agencies to provide for the long term health of our infrastructure and improved design standards.

BOROUGH	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 YTD
Bronx	5	0	3	1	3	1	1	2	3	1	2	0
Brooklyn	8	8	7	12	5	6	6	4	9	10	2	12
Manhattan	4	0	4	6	4	3	6	2	2	9	3	3
Queens	5	4	4	3	5	2	7	5	3	4	3	1
Staten Island	0	0	1	0	1	0	0	1	1	0	0	1
CITYWIDE	22	12	19	22	18	12	20	14	18	24	10	17

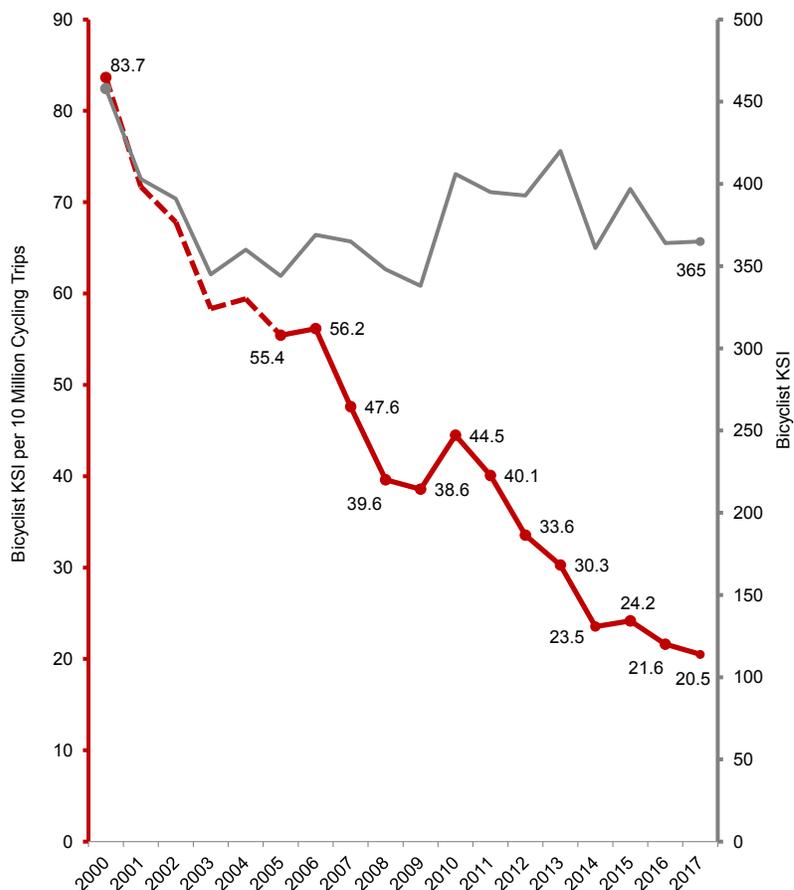
COMMUTE TO WORK ROLLING 3-YEAR AVERAGE 2012-17

Cycling to work in NYC has grown nearly 2x faster than in other major cities.



NEW YORK CITY CYCLING RISK:

Bicyclist Severe Injuries and Fatalities (KSI per 10 million cycling trips)



Implementation Resources

This plan represents a commitment to a dramatic increase in the cycling infrastructure DOT will be implementing citywide. And that commitment is being supported by a real increase in resources. This includes the hiring of 80 new employees, representing a nearly 75% increase in DOT staff who support bike lane infrastructure, as part of a commitment of \$58.4 million over the next five years, along with additional equipment and other resources.

Implementing this plan will involve growing many parts of DOT. The agency will increase its in-house street line marking capacity by 50%, so new implementation and maintenance will not be hindered by reliance on a finite pool of outside contractors. It includes staff dedicated to the installation – and maintenance – of bike lane protection, as well as signs and traffic control devices. It includes new crews who can build more concrete infrastructure. It includes personnel who design traffic signal timing and infrastructure, which are critical to so many bike lanes. It includes planners and engineers who will collect data, work with communities, and design bike lanes that reflect the needs of individual communities. And it includes community engagement and outreach specialists who can build and strengthen partnerships in local neighborhoods.



Plan Summary

1. CITYWIDE PROTECTED BICYCLE LANE (PBL) NETWORK

- Build 30 miles of protected bicycle lane annually, guided by a PBL vision document.
- Encourage increase in cycling mode share for safety and emissions reduction, with a target that 1 out of every 10 trips in NYC be taken by bicycle by 2050.
- Build 75 miles of bicycle infrastructure in 10 Bicycle Priority Districts (7 in Brooklyn, 3 in Queens) by 2022.

2. BETTER DESIGN

- Implement new design standards based on national & international best practices to enhance safety at intersections.
- Continue piloting new designs with rigorous safety analysis.

3. NYPD ENFORCEMENT

- Target enforcement on highest risk activities: speeding, failing to yield, blocking bike lanes, oversized trucks/trucks off route.
- Roll out Operation Safe Passage on a monthly basis focusing on dangerous driving behaviors including bike lane blocking.
- Explore new and emerging technology for automated enforcement.

4. TARGETED TRUCK INITIATIVES

- Convene a Truck Safety Task Force to leverage partnerships between public and private sector stakeholders.
- Increase enforcement efforts to reduce conflicts between trucks and cyclists.
- Expand Off-Hour Deliveries Program as well as Residential Loading Zones to reduce conflicts between trucks and cyclists.

5. LEGISLATION AND POLICY

- Support policy and legislation targeted at driver and cyclist behavior.
- Maintain PBLs at all times, including during construction and following resurfacing.
- Develop sound policies to address new mobility modes such as e-bikes and e-scooters

6. EDUCATION AND OUTREACH

- Launch next phase of Vision Zero public awareness campaign, educating drivers with a focus on cyclist safety — and expand the “Get There” bicycle encouragement/rules of the road campaign.
- Educate all street users about safe truck operation on city streets.
- Increase helmet giveaways and helmet use encouragement.

Immediate Actions

- Continue to build out an interconnected, protected network. In 2019 DOT will install 20+ miles of protected bike lanes in all five boroughs.
- Enhance safety in Priority Bicycle Districts—neighborhoods that have high ridership but lack adequate bicycle infrastructure. In 2019 DOT will install 20 lane miles in these districts (toward the goal of 75 miles total by 2022 in priority districts).
- Expand our protected bike lane network in farther reaches of the City to improve access to parks, transit, and other destinations, including on Southern Blvd in the Bronx, Fountain Avenue in Brooklyn, Beach 94th Street in Queens, and around the Goethals Bridge in Staten Island.
- Double the current Citi Bike service area by 35 miles and triple the number of bikes to 40,000 by 2023, launch borough-wide dockless bike share on Staten Island in 2019, while simultaneously evaluating opportunities to expand dockless bike share across the city.
- Increase the physical protection of bicycle lanes to fortify cyclists against drivers entering the lane. This may include more safety bollards, and pilots tests of new elements.
- Increase our annual target of protected bike lanes (PBLs) from 10 PBL lane miles to 30 PBL lane miles to quickly fill in gaps and make new connections in the PBL network. This increased target will be a mix of new miles, upgraded miles of existing unprotected lanes, and capital construction.
- Create and refine the vision for PBL network expansion through additional data analysis and stakeholder input.
- Review existing PBLs and implement upgrades where appropriate.

2019 PROJECTS

4 Av, 1 St – 60th St, Brooklyn

2nd Ave, 68 to 59 St, Manhattan

Central Park West, Manhattan

Grand St, Waterbury to Metropolitan, Brooklyn

Shore Parkway, Bay Pkwy to 53rd St, Brooklyn

Midtown Crosstown, 52nd & 55th St, Manhattan

Fountain Ave, Pitkin to Fountain Park, Brooklyn

Amsterdam, 51 to 72 St, Manhattan

Southern Boulevard, Fordham to Mosholu Pkwy, Bronx

Willis Ave, 135 to 148 St, Bronx

Flatbush Ave, GAP to Ocean Ave, Brooklyn

Big Jump / CB 3 and 4 Network, Queens

Flushing Network, Queens

Bay Ridge Bike Network, Brooklyn

Broad Street and Vanderbilt, Staten Island

2020 and Beyond

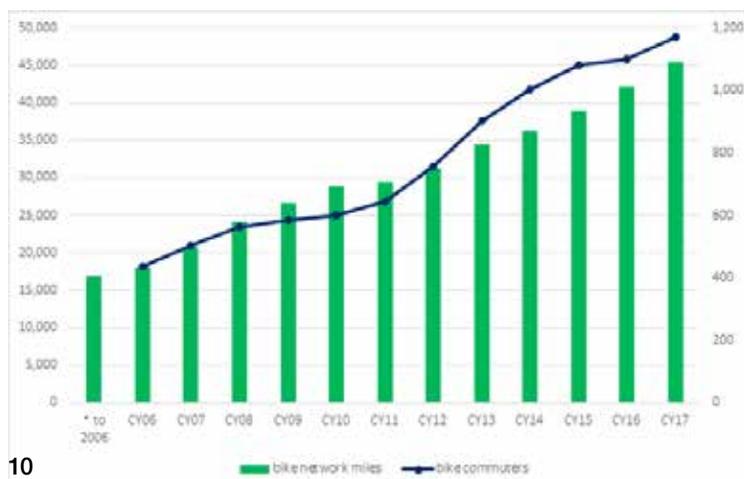
1. Citywide Protected Bike Lane Network

DOT illustrated a citywide vision for a fully connected Protected Bicycle Lanes (PBL) network, complemented by neighborhood routes consisting of conventional and protected infrastructure. This comprehensive plan, which represents years of work by DOT, is based on ridership trends, safety needs, stakeholder outreach, mobility and cycling studies, as well as Citi Bike and land use data. The plan seeks to cover the City with safe and comfortable bicycle infrastructure by 2030, transforming the cycling landscape to grow ridership and further advance Vision Zero.

The neighborhood connections address the existing need for dedicated cycling space by primarily providing conventional bike lanes, which can be more rapidly installed in areas with limited public and political support. Special attention will be paid to Bicycle Priority Districts, 10 neighborhoods designated as such by DOT in 2017 with only 14% of bicycle lane network but 23% of fatalities / serious injuries. These local lanes will lay the foundation for future bike lane enhancements as they build support through proven demand.

Comprehensive Plan Highlights

- Install over 80 miles of protected bike lanes by the end of 2021
- Continue to build neighborhood networks by installing 75 miles of both conventional and protected infrastructure in Bicycle Priority Districts
- Fully realized network by 2030



(above) Citi Bike expansion map;
(left) bike commuters and bike network miles

Vision Plan

The Vision Plan provides an early indication for what a city connected with safe, protected bicycle routes will look like. Using the existing network as a base, key desire routes have been identified by looking at neighborhoods, employment and commercial centers, recreation, and transit. The plan seeks to fill gaps and reach underserved neighborhoods, while strengthening the core and taking advantage of other citywide initiatives. Additionally, DOT examined ridership trends, community requests, and prior agency research including Cycling in the City and Safer Cycling to ensure a robust plan.

While the near-term projects in this plan are programmed for completion, there is a still flexibility to the proposed routes and nodes. In the coming months, DOT will refine these maps using additional data sets (e.g. origin-destination data and inter-neighborhood travel patterns; commercial, grocery, employment, community, parks, and entertainment centers; transit hubs). DOT will also look at truck route overlaps, the Better Buses Action Plan, curbside uses, and accessibility, and will work with stakeholder groups to set and prioritize the future routes. The refined map will guide DOT's design work over the next 10 years.



THE BIG JUMP

In 2017, NYC was one of ten cities awarded a technical assistance grant worth \$250,000 by People for Bikes to launch “The Big Jump” project in Queens, a 3-year program aimed at increasing safety, encouraging more people to bike, and improving connections within the neighborhoods of Elmhurst, Jackson Heights, East Elmhurst, and Corona. DOT has engaged thousands of residents and collected public input during each stage of the project. DOT’s Big Jump team has met with local elected officials and community groups, hosted public workshops, tabled at events, connected local organizations to \$25,000 in funding, and conducted on-street cycling safety education and giveaways. The culmination of this effort will be a robust neighborhood bicycle network.

New York City Protected Bike Lane Network

MAP 1 Protected Bike Lanes and Neighborhood Networks

Proposed Bike Network

-  Potential Protected Bike Corridor
-  Greenway Network
-  Neighborhood Network

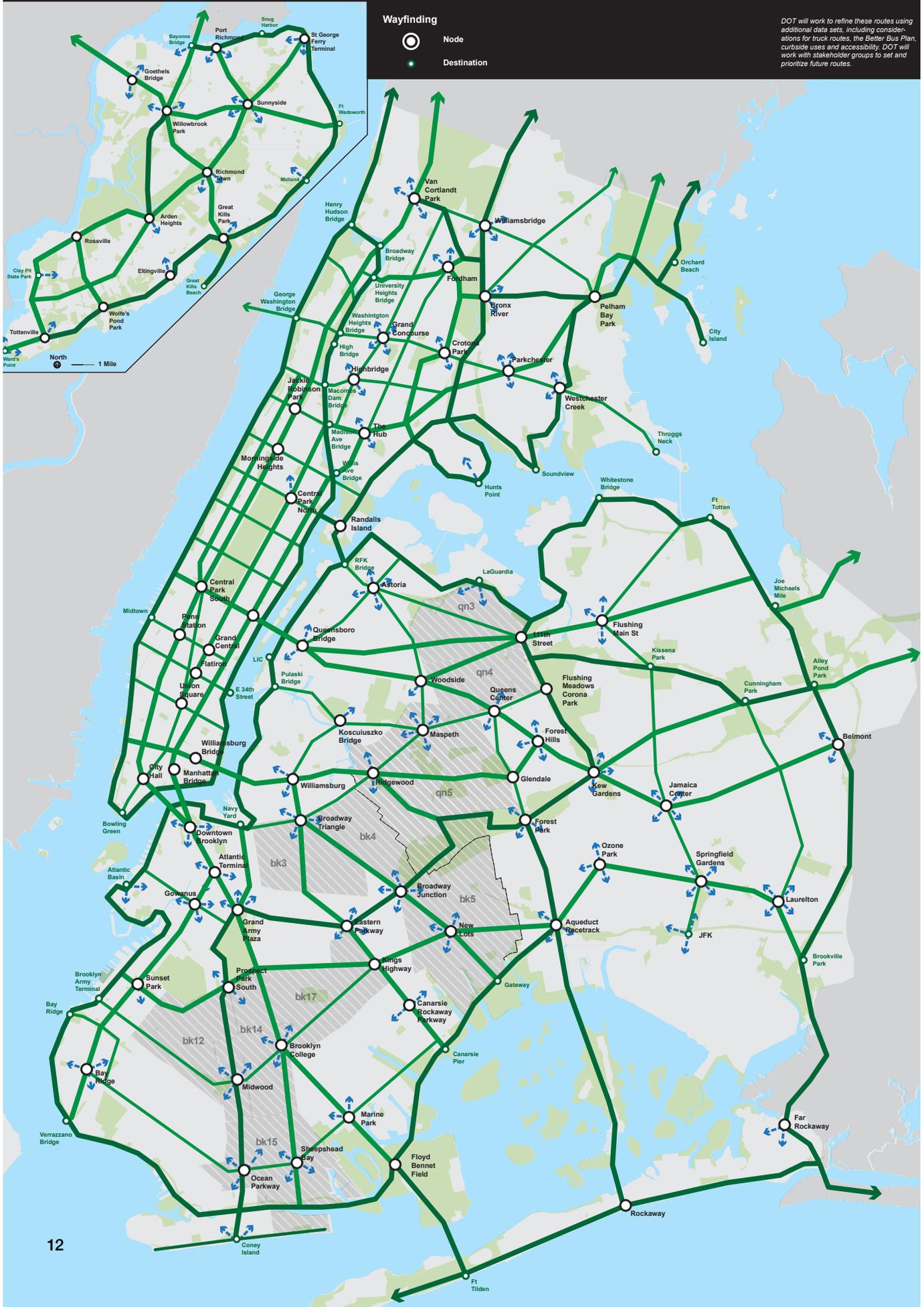
Priority Bicycle District

-  Community District with High Cyclist KSI and Low Bicycle Network Coverage

Wayfinding

-  Node
-  Destination

DOT will work to refine these routes using additional data sets, including considerations for truck routes, the Better Bus Plan, curbside uses and accessibility. DOT will work with stakeholder groups to set and prioritize future routes.



The Implementation Plan presents an overview of corridors that are planned to be installed by the end of 2021, priority community districts, and a potential next wave of focus corridors.

The projects labeled as 2019-2021 are in various stages of planning and design. Some have been presented to the public or are currently being installed. DOT will start outreach to elected officials and Community Boards on the others soon.

Project Prioritization

There are several focus areas guiding our work program over the next three years.

Central Business District (CBD) Tolling – DOT will establish a network of PBLs to encourage sustainable modes in and to the Manhattan core prior to the start of the CBD Tolling Program. Changes to traffic patterns as a result of CBD tolling will allow DOT to build new cycling infrastructure, providing safety benefits for both cyclists and pedestrians.

Bridges – DOT will create and improve on-street connections to/from existing bridge paths and upgrade existing infrastructure on bridges where feasible, including potentially on the Brooklyn, Queensboro, Goethals, and Harlem River Bridges.

Bike Share Expansion – DOT will focus on areas with expected ridership growth including in the Citi Bike expansion areas and dockless project areas, encouraging mode shift and providing safety in numbers.

Capital Projects/Greenways – DOT will work closely with the Department of Design and Construction (DDC), the Department of Parks and Recreation, and the NYC Economic Development Corporation (EDC) to build out greenway connections using capital funds, and begin a planning process to further develop the Queens Central Greenway network.

Bike Priority Districts/Neighborhood Planning – DOT will install over 20 miles of bike lanes in Bicycle Priority Districts and other neighborhoods where infrastructure is lacking.

Potential Protected Bike Lane Projects illustrate projects that are still in development and corridors that are to be defined. DOT will begin implementation of these lanes in 2022 and beyond. DOT will determine exact routes and specifications for each of these connections, which will be determined through local feedback and engineering analysis. The continued growth will follow a similar prioritization strategy with connectedness to existing lanes and bike priority areas as key considerations. DOT will also identify and overlay citywide priorities such as the **Better Buses Action Plan** and freight routes.

Neighborhood Network & Priority Districts highlight areas of the city where we will focus network development using a mix of PBL and non-PBL resources. Not all streets can fit PBLs nor are they always warranted by vehicular speeds, traffic volumes and crash data. The **Facility Study**, described in the policy actions, will define how non-PBL networks are appropriate in some locations. Designs may include conventional lanes, traffic diverters and calming, and shared markings for wayfinding and predictability.

New York City Protected Bike Lane Network

MAP 2 Protected Bike Lanes and Neighborhood Networks

Protected Bike Corridors

- Existing 2018
- Proposed Network Corridors

Bike Lanes in Development

- Current Work Program
- Protected Bike Lane Project
Includes in-house and on-going capital work
- Neighborhood Network & Priority District

Wayfinding

- Node
- Destination

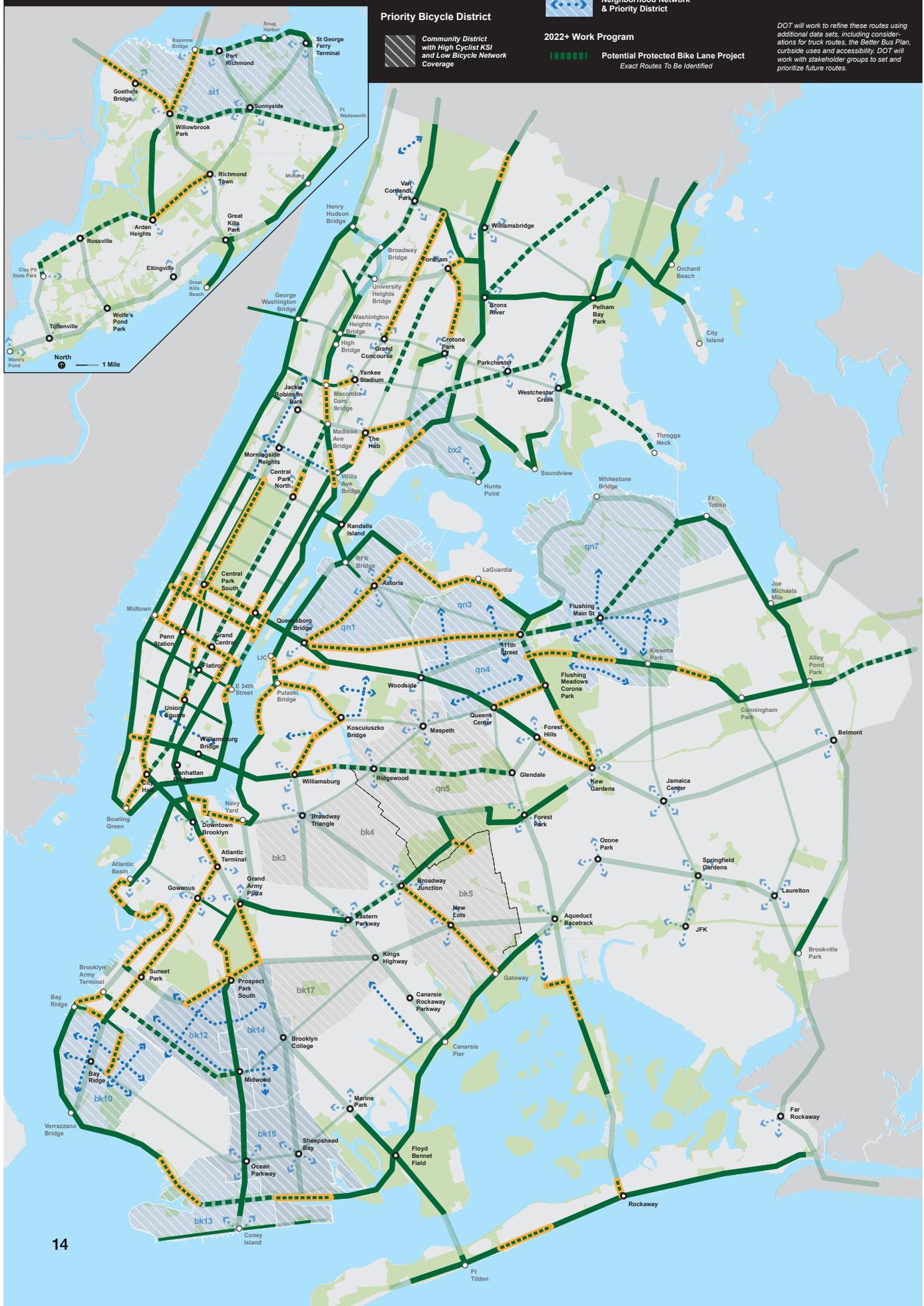
Priority Bicycle District

- Community District with High Cyclist KSI and Low Bicycle Network Coverage

2022+ Work Program

- Potential Protected Bike Lane Project
Exact Routes To Be Identified

DOT will work to refine these routes using additional data sets, including considerations for truck routes, the Better Bus Plan, curbside uses and accessibility. DOT will work with stakeholder groups to set and prioritize future routes.





(top row, left to right) Offset Crossing Intersection Treatment; Maintenance and Protection of Bicycle Lane During Construction

(middle row, left to right) Offset Crossing with Green Skip Bars, Mid-Implementation; Traffic Diverter Limiting Vehicular Through Lanes (Portland, OR)

(bottom row, left to right) Bicycle Signal at West 19th St. in Manhattan, Parking-Protected Bicycle Lane with School Bus Boarding

2. Better Design

DOT will continue to innovate and improve on our designs to create safe, intuitive, and contextual treatments, including a heightened focus on intersections where the majority of bike fatalities occur.

DOT will:

- Implement traffic calming treatments at 50 intersections with a high number of bike injuries in 2019.
- Regularly install protected intersection designs in new projects and after resurfacing, where appropriate and resources allow.
- Implement and review “Bicycle Progression” at one location in 2019 and identify other corridors for implementation in 2020. This signal timing strategy, often referred to a “bicycle green wave,” turns traffic signals along a street to green at cyclists speeds to discourage vehicular speeding, reduce cyclist travel time and stopping, and encourage steady bicycle speeds.
- Expand the use of green paint where bike lanes needs to be reinforced, including: green skip bars across key intersections, green backed sharrows at conflict points, and green bike boxes where cyclists have a safe place to wait.
- Integrate and install new street design treatments into our projects, including:
 - Bike boulevards to prioritize cyclists and limit vehicles on appropriate streets
 - Shared streets that incorporate bike safety best practices
 - Raised crossings where cars are slowed at protected bike lanes.
- Increase protection and fortify lanes, including: more safety bollards at key places along protected lanes, physical protection at new places, and projects that use new barrier types.

**Protected Bicycle Connection with
Painted Sidewalk Extension at 138th
St in the Bronx**



3. NYPD Enforcement

DOT and NYPD commit to working closely together to improve cycling safety throughout the five boroughs. Together, the agencies will identify key locations and behaviors to focus enforcement and education efforts. NYPD has developed a seven-point plan to eliminate cyclists killed and seriously injured by targeting the most dangerous behavior.

- Maintain continuous citywide implementation of “Operation Bicycle Safe Passage” initiative — extending elevated enforcement of blocked bike lanes and hazardous driving violations
- Focus enforcement on dangerous driving that puts cyclists at risk at the 100 most hazardous locations across the city as identified by DOT and NYPD
- Expand enforcement of oversized and off-route trucks by specialized units and precinct officers
- Discontinue general practice of ticketing cyclists immediately following where a fatal crash has occurred
- Improve investigations of cyclist and pedestrian injuries by having a supervisor respond to collisions to see whether right of way law (AC 19-190) should be applied
- Continue partnering with DOT on education and outreach

4. Targeted Truck Initiatives

DOT will deploy a targeted truck program to address the 30% of bike fatalities that involve trucks. To do this, DOT will work closely with partners in the trucking industry to reduce the number of conflicts between bicyclists and trucks.

DOT will develop an instructional video and materials for City large fleet, private sanitation, and freight industry partners, convene a Vision Zero Truck Safety Task Force which will have improved cycling safety as a goal, and expand the “Trucks Eye View” educational program on corridors with heavy truck travel.

DOT will implement and evaluate loading zones in residential areas, evaluate the curb management needs in commercial areas, and expand the Off-Hour Deliveries program to reduce conflicts between trucks and cyclists. These initiatives are complementary to DOT’s larger freight strategy. To address growing freight and goods movement, DOT’s forthcoming Smart Truck Management Plan seeks to improve the safety of truck travel within New York City, foster the sustainable and responsible movement of goods, expand partnerships within the public and private sectors, and improve the efficiency of truck movement to, from, and within the City. DOT will also support an expedited timeline for the installation of side guards for all BIC-licensed and registered trade waste vehicles, and will support EDC’s FreightNYC Plan and DSNY’s Commercial Waste Zone Management plan, which is projected to reduce truck miles by more than 50%, eliminating 18 million truck miles per year.



(Above) DOT's Truck's Eye View program enables New Yorkers to experience what it is like behind the wheel of a large vehicle, and understand their blind spots. (Below) Vision Zero palmcard



Cyclists riding on standard bicycle lane in Brooklyn



Cargo bike

5. Legislation and Policy

Legislation

DOT will increase safety for cyclists and all road users through new traffic rules, working closely with elected officials at the local and state levels to pass legislation, and changes in our policies and procedures.

At the local level, DOT thanks the Council for enacting legislation to allow cyclists to proceed on the pedestrian signal (Intro. 1457 by Council Member Carlos Menchaca). Intersections are the most frequent place in the city for serious bicycle crashes to occur due to conflicts with turning drivers. Council Member Menchaca recognized that people on bicycles were already using leading pedestrian intervals, or LPis, to proceed safely through intersections, and DOT observational studies and a limited pilot to authorize this practice at 50 intersections made it clear that these head starts safely offer effective protection to cyclists, too. Providing street designs, traffic signals, and laws that are more intuitive and responsive for people who bike should make our streets more orderly and provide additional incentives that encourage bicycling.

DOT supports legislation, with minor amendments on enforcement, to require chute closure devices on all concrete mixing trucks while traveling in New York City (Intro. 1354 by Council Member Holden), and will work with the Council to pass it. The agency has identified concrete spillage on roadways as posing a particular hazard to cyclists, which can be prevented by this simple, inexpensive piece of equipment.

DOT will work with the Council to introduce and pass a law requiring a vehicle overtaking a cyclist to allow at least three feet where a bike lane is not present – providing specificity to the “safe” distance required by state law.

DOT will work with the Council to introduce and pass legislation to streamline Community Board notice and presentation requirements and eliminate the waiting period after a public hearing takes place, to implement life-saving interventions in a more reasonable time frame. Two sections of the New York City Administrative Code, 191-101.2 and 19-187, require DOT to undergo an extensive process of Community Board notification, presentation, and waiting periods before implementation, whenever it plans major transportation projects that involve the realignment of the roadway or repurposing of lanes— or the addition of any type of bike lane of any length. These requirements add months-long delays to even relatively small-scale bike safety projects.

In addition, DOT will draft rules regarding cargo bicycle use to encourage their use and defining abandoned bicycles to aid in enforcement to keep our bike parking attractive and usable. And DOT is continuing to review its proposed double-parking rule for possible adoption. Double parking often forces cyclists to dart into traffic.

The Administration is in ongoing discussions with Council Member Lander on the Driver Accountability Act, which we support in concept.

DOT also supports enhanced side guard requirements and BIC- and DSNY – led reforms, including changes to the law, as detailed in the section of this plan on trucks.



**Tool-cat maintenance vehicle
purchased by DOT**



**DSNY collector truck with
Vision Zero-branded side guard**



**Application of green MMA to
bicycle lane**

At the State level, DOT will support legislation to:

- Increase fines on repeat offenders of the City's speed and red light camera programs;
- Allow NYC to establish 20MPH speed limits solely through posted signage; and
- Raise caps on penalties for dangerous driving such as failure to yield the right of way.

DOT supports A4751/S5225 by Assemblymember Carroll and State Senator Gounardes, currently awaiting the Governor's signature. This bill would require a medical professional to confirm that anybody who declares a history of losing consciousness has the condition under control before the individual can obtain or renew a New York State driver's license. DOT will continue to pursue legislation that would require medical professionals to proactively report the diagnosis of such conditions to DMV, rather than relying on the license applicant to declare a history of suddenly losing consciousness.

DOT will also explore and evaluate the capabilities of existing and emerging technology for automated enforcement technologies to keep bike lanes clear, as well as enforce truck route and oversize or overweight truck restrictions, and determine the feasibility of obtaining State legislative approval for use of these technologies.

DOT Policy and Process

After many months of outreach and work to the construction industry, starting in May 2019, DOT began adding updated stipulations to all street construction permits on streets with existing bike facilities that require a temporary bikeway to be maintained whenever feasible and share guidance on how to comply. The requirement to include such stipulations on all such permits was then codified in Local Law 124 of 2019. DOT will also explore adding inspectors on bicycles to monitor work zone conditions.

Further, DOT is developing a standard checklist of safety-enhancing street design elements for consideration on all major transportation projects, per the requirements of Local Law 121 of 2019.

DOT will continue to advance policies that enhance cycling safety. This includes a new internal protocol to maintain a PBL after a road has been resurfaced, as well as a bicycle facility study to evaluate the safety and ridership numbers of each facility type.

DOT is continuing to take steps to curb placard abuse and create more loading zones, with intent to enable more truck parking to be accommodated at the curb, where they poses less hazard to cyclists.

Recognizing that bike lane maintenance is a key component for ensuring the long term health of NYC's bicycle network, DOT will prioritize markings refurbishment through increased inspections of existing bicycle infrastructure and adding new in-house markings capacity.



Bicycle corral

Bike Parking

Improving cycling in NYC is not only about providing infrastructure to get where you want to go, but about ensuring you have a place to park when you get there. To date, DOT has installed close to 30,000 bike racks, and plans to install 1,500 racks annually. DOT is revamping the bike parking program to be community-based, featuring an interactive bike parking suggestion portal and updated maps of existing bike parking. DOT will plan for future bicycle parking through comprehensive neighborhood or corridor lens, in conjunction with the planning and installation of other street furniture such as CityBenches, StreetSeats and LeaningBars. The program will have a goal of reaching 25 neighborhoods and installing 2,000 bike parking spaces, including bike corrals, annually.

DOT will also embark upon an effort to better maintain existing bicycle parking infrastructure. The agency will ensure parking availability by clearing racks of derelict and abandoned bikes, and a state of good repair through regular audits of existing bicycle parking capacity and close coordination with partners at NYPD and DSNY.

In 2019, DOT plans to pilot secure, high capacity bike parking at Myrtle-Wyckoff in Brooklyn and near Manhattan's Union Square using a shipping container design. On a parallel track, DOT intends to seek innovative private sector bike parking operators to provide more widely dispersed high quality, secure bike parking facilities, potentially using a public/private model similar to Citi Bike. DOT will also work to foster inclusion of high-capacity bicycle parking and bike sharing in major transit station projects across the City, including the Port Authority Bus Terminal.

Other Agencies

DOT will work with partner agencies to improve and advance new measures toward increasing cyclist safety.

Continuing to expand and truly weave an interconnected protected bicycle lane network into the fabric of our city streets involves more than just DOT. The operations of other agencies have a direct impact on the further development of bicycle infrastructure. DOT will continue to work with FDNY on emergency vehicle access considerations, with DSNY on street cleaning and snow plowing requirements, with DDC on street design and capital project management, and with NYPD on enforcement.

As DOT expands the bicycle network, overcoming operational constraints will be key in the maintenance, enforcement and design of bicycle infrastructure.

Other local and state agencies will play a role in ensuring safe bicycle and driver behavior on city streets. These include agencies that oversee fleet management, driver education, funding, and capital construction projects such as the Department of Citywide Administrative Services (DCAS), the Business Integrity Commission (BIC), the Department of Parks and Recreation, New York City Economic Development Corporation (EDC), the Taxi and Limousine Commission (TLC), New York State Department of Motor Vehicles (NYS DMV) and the New York State Department of Transportation (NYSDOT).

When BIC and DCAS release their study of serious crashes involving trade waste vehicles in late 2019, DOT will collaborate with the agencies to help implement best practice vehicle design and safety technology implementation. BIC and DOT are currently working together to develop a set of training videos specifically made for trade waste vehicle drivers.

TLC has begun working with for-hire vehicle app companies to improve communications to drivers and passengers to ensure both are aware of how to share the road safety with bicyclists. TLC is working on updated training materials, outreach to dispatching companies, and partnerships on street safety advocacy between cyclists and drivers, spurred by a community bike ride in June 2019 that brought together cycling advocates and TLC-licensed drivers to share each other's perspectives and challenges.





BED STUY DEEP DIVE

In 2018, DOT started a long term outreach effort in Brooklyn Community Board 3, home to the Bedford Stuyvesant and Ocean Hill-Brownsville neighborhoods. Through early outreach to local elected officials and the community board, DOT established relationships with key stakeholders who in turn were able to help guide future outreach and planning. This “deep dive” approach created an informed and comprehensive process, allowing for a sustained period of ground engagement by DOT’s Street Ambassador unit with the neighborhood, local elected officials, and community board to develop safety projects that both benefit and represent the neighborhoods. The process culminated with two street improvement projects being approved by the community board and slated for implementation in 2019.



6. Education and Outreach

Education is critical to ensuring everyone who uses our roads knows how to safely navigate the streets. DOT has a robust cycling education program, and will expand the depth and breadth of this program with a focus on rules of the road, cycling encouragement, and vehicle-cyclist interaction.

DOT will promote safe driving behaviors through the Vision Zero media campaign with a focus on cyclist safety, and will increase “Get There” bike encouragement and safety campaign messaging through weekly public outreach events. DOT will also engage city fleets and contractors with updated safety manuals, including DCAS and TLC training materials, and address the deficiencies in current defensive driving and driving training programs by providing additional services and materials to driving schools, high schools and new licensees.

Increased community engagement will include the formation of the “Bicycle Working Group,” which will meet to review ridership and data-driven trends, discuss design issues, create evidence-based outreach strategies, and provide input on new projects, including those in the PBL network plan. This group will foster cross-collaboration and promotion of co-branded bike encouragement and safety events, and to share information and best practices. Through these efforts, DOT will build and strengthen the community partnerships needed to support and develop a bicycle network that is responsive to diverse local needs.

In the classroom, DOT will continue to fund and expand a companion education portion to the defensive driving and training programs at local driving schools to raise awareness about driving in bicycle rich areas. Train the trainer programs will be offered and driving instructors will be helped to include this important awareness. DOT will also expand the citywide 7th Grade Bike Safety Program in collaboration with DOE and Bike New York going to 25 schools in the 19-20 academic year.

DOT currently operates Council-funded helmet fitting and giveaway program as well as providing helmets for students and youth. Since the launch of the program, DOT has given away over 225,000 helmets to New Yorkers, averaging 25,000 annually. DOT will continue and expand this free helmet program with 10 or more large events a year giving away at least 1,000 helmets per event with an emphasis on fitting children and youth. Some of these events will be targeted in locations that have Citi Bike expansion. In addition, comprehensive fitting instructions and guidelines will be distributed to ensure that our youngest New Yorkers have their helmets working to protect their developing brains. DOT will also work with Citi Bike to provide free helmets to NYCHA residents who are Citi Bike members.

Conclusion

Since the implementation of Vision Zero in 2014, New York City has bucked the national trend and seen a decline in the number of people killed and seriously injured year over year. However, DOT knows that progress is not linear, and this year NYC has experienced a tragic increase in cyclist fatalities. These deaths highlight the critical nature of our work and push us to recommit to bold and innovative initiatives to make our streets safer, greener, smarter and more equitable. This plan will require strong partnership and collaboration between City agencies, elected officials, local businesses, neighborhood residents, advocates, and other stakeholders.

Resources

For more information on our plans and sharing the road safely go to DOT's bicycle website: nyc.gov/bikes.

"Get There" palm cards

GET THERE SAFELY

- If you can't see the driver they can't see you**
Use extra caution when passing trucks, buses, or approaching an intersection alongside a large vehicle.
- Stop at all red lights and stop signs**
Running a red light or stop sign puts you at risk for a serious crash, and startles pedestrians who don't see you.
- Be sure to be seen when stopped**
At red lights, stop to avoid the driver's blind spot – slightly ahead of a waiting vehicle.
- Be aware of your surroundings**
Do not wear more than one earphone while riding. Check behind you, especially changing lanes.

Do not pass large turning vehicles. They cannot see you!

The diagram on the right shows a truck's blind spot area, labeled "BLIND SPOT", which extends behind and to the side of the truck. It also shows "CAB TRACK" and "TRAILER TRACK" for a turning truck.

**STATEMENT OF CHIEF THOMAS M. CHAN
CHIEF OF TRANSPORTATION
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY AND COMMITTEE ON TRANSPORTATION
COUNCIL CHAMBERS, CITY HALL
OCTOBER 24, 2019**

Good morning Chair Rodriguez, Chair Richards and Members of the Council. I am Thomas Chan, Chief of the New York City Police Department's (NYPD) Transportation Bureau. In addition to my colleagues from the Department of Transportation (DOT), I am joined here today by Deputy Chief Michael Pilecki and Michael Clarke, the Managing Attorney of the Legislative Affairs Unit. On behalf of Police Commissioner James P. O'Neill, I wish to thank the Council for the opportunity to speak about the Department's efforts to ensure the safety of cyclists on our streets and to comment on some of the bills being heard today.

Before discussing the bills under consideration today, I would like to speak about what the NYPD is doing to keep cyclists, pedestrians and drivers safe on our crowded streets. Last year the city recorded the fewest traffic fatalities since we began tracking traffic deaths in 1910. This year, we are on pace for the second fewest fatalities during this same period. In the previous decade, more than 300 individuals lost their lives on our streets each year. The vision of this administration, and combined efforts of the DOT and the NYPD, have reduced the number of lives lost by approximately 100 people per year. The standards and goals for safety have rightfully changed and we will not be satisfied until no family is left grieving their loved ones because of a traffic fatality.

As the Chief of Transportation, I am responsible for ensuring the safety of all New Yorkers as they travel within and around New York City, and as a cyclist myself, this is a topic that is deeply personal to me. Each fatality on our streets is one fatality too many. Each family that must grieve for their loved one is one family too many. The Department is committed to ensuring that our streets are safe for all those who wish to share them. As the city progresses toward a more bike-friendly future, cyclist safety remains one of the cornerstones of Vision Zero.

Commissioner Trottenberg already spoke at length about the important innovations in the Mayor's Green Wave bicycle plan but I would like to highlight the NYPD's role in the enforcement aspects of Green Wave and Vision Zero in general. We have stepped up enforcement of blocked bike lanes and hazardous driving violations leading to a sharp increase over last year in summonses for both parking and moving bike lane violations, as well as summonses for failure to yield to pedestrians. In July, we began a three-week initiative focused on enforcement relative to parking in bike lanes, an operation that we have extended through at least the end of the year. Since July we are up 28.5% in bike lane summonses. We are continuing to focus enforcement on the seven most dangerous moving violations, which we refer to as Vision Zero violations, and we wrote nearly 220,000 more summonses for these categories of violations last year than we did in 2013 (485,178 vs. 704,284).

The Department and DOT continually collaborate on studying collision trends and analyzing the conditions that contribute to increases in fatalities, which allows us to efficiently and pointedly steer our enforcement efforts to the most at-risk locations and on the most dangerous violations. This has led to a decrease in overall collisions and pedestrian injuries over last year. As an example, I want to highlight the work we did last month. September has always presented unique challenges with children going back to school and more school buses on the road, and unfortunately last September ended with the highest number of pedestrian fatalities in some time. With this in mind, this September we strategically deployed Traffic Safety Teams to high-risk areas in eight separate targeted initiatives. These efforts, along with an overall increased focus on enforcement against drivers who fail to yield to pedestrians or cyclists, helped contribute to a decrease of 44% in pedestrian fatalities over last September. We are always analyzing what works and what is less effective, and we take these lessons into future enforcement initiatives to further hone their effectiveness.

While recognizing these gains and improvements, we are all very troubled with the significant increase in cyclist fatalities this year. In addition to the considerable work of DOT in response to these tragedies the Department has revamped its investigation protocols whenever there is a collision between an automobile and cyclist. In these instances, a supervisor must arrive at the scene to evaluate whether or not the motorist failed to yield to a pedestrian or cyclist. Additionally, our Collision Investigation Squad continues to vigorously investigate all fatalities, serious injuries where the individual is likely to die, and critical injuries when called to the scene, and make criminal arrests where appropriate.

We also target areas with particularly high incidents of collisions with outreach campaigns. We attempt to educate drivers, bikers and pedestrians on how to operate safely in these shared and often congested spaces. This is on top of the work that is being done by the DOT to promote safe driving, biking and walking. Everybody, regardless of their methods of transportation, owes a duty to each other to traverse these shared spaces as safely as possible and we are committed to helping ensure responsible use of our streets.

I would now like to provide comments on some of the bills under consideration that are of interest to the Department.

Intro. 769 would require the NYPD to cancel a summons issued for missing bicycle equipment if the cyclist is able to demonstrate to the Department within 48 hours that the condition has been cured. The Department's ultimate goal is to promote safety. If an individual is able to cure the defect that led to their citation, the department does not oppose cancelling the summons. However, the NYPD is not the correct avenue for cancelling such violations. A court or other independent final arbiter is best suited to adjudicate these issues, as is currently the case with certain violations, such as a non-functioning tail light.

Intro. 1435 would require backseat passengers who are sixteen and over to use safety belts, enforceable against both the unbelted passenger and the driver, except drivers of for-hire vehicles. Requiring rear safety belts will undoubtedly save lives and the Department supports this legislation.

Intro. 1763 would make it a violation for a motor vehicle operator to fail to maintain a distance of at least three feet from a cyclist when overtaking. As Commissioner Trottenberg noted, the specific three-foot requirement would lend clarity to an otherwise vague concept under the state law and would present an opportunity to publicly highlight these dangers.

Thank you for the opportunity to speak about this critical issue and we look forward to answering any questions you may have.

Oversight Hearing - Vision Zero, Cyclist Safety, and NYPD Enforcement

*Testimony before the New York City Council Committees on Public Safety and Transportation
Testimony by Marco Conner, Co-Deputy Director, Transportation Alternatives*

SUPPORT: Intro. 0769, 1354, 1435, 1763, T2019-5286

For 46 years Transportation Alternatives (TA) has advocated on behalf of New Yorkers for safer, more inclusive and more livable streets. With more than 150,000 people in our network, more than 8,000 dues-paying members and over 1,000 activists throughout all five boroughs we fight to promote biking, walking, and public transportation as sustainable alternatives to the car for all New Yorkers.

In 2019, as of October 23rd, a total of 26 cyclists have been killed in traffic on New York City streets, compared to 10 in all of 2018 -- the highest number of cyclist deaths since 1999.

Bicycling is a sustainable, healthy and efficient mode of transportation that is vital if New York City is ever to successfully address our chronic traffic congestion and reach our critical goals related to sustainability, carbon emissions reductions, health outcomes, mobility and equitable access to jobs and education. As a city we must enact policy that promotes biking and makes it safe and accessible.

Bicyclist safety measures, like protected bike lanes, have the added benefit of substantially improving safety for pedestrians and motorists as well. Following five years with annual reductions in overall traffic fatalities -- a testament to the efficacy of Mayor de Blasio's Vision Zero program and the efforts of this Council, it is critical that now, as we face the first annual increase in overall fatalities, we double down on what has worked and continue on the path of addressing traffic violence systemically, always prioritizing safety. Today's package of legislation will do just that, and we thank Chair Rodriguez, Chair Richards, today's bill sponsors and the City Council for leading the way towards a safer, more livable and equitable New York City.

SUPPORT: Intro 0769 (Menchaca)

TA strongly supports Intro 0769 which would allow notices of violations issued to bicyclists for operating a bicycle without equipment required by state and local law to be canceled if the bicyclist can show that the bicycle contains the required equipment within 48 hours of the notice of violation being issued.

The purpose of police enforcement must be to deter potentially harmful behavior or omissions, as opposed to penalization as a goal and purpose. By allowing cyclists to cure their violation and bring their bicycle into compliance a higher level of safety is achieved compared to the traditional monetary penalty which does nothing to guarantee safety compliance but simply penalizes with the hope that it changes behavior.



Coupled with the history of racially disparate enforcement against bicyclists in New York City,¹ this legislation would promote safety while helping to address inequitable conditions and practices on New York City streets. This legislation is common sense, long over-due and we strongly support its passage.

SUPPORT: Intro 1435 (Rodriguez)

TA supports Intro 1435 which would create a traffic infraction punishable by a fine of up to \$50 for back seat passengers sixteen years or over not using a safety belt and/or for drivers who fail to ensure safety belt use of their back seat passengers sixteen years or over in most types of motor vehicles.

According to the US Centers for Disease Control and Prevention (CDC), front seat safety belt requirements education, and technology increased seat safety belt use from 11% in 1981 to nearly 85% in 2010, saving hundreds of thousands of lives.²

But back seat safety belt use lacks significantly behind front seat use, and back seat car passengers often have a false sense of safety. This legislation provides an opportunity to further improve car occupant safety.

SUPPORT: Intro 1763 (Rodriguez)

TA strongly supports Intro 1763 which would require operators of motor vehicles to maintain a minimum distance of three feet when overtaking cyclists, and making a violation for failing to do so punishable by a fine up to \$50.

In June of 2016, 36-year-old Dan Hanegby was killed riding a bike in Manhattan because a van driver deliberately decided to disregard the inadequate distance between his truck and Dan on a narrow street with parked cars, honked with the horn of his van even though there was nowhere for Dan to go, and then the driver sped past Dan, striking him with his van in doing so -- killing a father and husband, all because the driver decided to not wait a couple seconds until it was safe to pass.

A three feet passing requirement sends a simple and clear message: If you are operating a multi-ton vehicle and you can not pass a vulnerable road user ahead of you at a safe distance then you must wait until it is safe to pass.

New York State currently has a safe-passing distance law, codified under NY Vehicle and Traffic Law Section 1122, also known as "Merrill's law", but the law is rarely, if ever, enforced. At Transportation Alternatives we do not recall seeing this law enforced in recent years, and the "safe distance" standard has significant, ultimately harmful flaws. A "safe distance" was chosen for the state law because of concerns that it was not possible to provide three feet of distance on certain streets, including dense urban streets in New York City. Some large vehicle operators in particular said they couldn't operate in urban settings and provide a 3 feet distance. "Safe distance", it was reasoned, would allow for discretion in enforcement on

¹ *Cycling on the Sidewalk: The New Stop-and-Frisk?*, Village Voice, October 2014, www.villagevoice.com/2014/10/30/cycling-on-the-sidewalk-the-new-stop-and-frisk/

² *Motor Vehicle Safety, Policy Impact: Seat Belts*, US Centers for Disease Control and Prevention, www.cdc.gov/motorvehiclesafety/seatbeltbrief/index.html



narrow streets. However, that reasoning prioritizes reckless dangerous driving over the safety of vulnerable road users and often results in the useless end of arriving at the same red light you would have if you had driven at a slower safer speed without endangering a bicyclist ahead of you.

The main problem of the "safe distance" standard that we have in New York State is that it is vague and provides little if any guidance, making it less likely to have a deterring effect and be enforced by the police. The vagueness of a "safe distance" has essentially guaranteed that it will not be enforced under current policing practices in New York City.

A three feet requirement will provide clarity for the minimum safe distance, will provide guidance for enforcement, and will likely make messaging and public education of drivers more impactful. For these reasons TA strongly supports Intro 1763.

Recommendation for Intro 1763: On some roads with higher speeds and either no bike lanes or only painted bike lanes even three feet of distance to cyclists is inadequate when motor vehicles pass at unsafe speeds. We recommend that this legislation be amended to authorize New York City Department of Transportation, in collaboration with the NYPD, to designate streets and highways with a minimum required passing distance greater than three feet.

SUPPORT: T2019-5286 (Rodriguez)

TA strongly supports T2019-5286 which would require all large vehicles operated pursuant to a contract with the City of New York to be equipped with side guards by January 1, 2021; and expedite existing timelines for side guard implementation in the City fleet and for trade waste hauling vehicles from January 1, 2024 to January 1, 2021.

Side guards on trucks save lives. The introduction of side guards in London, UK resulted in a 61% reduction of fatally injured bicyclists and a 20% reduction of fatally injured pedestrians. In London trucks weighing more than 3.5 ton must be equipped with them -- that has been the law there for nearly five years.

We commend the Council for originating law in recent years that has made New York City's municipal fleet a market leader in truck sideguard implementation. However, it is clear that installation of side guards in private vehicle fleets is lagging far behind, exemplified by the lackluster implementation rates by private sanitation trucks.

This legislation will help bring common sense, low-cost and life-saving technology to trucks operating in New York City to the benefit of pedestrians and bicyclists as well as truck operators and their owners.

For these reasons TA strongly supports T2019-5286 by Chairman Rodriguez.

Thank you.

##



New York City Council Hearing
Transportation & Public Safety Committees
October 24, 2019

Testimony of Amanda Hanna-McLear, Families for Safe Streets

On June 7th of 1994, my grandmother, Donna Blanchard, and my four year old aunt, Michelle Blanchard were killed in a hit and run. My aunt was just four years old. The driver was never found. My dad still struggles every day to get out of bed because on that day in June he was shaken awake by his friend and told that his mother and sister weren't coming home.

Twenty-five years later, and I too woke up to horrible news. I was at my partner's house celebrating Eid with his family. We watched some home videos and I fell into a midday nap. When I woke up, I was tentatively approached by my partner. He told me that Jose, my mother's partner, had died. It was surely a nightmare that I was going to wake up from. But I never did.

We never worried about Jose cycling in the city because he took all of the necessary precautions. He was the safest cyclist you could ever meet. On August 11th of this past year, he had a helmet, he waited patiently for the light. But a reckless driver was going sixty mph in a twenty-five mph zone. So when the driver blew through the red light on Coney Island Avenue he hit another car, that car went flying into Jose and killed him.

If Jose wasn't following the rules of the road, he might have survived. But this can't be a city in which following the rules of the road gets you killed.

We are a city that is playing catch up. We are playing catch up when it comes to pedestrian and cyclist safety. London implemented side guards five years ago. We are supposed to be a leading metropolitan city. Cities like London, Paris and Oslo are blowing right past us. We should also be discussing the implementation of a comprehensive network of 100% protected bike lanes, not only these four bills. So yes, pass these bills because they are past due - but know that you have more work to do.

The only thing that keeps me coming up here and sharing this story is that Jose would've wanted me to. Because he followed crashes very closely in the city. It made

him extremely angry. Just twelve days before he was killed, he shared an article with my mom about Em Samolewicz, the thirty year old cyclist who was killed on 36th and 3rd in sunset park on July 29th. The crash happened right outside my mom's office and Jose was nervous about her riding her electric scooter from their home in Park Slope to Industry City.

We failed Jose, because he was vigilant and informed and he was still killed.

Frankly, the bills on the table wouldn't have saved Jose. And that's hard to contend with. But they might have saved Em Samolewicz. And they will save someone who is walking among us right now. There is an innocent person out on the street right now whose life depends on your actions.

Our family is frozen in August. As our grief thaws, the city around us is bewildering. This is a city without Jose and that just doesn't seem to make sense. It is confusing to me to see New Yorkers huddled under jackets, to see Halloween decorations adorning homes and storefronts. Because in our minds, the trauma of August is still fresh. And if it was fall, Jose would be cooking us a warm meal, probably a recipe he found in the New York Times. If it was fall, he would be asking us to take a tour of Greenwood Cemetery with him, one of his favorite places in the city. But he's not here.

I share these personal details because I don't know how else to elicit your empathy. And that is empathy, not sympathy. Sympathy is well meaning cards and empty promises. Empathy is action. And we're going to need a lot of it if we're going to save lives. There are no strangers here. My suffering, my families suffering is also your suffering. And it should compel you to make changes in the city.

For our NYPD - I'm a granddaughter and niece of two retired officers. Meaning, I'm your niece, I'm your granddaughter. And I'm skateboarding, cycling on these streets. I have been since I was fourteen years old. Once these bills are passed, I need you to enforce them. When you see a cyclist on the street, any cyclist on the street, that is me. And you can't let this happen to my family a third time.

And I follow the rules of the road. I do not speed. I am not reckless. Neither was Jose.



Me, my mother and Jose at Christmas last year.



End of July 2019. Here is Jose with me, my partner, aunt and cousins making goofy faces. We got lost on our way to the sprinklers and he came to the rescue. We're standing in front of a statue of Abraham Lincoln, which Jose told us was the first statue of Lincoln made in the Union.



New York City Council Committee on Transportation Hearing
October 24, 2019
Testimony of Eric McClure, Executive Director, StreetsPAC

2019 has been a very tough year for Vision Zero. We all knew, or should have known, that progress on Vision Zero would not be a straight line, but the increase in traffic deaths this year, especially among people on bikes, has been painful. It's also important to remember that when we're talking about Vision Zero, we're talking about the lives of our fellow New Yorkers, so a tough year for Vision Zero is a tough year for New Yorkers, and one death among us is one too many.

We take a little bit of issue with the subject line of today's oversight hearing – Vision Zero, Cyclist Safety, and Police Department Enforcement – because as we've testified at previous hearings, we believe that enforcement, especially by police officers, is the weakest, and frankly, least reliable aspect of Vision Zero.

As we've stated in past hearings, our ability to achieve Vision Zero lies first and foremost in redesigning our streets. Vision Zero is predicated on the fact that people make mistakes, and that those mistakes should not cost someone life or limb. Preventing those mistakes is best done through street design, and as we've seen, many of the more than two dozen people killed on bikes this year were struck in places that had little, if any, cycling infrastructure.

That is why we urge the speedy passage of Speaker Johnson's Intro 1557, which would create a five-year Master Plan for the city's streets, sidewalks and pedestrian spaces. Key to the master plan is accelerating the building of protected bike lanes, the single best way to keep cyclists safe. Intro 1557 should be brought to a vote ASAP.

The same goes for the Reckless Driver Accountability Act, Council Member Lander's bill that would impound or boot vehicles that accrue a significant number of dangerous camera violations. Automated enforcement is the one means of enforcement that *does* make a real difference in Vision Zero. We saw a surge in speed-camera violations when expansion of the program began earlier this year, but violations quickly started to drop after each round of new camera deployments, as many drivers soon changed behavior. Getting the most dangerous drivers off the road will greatly reduce the dangers faced by cyclists and pedestrians.

These two bills, the Streets Master Plan and the Reckless Driver Accountability Act, will help get Vision Zero back on track, and we urge their passage and enactment without any further delay.

Lastly, in regard to the specific pieces of legislation before the Committee today, we support Intro 0769-2018, which would allow people to cure bicycle equipment violations within 48 hours by producing the required equipment.

We also support Intro 1435-2019, which would require use of back seat safety belts in motor vehicles, and should help reduce injuries in crashes to rear-seat passengers.

Likewise, we support T2019-5286, which would accelerate the existing timeline for required side guard implementation on city vehicles and commercial waste-hauling trucks, as well as require their implementation on large vehicles contracting with the city.

And finally, we also support Intro 1763-2019, which would require a minimum three-foot passing distance for drivers overtaking people on bicycles. We have concerns about the enforceability of such a law, but three-foot passing laws are commonplace around the country, and the legislation would help in educating drivers about safe passing distances.

**Testimony of
New York Lawyers for the Public Interest
New York City Council Committee on Transportation
October 24, 2019**

Thank you, Council Member Rodriguez and members of the Committee on Transportation for the opportunity to testify about the pre-considered Intro requiring side guards on all city-contracted vehicles and trade waste vehicles by no later than January 1, 2021. I work at New York Lawyers for the Public Interest, a member of the Transform Don't Trash NYC coalition, and we are strongly supportive of this and other measures aiming to make our streets safer for all New Yorkers.

As you know, private sanitation trucks are among the heaviest, largest, and most dangerous vehicles operating on our streets. Sadly, our study of federal crash data showed that the rate of serious and fatal crashes involving major trade waste companies in New York City more than doubled from the 2014-2016 period to the 2016-2018 period.

The inherent dangers of operating heavy vehicles in a dense city are exacerbated by the current inefficient and exploitative commercial waste system. Much of the city's trade waste is collected at night, and workers in the industry have testified that they routinely work shifts of 14 hours or more, six nights per week, with minimal safety training.

Under the current waste collection system, trade waste routes are also notoriously inefficient. In fact, the Department of Sanitation estimates that the transition from an open-market to a zoned commercial waste system will eliminate about 18 million unnecessary miles per year.

The dangers to New York City residents associated with these aging heavy-duty trucks driven by exhausted workers are most acute in environmental justice communities. These communities host transfer stations, recycling facilities, and truck yards and garages, and in addition to suffering from the highest concentration of air pollution from the large amount of trucks constantly traversing their streets, their residents are also at greater risk of being struck, killed or maimed by these commercial waste trucks.

Despite the inherent danger of these trucks, thousands of these vehicles operate without basic side guards in place – an inexpensive and simple measure that can mean the difference between life and death for pedestrians and cyclists. In fact, data published by the Business Integrity Commission in September, 2019 showed that **just 15% of the private sanitation truck fleet licensed to operate in NYC has had side guards installed.**

We are optimistic that the proposed Commercial Waste Zones bill (Intro 1574-A) will require many of City's private sanitation companies to adopt safer, cleaner truck fleets over the next 10 years – including electric, zero-emissions engines, 360-degree cameras, shorter routes, and better employee safety practices. In the meantime, immediate installation of side guards is a common-sense protection that *all* city-contracted and trade waste trucks should have.

We urge the council to immediately vote this bill into law. Thank you.



New York City Council Hearing
Transportation and Public Safety Committees
October 24, 2019
Testimony of Lauren Pine, Families For Safe Streets

Hello, my name is Lauren Pine and I am a member of Families for Safe Streets.

On November 15, 2017, I was crossing with the light in the crosswalk and was struck and dragged by a ten-wheel dump truck making a right turn. Watching the surveillance video, the truck had not slowed before turning, even after a cyclist went past on the adjoining street immediately before.

Thankfully, bystanders yelled at the driver to stop. He had not even seen me and may just have kept going.

An avid cyclist in NYC for over 24 years, I couldn't believe this was happening to me. I was awake the entire time, my left leg was pinned under the driver's side tire. Someone at the scene filmed me laying in the street, bleeding out after the driver backed up. That video is available online should you wish to see the horror of what being injured in a crash looks like.

I was rushed to Bellevue Hospital, where I was put into a medically induced coma for four days. My leg was amputated in three stages. They eventually had to perform a hip disarticulation amputation, completely removing my femur. My broken pelvis had to be stabilized with an external fixation rod, due to high infection risk it could not be internally repaired. It is now uneven, causing pain when sitting or when wearing a prosthesis.

My bladder was torn almost completely apart in three places, I now have to wear incontinence pads and be near a bathroom at least every two or three hours.

The skin on my remaining leg was degloved, all the subcutaneous fat on almost my entire thigh was immediately ripped from the muscle, which makes it impossible to reattach. Donor skin from my entire back was peeled off and used as a skin graft to cover my leg. This procedure was done at the William Randolph Hearst Burn ICU at NY Presbyterian Hospital where I was admitted five days after the crash and where I remained for two months of ICU care. I then spent one month in inpatient rehabilitation, and several months in outpatient rehab. I have residual nerve damage and foot drop in my right leg, requiring me to use a brace and crutches in addition to a prosthetic leg that weighs 17 pounds and is only operated using lower abdominal muscles.

All together I underwent a countless number of surgeries and was put under general anesthesia for the procedures sometimes three times a week.

I live alone. My family had to come from the west coast to take care of me for the first year, taking turns and using all of their leave from work. My sister even left her job to live with me for six months. I suddenly found myself on disability, which is not a living wage. I have to rely on the charity of my community just to live day-to-day with expenses. I cannot walk more than a few blocks, and rely on Access-a-Ride for Para-transit, which can take many hours just to go to and from one medical appointment.

Private waste carting companies like the one that did all this damage to my body and has dramatically altered my life usually only carry the minimal amount of insurance. For those hit by a vehicle that is uninsured, the No-Fault insurance coverage may be even less than \$50,000. Only a fraction of what a catastrophic injury incurs in medical bills. After legal and medical fees, this does not begin to cover living expenses for the many years that lay ahead of individuals like me.

A decent manual wheelchair costs approximately \$6,00 to \$8,000, which I cannot afford. The base cost of my prosthesis is over \$100,000. My hospital bills were estimated at over \$2 million dollars. People may complain about the cost of making the changes proven to prevent crashes, but failure to do so also comes not only with a horrific cost of lives lost and forever altered. It also has huge costs to individuals and to our City which often bears the costs in lost wages, medical bills, emergency services, and more.

I am here today to give a face to this epidemic and show you what life is like for the thousands of people seriously injured in traffic crashes every single year. Crashes like mine are preventable.

I am fortunate to be alive. The number of fatalities involving cyclists has more than doubled so far this year, and it is not over.

If there is any silver lining to this, it is that even if I cannot return to my former career as a medical surgery nurse in a cancer center, I can use my voice to support legislation to end this epidemic. Today's bill for side guards on City contracted trucks is a good first step.

Mandating side guards will help to prevent so many deaths and life-altering injuries like mine. But much more is needed. Side guards should be mandated on all trucks, waste hauling reform is essential to reduce the mileage travelled for carting companies on our streets, and more is needed to support crash victims like me.

Thank you for your time.

Statement to the
Committee on Transportation
of the
Council of the City of New York

**New Yorkers for
Responsible Waste
Management**

Kendall Christiansen
Executive Director

kendall@gaiastrategies.com

cell: 917.359.0725

Regarding the Installation of
Sideguards on Commercial Waste
Collection Vehicles

October 24, 2019

Chairperson Rodriguez and Members of the Committee: I am Kendall Christiansen; I serve as Executive Director of New Yorkers for Responsible Waste Management (NYRWM), a consortium of approximately 25 locally-owned and operated companies that provide waste-related services to the businesses and industries of New York, many residential and institutional buildings, and the city itself.

NYRWM supports your consideration of accelerating the deadline for installation of sideguards on certain heavy-duty trucks from 2024 to 2021.

Although I was not personally involved in the discussions leading to the initial adoption of the sideguard installation law, the industry supported the purposes and the target date. Over the last four years of my involvement as an industry leader, we have actively promoted that requirement, including encouraging companies to access the incentive grants offered by the city through the Business Integrity Commission (BIC).

I recently reviewed BIC's Vehicle Registry to take a snapshot of the industry's compliance.

To be clear, the companies that are "licensed" by BIC to provide commercial waste services – including collection of recyclables and organics - are a small subset of the 7,500 trucks licensed and registered by BIC. Let me explain, as this broader topic of commercial waste services will be before the City Council as early as next week – including whether our industry survives in its current form, or is blown-up by the commercial waste zones proposal in Intro 1574.

At present, **only fifty – not 90 – companies provide commercial waste services.** Their fleets total @ **1,000** trucks of all types, of which approximately **560 are rear-end loaders (REs)**, or "packer" trucks. Perhaps another **200 container-trucks** of various types also are included.

Those 50 companies split into two distinct sub-groups: approximately 25 with 3 or fewer trucks, and fewer than 1,000 customers; and the other half, with three companies having more than 100 trucks and 220 of those REs.

For the 50 companies overall, BIC and company data finds that @ 320 (or 56%) already have sideguards installed; of the larger 25 companies, at least 60 percent – four years in advance of the deadline. As trucks are upgraded generally, sideguards become standard equipment.

As it is, many or most of those smaller companies will not survive much longer, primarily because of the clean-engine requirement that becomes enforceable in January, and other economic factors.

As to container-service trucks, the situation is less clear – in part because the requirements are different, depending on the design of the truck as they tend to have side-loaded equipment that acts as a sideguard. Our sub-industry has regular meeting with BIC – the Trade Waste Advisory Board – and the challenges of compliance with those trucks has been raised as a subject requiring additional review and guidance. That should occur prior to final consideration of this revision.

A final comment:

Over the last three years the debate over the fate of the commercial waste system has had the unintended and undesirable effect of freezing industry investments beyond what is absolutely necessary. Other economic factors – like the global collapse in markets for recyclable commodities – also have damaged the industry's financial stability.

The reason: for even the top 25 companies it is uncertain as to how many of them will survive under a waste-zone/franchise system; some advocates of a zone system would like five or fewer companies to survive, while the industry is struggling to protect opportunities for as many local companies as possible. Even the business community would like more companies to survive, with more choice and competition that leads to good customer service and affordable prices.

As a direct consequence, companies tell me that even modest investments – adding sideguards to additional trucks – are difficult to make given that their companies may be forced out of business within the next year or two.

In other words, the Council's debate over the commercial waste system isn't just about long-term structural changes, but about immediate impacts on investments and operations.

Thank you for the opportunity to provide these comments.



Testimony of Steven J. Levy

On Behalf of

Trucking Association of New York

Before the

**New York City Council
Committees on Transportation
October 24, 2019**

Regarding

Vision Zero and Cyclist Safety

Good Morning. My name is Steven J. Levy and I am testifying on behalf of Kendra Hems, President of the Trucking Association of New York (TANY). I would like to thank Chairman Rodriguez as well as the members of the committees for the opportunity to testify before you today. For over 85 years, TANY, a non-profit trade group, has represented the trucking industry in New York, advocating for the industry at the local, state and federal levels. We provide educational programs to our membership, which enhance their safety and maintenance efforts and offer numerous councils and committees to meet the diverse needs of our membership. TANY comprises over 600 member companies from New York, Canada, every border state, and other states across the country and is the exclusive New York affiliate of the American Trucking Association (ATA).

There are several bills being heard today but I'd like to focus on Int. 1763, Int. 1354 and preconsidered bill T2019-5286, which will have a significant impact on our industry. With regards to Int. 1763, TANY is proud to invest in safety and make roads in New York City safer for everyone. To that end, the trucking industry invests approximately \$10 billion annually in safety initiatives, including the implementation of electronic logging devices, collision avoidance systems, and on-board video-event recorders. To that end, since 1980, we've seen a 74 percent drop in the number of fatal crashes involving large trucks. While we understand the legislative intent of Int. 1763, we are concerned about the practical implications of this bill. In many cases, our members are operating on streets throughout the city where there is simply not enough space between bike lanes, double parked vehicles, and other traffic impediments, to provide a minimum distance of three feet between a truck and a cyclist. We believe that the Council should take into account the real-life implications of this bill and amend the legislation by including language to the effect that trucks should provide a minimum of three feet "where possible."

Regarding Int. 1354, TANY feels this piece of legislation is redundant since existing environmental laws require concrete trucks arrive clean on a construction site, and leave the site clean. Additionally, existing truck weight laws already restrict the legal volume of concrete on a truck, which is considerably less than the designed volume. Consequently, there is ample room in the barrel to remove the possibility of spillage. The fact is there are significant protections in place, negating the need for the time and expense associated with chute shutters. Lastly, the effective date of January 2020 is much too soon, particularly since the availability of the device is unknown.

TRUCKING ASSOCIATION OF NEW YORK

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Of much larger concern is the impact of T2019-5286, which would require side guards on large trucks that are owned or operated pursuant to a city contract by 2021, on the trucking industry. TANY supports initiatives aimed at reducing truck-related accidents and we have provided a number of educational and training programs to our membership. Additionally, TANY has worked in conjunction with the Department of Transportation (NYCDOT) on several of our “Trucks Eye View” events where we invite pedestrian and cyclists to sit in a cab of a large commercial vehicle to better understand some of the challenges and blind spots our drivers have to compete with on city streets. This program has been an incredibly effective outreach tool and we look forward to working with NYCDOT and the Council to continue this program.

One of our main apprehensions is the fact that there are not uniform standards and specifications for the use of side guards and installation. Imposing equipment requirements that are not in line with other municipalities creates an impossible situation for an industry that largely operates interstate. We feel that if the issue is taken up, it should be done at the federal level which would provide continuity in the law as it relates to interstate industries such as the trucking industry.

TANY is concerned that this legislation attempts to address the issue of safety in a one-size-fits-all model. Not all trucks are the same. Box trucks and oil trucks have different uses, operations and designs. This bill does not distinguish between truck type, size, industry, size of the contract with the City, or the size of the business. In fact, 65 percent of TANY’s motor carrier members have 20 trucks or less.

Lastly, and perhaps most importantly, the engineering expertise is simply not there; there is no uniform standard or measure that constitutes an appropriate side guard for a given truck and safety implications are still largely unknown. To take this a step further, Congress asked the Government Accountability Office (GAO) to conduct a study on the effectiveness of side guards. Their conclusion: more study is needed and there are real world complications to the application of side guards. An example of this is documented in a letter from the Truck Trailer Manufacturers Association (TTMA) to the National Highway Traffic Safety Administration (NHTSA) in May 2016, that explained how a truck equipped with side guards meant for an urban environment did not transition well to highway use. In fact, the letter stated that the truck equipped with this side guard became disabled during highway use which presented a greater danger to other motorists. It’s not just the industry saying this, according to the GAO report; side guard manufacturers also admit that more study is needed to better understand the impact on everyday operations.

TANY believes that more information and fact based data is needed before this bill is moved, particularly when considering the extremely costly nature of the equipment coupled with the already high costs of doing business in the city. The industry is making strides when it comes to investing in technology that removes human error but if that investment is usurped by a side guard requirement, we could risk this progress. TANY will continue to support the Council's focus on expanding pedestrian and cyclist safety campaigns that are designed to change behavior and promote safe practices.

We look forward to continuing to work with the City Council on these issues.

Thank you for your time and I’m happy to answer any questions.



Statement of AAA Northeast, Inc. before the New York City Council Committee on Transportation

New York, NY – October 24, 2019

Good morning, AAA Northeast is a non-profit motor club serving drivers throughout the five boroughs of New York City. I would like to thank the Committee for the opportunity to testify today and Councilman Rodriguez for sponsoring Intro. 1435, requiring the use of back seat safety belts in motor vehicles.

AAA commends the City for taking steps to further protect passengers on New York City roadways by introducing legislation to require all individuals to wear a seatbelt in the back seat. Current New York State law only requires children under age 16 to buckle up in the back seat. Yet proper restraints enhance safety for all vehicle occupants, regardless of age.

In 2018, 33 individuals aged 16 and over were killed and 2,400 were injured not buckled up in the back seat. This accounts for approximately six injuries per day across New York State. Over 1,500 or over 60% of those injuries occurred on New York City roadways. Unbelted rear seat occupants are:

- three times more likely to be killed,
- eight times more likely to be seriously injured,
- two times more likely to kill a front seat passenger by becoming a projectile.

We appreciate that the legislation includes vehicles licensed to operate by the Taxi and Limousine Commission. According to IIHS, less than 60% of individuals surveyed reported wearing a seatbelt in the back seat of a for-hire vehicle. However, close to 80% of individuals surveyed reported wearing a seatbelt in a personal motor vehicle. It is important for both types of vehicles to be included under the law as the same risks apply regardless of the kind of vehicle a passenger is traveling in.

Although AAA strongly supports the legislative intent of Into.1435, we suggest the deletion of part B, which requires the driver to be ticketed, along with the unbelted passenger. Current state law only mandates that the unrestrained occupant receive a ticket. This legislation should mirror state law to ensure enforcement and community compliance is as clear and easy as possible. We appreciate New York City's leadership on traffic safety and the opportunity to comment today. Thank you.

New York Oil Heating Association, Inc.

Established 1939

Supporters of:

NEW YORK STATE ENERGY COALITION
NATIONAL ASSOCIATION FOR OILHEAT RESEARCH & EDUCATION
NATIONAL BIODIESEL BOARD
NATIONAL OILHEAT RESEARCH ALLIANCE
PETROLEUM MARKETERS ASSOCIATION OF AMERICA



ROCCO J. LACERTOSA
CHIEF EXECUTIVE OFFICER

Officers:

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JOHN McCONVILLE, VICE PRESIDENT
THOMAS FLAHERTY, SECRETARY/TREASURER
TED KOLLAR, IMMEDIATE PAST PRESIDENT

October 24, 2019

**Testimony of Rocco J. Lacertosa
Chief Executive Officer
New York Oil Heating Association**

Before the

**New York City Council
Committee on Transportation**

Regarding

Vision Zero and Cyclist Safety

I want to thank Chairman Rodriguez and the rest of the committee members for the opportunity to submit testimony.

My name is Rocco J. Lacertosa and I serve as the Chief Executive Officer of the New York Oil Heating Association (NYOHA). NYOHA serves as the voice of the oil heat industry in New York City representing providers across the five boroughs.

There are several bills being heard today but I'd like to focus my testimony on T2019-5286, which would require the installation of side guards on large vehicles owned or operated pursuant to a contract with the City. While NYOHA supports initiatives aimed at reducing truck-related collisions with pedestrians and cyclists, we have strong concerns about the negative impacts of this legislation on some of our members who currently contract with the City. Given the lack of uniform standards for sideguards in the industry, and the different types of vehicles, installation costs can range into the thousands per vehicle. For some of our members this is a cost they cannot absorb.

Additionally, our members and their customers rely on their fleets to deliver consistent and quality service. Should this legislation be passed, our members will be forced to remove trucks from service for days to weeks to complete installation of the side guards. The timetable provided in this bill does not give our membership sufficient time to comply with the regulation.

While we understand the intent of this bill, we believe the Council should take into consideration its real-life implications. Heating oil trucks have specialized equipment

New York Oil Heating Association, Inc.

Established 1939

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such as storage compartments, hose reels, meters, various fittings and nozzles as well as all of the required state and city seals, which would make retrofitting for sideguards an extremely complicated and costly process. Rather than adding to the already high costs of conducting business in this city, we urge the Council to instead focus on expanding safe driving campaigns that are designed to change behavior and promote best practices. At a minimum, we believe the Council should consider an exemption for heating oil trucks and other specialized vehicles.

We look forward to continuing to work with the Council on this issue.



Center
for
Court
Innovation

520 Eighth Avenue, New York, New York 10018

p. 646 386 3100

f. 212 397 0985

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Research. Development. Justice. Reform.

Greg Berman. Director

Good Afternoon, Chairman Rodriguez and Chairman Richards, this testimony is submitted on behalf of the Center for Court Innovation. We thank you for the opportunity to provide testimony regarding the Center's Driver Accountability Program, an innovative response to driving-related offenses.

The Red Hook Community Justice Center, a project of the Center for Court Innovation, is a community court serving Southwest Brooklyn that works in partnership with our residents, community, and system stakeholders to solve local problems and build public trust in justice. In 2015, the Justice Center launched the Driver Accountability Program with the goals of improving traffic safety and increasing accountability amongst dangerous drivers in Southwest Brooklyn. This year, City Council funded a four borough-wide expansion of this program, a testament to its successful approach to creating safer streets for drivers, cyclists, and pedestrians alike. Rather than relying on fines and fees to address dangerous driving, the Driver Accountability Program is specifically designed to promote reflection, accountability, and behavior change.

The Justice Center developed the program curriculum as part of a traffic violence working group, in partnership with Councilmember Brad Lander, the Brooklyn District Attorney's Office, the New York Police Department, Families for Safe Streets, and Transportation Alternatives. The program provides a proportionate group-based intervention available to individuals who come through the criminal court on traffic-related offenses, such as VTL 1212 (Reckless Driving); VTL 1192 (Driving While Intoxicated); VTL 511 and 509 (Driving with a Suspended or No License); AC 19-190 (Failure to Yield to a Pedestrian); VTL 600 (Leaving the Scene of an Accident) and others. The program can also be mandated in conjunction with other sanctions, such as community service, defensive driving classes, Peacemaking (our onsite community mediation program).

Rather than sitting passively through a lecture or presentation, participants are required to actively engage in a series of exercises and discussions led by our trained group facilitators. This includes the completion of a survey that requires participants to rate and describe their driving beliefs and behaviors, a practice that initiates meaningful self-reflection. Participants are then asked to share their answers, which provide a framework for a discussion about what constitutes dangerous driving and why.

Incorporating survivor's voices is a critical component of the program. Participants watch a film created by the Taxi & Limousine Commission ("TLC"), "Drive Like Your Family Lives Here," which includes testimonials from people who have lost loved ones due to unsafe driving. Group facilitators then lead a discussion about the video and the importance of thinking broadly about one's place on the roads and in the community. This includes a critical discussion about the obligation of drivers to be mindful of the safety of cyclists and

pedestrians with whom they are sharing the roads.

In the latter part of the session, program participants are required to identify two to three driving behaviors that they are committed to changing moving forward. For each behavior, the group identifies concrete steps that can be taken to effectuate that change, including alternative behaviors and decision-making skills that can be harnessed in those critical moments of judgment. The focus of this portion of the group is to empower the participants to become agents of their own change—an important element of the Driver Accountability Program’s restorative justice approach.

To date, the Red Hook Driver Accountability Program has served nearly 1,000 participants. With City Council’s support, the program has already expanded throughout Brooklyn and to Staten Island, and will soon be operating in Manhattan and the Bronx as well. Initial findings indicate that participants who completed the program were 40% less likely to be rearrested for traffic-related offenses than drivers who had been arrested on similar offenses and had not gone through the program. In addition, based on feedback from participants who completed our follow-up survey, 86% reported that their driving behavior had changed after completing our program. One participant shared:

The course impacted the way I think and the way I view driving...Learning from my peers’ experience and the reasons why they were in the class was eye opening...I realized how often I didn’t think of the more serious consequences of driving and I will try to be more careful in the future because I don’t want to hurt anyone and wouldn’t want anyone hurting my kids while driving.

Those words are a powerful reminder of the deep and lasting impact that our program can have on drivers. The Center for Court Innovation is grateful for the support it has received for the Driver Accountability program since its inception, including the recent support of City Council to allow for the program’s expansion. We look forward to continuing our success in making safer streets for all, and we thank you for the opportunity to offer testimony on this important issue.

THE COUNCIL
THE CITY OF NEW YORK

16

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: MARCO CONNER

Address: _____

I represent: Transportation Alternatives

Address: NYC

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5

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: Lauren Pine

Address: 605 E 114th St #B

I represent: Families for Safe Streets

Address: Side guards for trucks

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14

Appearance Card

[Empty box]

I intend to appear and speak on Int. No. side guards Res. No. _____

in favor in opposition

Date: 10.24.19

(PLEASE PRINT)

Name: Ken Hall Christensen

Address: 151 Maple St. Brooklyn 11225

I represent: New Yorks for Responsible Waste mgmt.

Address: Same

THE COUNCIL
THE CITY OF NEW YORK

13

Appearance Card

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I intend to appear and speak on Int. No. MULTIPLE Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: ERIC McCLURE

Address: 423 4TH ST. BROOKLYN, NY 11215

I represent: STREETSPAC

Address: 17 BATTERY PLACE, SUITE 204, NY NY 10004

THE COUNCIL
THE CITY OF NEW YORK

12

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Iachan

Address: _____

I represent: NYLPI

Address: _____

THE COUNCIL
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Appearance Card

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I intend to appear and speak on Int. No. 1354 Res. No. _____

in favor in opposition

w/ comment Date: _____

(PLEASE PRINT)

Name: JOSEPH FERRARA

Address: 120-05 31st Ave, Flushing NY

I represent: U.S. Concrete 11350

Address: SAME AS ABOVE

**THE COUNCIL
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Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC Baator

Address: DC of TP and M

I represent: NYC DOT

Address: 55 Water St. NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Polly Trothenberg

Address: Com mission

I represent: NYC DOT

Address: 55 Water St. NYC

**THE COUNCIL
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Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rebecca Zack

Address: Ass Comm, Intergov and Comm Aff

I represent: NYC DOT

Address: 55 Water St. NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1763/1354 Res. No. T2019-5286
 in favor in opposition

Date: 10/24/2019

(PLEASE PRINT)

Name: STEVEN J. BEVY
Address: 440 MEMORONICK AVE HARRODSTAN NY
I represent: TRUCKING ASSOCIATION of new York
Address: 7 CORPORATE DRIVE, CLIFTON PARK, NY

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Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: MIRZA Molberg
Address: 400 Argyle Rd Bklyn NY
I represent: Families For Safe Streets
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

Date: _____

(PLEASE PRINT)

Name: Managing Attorney Michael Clarke
Address: NYPD
I represent: _____
Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Deputy Chief Michael Pilecki

Address: NYPD

I represent: _____

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chief Thomas Chen

Address: NYPD

I represent: _____

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: Amanda Hanna-McLeer

Address: 356 89th St.

I represent: Families for safe Streets.

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1435 Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: Lauren Paterno

Address: _____

I represent: AAA

Address: _____

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