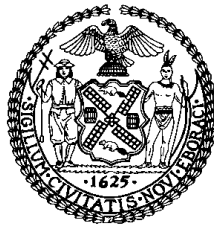


Transportation Committee Staff:  
James DiGiovanni, Counsel  
Elliott Lynn, Counsel  
Emily Rooney, Senior Policy Analyst  
Rick Arbelo, Senior Policy Analyst  
Chima Obichere, Finance Unit Head  
John Basile, Finance Analyst

Public Safety Committee Staff:  
Daniel Ades, Senior Counsel  
Casie Addison, Senior Policy Analyst  
Nevin Singh, Financial Analyst



**THE COUNCIL OF THE CITY OF NEW YORK**  
COMMITTEE REPORT OF THE INFRASTRUCTURE AND  
JUSTICE DIVISIONS

Jeffrey T. Baker, Legislative Director  
Terzah N. Nasser, Deputy Director, Infrastructure Division  
Brian Crow, Deputy Director, Justice Division

**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, Chair

**COMMITTEE ON PUBLIC SAFETY**

Hon. Donovan J. Richards, Chair

October 24, 2019

**Oversight: Vision Zero, Cyclist Safety, and Police Department Enforcement**

**INT. NO. 769:**

By Council Members Menchaca and Yeger

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to warning notice for missing bicycle equipment

**ADMINISTRATIVE CODE:**

Amends Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York by adding a new section 19-176.3

**INT. NO. 1354**

By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins and Maisel

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks and volumetric concrete mixers

**ADMINISTRATIVE CODE:**

Amends subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York by adding a new section 19-159.2

**INT. NO. 1435**

By Council Member Rodriguez (by request of the Mayor)

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to the use of back seat safety belts

**ADMINISTRATIVE CODE:**

Amends subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York by adding a new section 19-175.7

**INT. NO. 1763:**

By Council Members Rodriguez and Kallos

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to motor vehicles overtaking cyclists

**ADMINISTRATIVE CODE:**

Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190.1

**PRECONSIDERED INT. NO.:**

By Council Member Rodriguez

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to side guards

**ADMINISTRATIVE CODE:**

Amends section 6-141 of the administrative code of the city of New York; Amends

subdivision f of section 16-509 of the administrative code of the city of New York; Amends Subdivision b of section 16-526 of the administrative code of the city of New York.

## **INTRODUCTION**

On October 24, 2019, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, and the Committee on Public Safety, chaired by Council Member Donovan J. Richards, will hold an oversight hearing titled “Vision Zero, Cyclist Safety, and Police Department Enforcement.” The committees will also consider Int. No. 769, a local law in relation to warning notice for missing bicycle equipment, Int. No. 1354, a local law in relation to requiring certain spillage prevention equipment on concrete mixer trucks and volumetric concrete mixers, Int. No. 1435, a local law in relation to the use of back seat safety belts, Int. No. 1763, a local law in relation to motor vehicles overtaking cyclists, and a Preconsidered Introduction, a local law in relation to side guards. The Committees expect to hear testimony from the Department of Transportation (DOT), the New York City Police Department (NYPD), advocates, and other interested stakeholders.

## **BACKGROUND**

### Vision Zero

In January 2014, Mayor Bill de Blasio announced that his Administration would commit to a “Vision Zero” initiative aimed at eliminating traffic fatalities from the City’s streets by 2024, especially those involving pedestrians and cyclists.<sup>1</sup> Vision Zero seeks to achieve its goals in a number of ways, including street redesigns and roadway enhancements, more effective

---

<sup>1</sup> N.Y.C. Vision Zero Action Plan of 2014, available at: <http://www.nyc.gov/html/visionzero/assets/downloads/pdf/nyc-vision-zero-action-plan.pdf>

enforcement strategies, regulatory and legislative changes, robust public education and awareness, and safety improvements to the City’s vehicle fleet.<sup>2</sup>

In order to reduce the likelihood of crashes and improve safety for pedestrians and individuals using bicycles, DOT has a toolkit of street redesign features that are meant to, among other things, change driving behavior and increase pedestrian and cyclist visibility. In 2018, DOT completed a total of 139 street redesign projects, 97 of which were located at Vision Zero priority locations, increasing the total number of projects since the start of Vision Zero to 495.<sup>3</sup> According to the City’s Vision Zero Year 5 Report, these “engineering projects took a variety of forms in 2018,” including pedestrian plazas, protected bike lanes, pedestrian islands, and raised crosswalks.<sup>4</sup>

### Bicycling

The popularity of bicycling in New York City is growing faster than both the City’s economy and population, at a pace twice as fast as in other U.S cities between 2010 and 2015.<sup>5</sup> DOT reports that between 2007 and 2017, daily cycling in the City has grown 134% during that time period, with an estimated 490,000 daily cycling trips, up from 460,000 daily trips occurring in 2016.<sup>6</sup>

---

<sup>2</sup> *Id.*

<sup>3</sup> City of New York, *Vision Zero: Year 5 Report* (Mar. 2019), available at <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-5-report.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> Transportation Alternatives, *BikeNYC 2020* (Nov. 2017), available at [https://www.bikenyc2020.org/dl/BikeNYC\\_2020\\_Report.pdf](https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf).

<sup>6</sup> N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

### Estimates of Daily Cycling Activity by Year

|  | 1980    | 1990    | 2000    | 2005    | 2006    | 2007    | 2008    | 2009    | 2010    | 2011    | 2012    | 2013    | 2014    | 2015    | 2016    | 2017    |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Bike Commuters (to work)                 | 9,700   | 9,600   | 15,000  | 16,500  | 18,200  | 20,900  | 23,500  | 24,400  | 25,000  | 26,900  | 31,500  | 37,600  | 41,800  | 45,000  | 45,800  | 48,800  |
| Bike Commute Trips (to work)             | 19,400  | 19,200  | 30,000  | 33,000  | 36,400  | 41,800  | 47,000  | 48,900  | 50,000  | 53,800  | 63,000  | 75,200  | 83,600  | 90,000  | 91,600  | 97,600  |
| Total Daily Cycling Trips                | 100,000 | 100,000 | 150,000 | 170,000 | 180,000 | 210,000 | 240,000 | 240,000 | 250,000 | 270,000 | 320,000 | 380,000 | 420,000 | 450,000 | 460,000 | 490,000 |
| Total Annual Cycling Trips (in millions) | 36.6    | 36.5    | 54.8    | 62.1    | 65.7    | 76.7    | 87.8    | 87.6    | 91.3    | 98.6    | 117.1   | 138.7   | 153.3   | 164.3   | 167.9   | 178.8   |

Source: N.Y.C. Department of Transportation, *Cycling in the City, May 2019*

However, in 2019, approximately 787,000 New Yorkers rode a bicycle regularly (meaning they reported riding a bicycle at least once a month in a New York City Department of Health and Mental Hygiene Survey), down from the nearly 793,000 in 2018 and 828,000 that was reported in 2017.<sup>7</sup> Advocates have theorized that this reduction may be due to the lack of bike infrastructure in the outer boroughs.<sup>8</sup>

As of December 2018, there were roughly 1,240 miles of bike lanes in New York City,<sup>9</sup> up from roughly half that in 2006.<sup>10</sup> According to DOT, the City installed 20.4 protected bike lane miles in 2018, bringing the number of overall protected bike lane miles in the city to 480.<sup>11</sup> However, the Administration fell short of its stated goal to install 30 miles of protected bike lanes in 2018.<sup>12</sup>

The National Association of City Transportation Officials defines a protected bike lane as one that offers “physical protection from passing traffic” in the form of “a parking lane or other

<sup>7</sup> Mayor’s Management Report, p.259, September 2019, available at [https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019\\_mmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf)

<sup>8</sup> David Meyer, *Fewer New Yorkers are cycling: city report*, N.Y. Post, September 17, 2019, available at <https://nypost.com/2019/09/17/fewer-new-yorkers-are-cycling-city-report/>

<sup>9</sup> *Id.*

<sup>10</sup> Winnie Hu, *More New Yorkers Opting for Life in the Bike Lane*, N.Y. TIMES, Jul. 30, 2017, available at [www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html](http://www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html)

<sup>11</sup> N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

<sup>12</sup> Gersh Kuntzman, *De Blasio Built 20.9 Miles Protected Bike Lanes This Year—Yet Falls Short of Record*, STREETBLOG NYC, Dec, 19, 2018, available at <https://nyc.streetsblog.org/2018/12/19/de-blasio-falls-short-of-record-miles-of-protected-bike-lanes/>.

barrier between the cycle track and the motor vehicle travel lane.”<sup>13</sup> The City’s definition of a “protected” bike lane has recently been brought into question, making it difficult to track the Administration’s progress on building this infrastructure. Streetsblog reported that nearly a quarter of the City’s “protected” bike lanes installed in 2018 lacked such a physical barrier, offering cyclists “just green paint and prayer.”<sup>14</sup> DOT responded to that criticism with the following statement: “a protected bike lane is a path intended for the use of bicycles that is physically separated from motorized vehicle traffic by an open space, vertical delineation, or barrier.”<sup>15</sup>

### Cycling Safety and Green Wave Report

Having a physical barrier that separates cyclists from traffic is imperative to cycling safety. A comprehensive report released by DOT in 2017 revealed that between 2006 and 2014, 3,395 cyclists were either killed or severely injured and that 89 percent of cyclist fatalities occurred on streets without bicycle facilities, like bike lanes.<sup>16</sup> Research demonstrates that having physically separated bike lanes improves bike safety and can reduce instances of cyclist injuries and death.<sup>17</sup> A 2014 DOT report on protected bike lanes found a 74 percent decrease in average risk to a cyclist, a 22 percent reduction in pedestrian injuries, a 17 percent reduction in crashes with injuries, increased travel times and even increased retail sales along corridors with protected lanes.<sup>18</sup>

---

<sup>13</sup> National Association of City Transportation Officials, *One-Way Protected Cycle Tracks*, available at <https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/> (last accessed June 7, 2019).

<sup>14</sup> Gersh Kuntzman, *FACT CHECK: City Did Not Build 20.9 Miles of Protected Bike Lanes This Year*, STREETS BLOG NYC, Dec. 20, 2018, available at <https://nyc.streetsblog.org/2018/12/20/fact-check-city-did-not-build-20-9-miles-of-protected-bike-lanes-this-year/>.

<sup>15</sup> *Id.*

<sup>16</sup> N.Y.C. Department of Transportation, *Safer Cycling: Bicycle Ridership and Safety in New York City* (2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/bike-safety-study-fullreport2017.pdf>.

<sup>17</sup> Michael Anderson, *The First Major Academic Study of Protected Bike Lanes in the U.S. Is Out*, PEOPLE FOR BIKES, Jun. 2, 2014, available at <https://peopleforbikes.org/blog/the-first-major-academic-study-of-protected-bike-lanes-in-the-u-s-is-out/>.

<sup>18</sup> N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* (Sept. 2014), available at <http://www.streetsblog.org/wp-content/uploads/2014/09/2014-09-03-bicycle-path-data-analysis.pdf>.

According to Transportation Alternatives' BikeNYC 2020 survey, two-thirds of the City's riders said they would ride more frequently if the City installed more protected bike lanes.<sup>19</sup> Of those respondents who had never ridden a bicycle in New York, but would not rule out trying in the future, 80 percent cited fear of drivers as a reason why they have not started riding yet, and 67 percent mentioned the lack of protected bike lanes making them feel unsafe.<sup>20</sup>

These safety concerns have come to the forefront in 2019 with the recent uptick in cycling deaths. In calendar year 2018, there were 10 cycling fatalities reported in the city, the lowest number since 2013 when there were 12.<sup>21</sup> So far in 2019 there have been 26 cycling deaths in the city.<sup>22</sup> The latest victim recently passed away from the injuries she sustained a month after being hit by a car on September 27<sup>th</sup> while she was riding along Rockaway Freeway near 94<sup>th</sup> Street, in the Far Rockaway section of Queens.<sup>23</sup> On October 13<sup>th</sup> another cyclist was killed when he was struck by an SUV at the intersection of Cross Bay Boulevard and East 4<sup>th</sup> Road, in Queens.<sup>24</sup> It was reported that this "notoriously dangerous" intersection did not have a traffic light<sup>25</sup> and does not appear to have a protected bike lane. This recent accident follows a pattern of bicycle collisions that have occurred around the city. An analysis conducted by DOT of cycling fatalities since 2014 found that 60% of the fatalities occurred in intersections and that nearly 90% of them occurred in streets that did not have dedicated bike lanes.<sup>26</sup> Despite the increase in cycling fatalities this year,

---

<sup>19</sup> Transportation Alternatives, *supra* note 36.

<sup>20</sup> *Id.*

<sup>21</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

<sup>22</sup> Graham Rayman, *Bicyclist struck by van in Queens dies from her injuries*, N.Y. Daily News, October 18, 2019, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-cyclist-dies-crash-20191018-gxzw632edrpbpefsw7txgmbm-story.html>

<sup>23</sup> *Id.*

<sup>24</sup> Maya Kaufman, *Cyclist Killed In Broad Channel Crash Is 25th This Year*, October 14, 2019, available at <https://patch.com/new-york/queens/cyclist-killed-broad-channel-crash-25th-year>

<sup>25</sup> *Id.*

<sup>26</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

according to the Administration the overall risks to cyclists has declined relative to the growth and popularity of cycling.<sup>27</sup>

Number of Cycling Fatalities in New York City, 2008-2018

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

Source: New York City Department of Transportation and New York City Police Department, July 2019

In an effort to address cycling fatalities and to further increase cycling safety, on July 25, 2019 the Mayor announced the release of the “Green Wave” Bicycle Plan (Green Wave report).<sup>28</sup> The plan would cost the city approximately \$58 million over 5 years to implement<sup>29</sup> and focuses on increasing the city’s network of protected bike lanes with the goal of having a fully connected network by the year 2030.<sup>30</sup>

Additionally, the Green Wave report spells out the plans that the city has for the 10 neighborhoods in Brooklyn and Queens that were designated in 2017 by DOT as Bike Priority Districts. These 10 districts were chosen due to the high number of cycling fatalities in those areas and because they lacked an inadequate amount of dedicated protected bike lanes.<sup>31</sup> In these 10

<sup>27</sup> *Id.*

<sup>28</sup> *Vision Zero: Mayor de Blasio Announces "Green Wave" Bicycle Plan to Address Cycling Fatalities -- With Citywide Protected Bike Lane Network and Increased Enforcement*, See <https://www1.nyc.gov/office-of-the-mayor/news/368-19/vision-zero-mayor-de-blasio-green-wave-bicycle-plan-address-cycling-fatalities---/#/0>

<sup>29</sup> *Id.*

<sup>30</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

<sup>31</sup> *Id.*



districts, the city plans to install more than 20 miles of protected bike lanes by the end of 2019, with a stated goal of installing 75 miles of protected bike lanes by the end of 2022.<sup>32</sup>

DOT also plans to increase cycling safety by reducing the number of speeding cars by installing additional traffic calming treatments at 50 intersections throughout the city with a history of a high number of bike injuries in 2019.<sup>33</sup> Some of the measures that DOT utilizes to calm traffic include installing raised speed reducers like speed bumps and speed cushions, narrowing or removing lanes, extending or expanding a curb, installing traffic diverters and median barriers, and utilizing raised crossings that enhance visibility.<sup>34</sup>

Of the 14 cyclists killed from January 1<sup>st</sup> through July 3<sup>rd</sup> of this year, six were killed by trucks.<sup>35</sup> On September 21<sup>st</sup>, a 14 year-old teenager was also killed when he was struck by a private sanitation truck on Borden Avenue in Long Island City.<sup>36</sup> On the same day, a 16 year-old teenager was critically injured while riding her bicycle in Staten Island.<sup>37</sup> Since 30% of the city's cycling fatalities involve trucks, the Green Wave report outlines several initiatives targeted at improving the interactions between the city's cyclists and the various fleets of commercial trucks driving around our streets.<sup>38</sup> One of the initiatives includes a Vision Zero Truck Safety Task Force, which will examine improving cycling safety.<sup>39</sup> Other initiatives would expand the city's Off-hours

---

<sup>32</sup> *Id.* at p. 9.

<sup>33</sup> *Id.* at p. 16.

<sup>34</sup> *Id.*

<sup>35</sup> Winnie Hu and John Surico, *Cyclist Killed by Cement Truck and 2 Other Deaths Spur 'Emergency'*, N.Y. TIMES, July 3, 2019, available at <https://www.nytimes.com/2019/07/03/nyregion/nyc-bicycling-deaths.html>

<sup>36</sup> Gersh Kuntzman, <https://nyc.streetsblog.org/2019/09/21/teen-cyclist-killed-by-uncharged-truck-driver-22nd-biker-death-this-year/>

<sup>37</sup> Jake Offenhartz, *Teenage Cyclist Killed By Truck Driver In Queens, Another Critically Injured On Staten Island*, Gothamist, September 23, 2019, available at <https://gothamist.com/news/teenage-cyclist-killed-truck-driver-queens-another-critically-injured-staten-island>

<sup>38</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

<sup>39</sup> *Id.* at p.17.

Delivery program, develop additional instructional videos and material for the trucking industry, and expand the “Truck’s Eye View” educational program.<sup>40 41</sup>

### Safe Passing Laws

Safe passing laws help to ensure that operators of motor vehicles allow adequate space when passing bicycles so as to avoid sideswiping cyclists or causing cyclists to swerve out of the way of passing vehicles. Often, cyclists are forced to swerve out of the way of motor vehicles that are passing too closely, leaving cyclists vulnerable to roadside hazards, including the risk of being “doored” (when a cyclist swerves to the right and collides with the opening door of a parked vehicle). Most states, the District of Columbia, and a handful of municipalities have some variation of a safe passing law.<sup>42</sup> The majority of these state laws set a minimum distance of 3 feet. However, 9 states, including New York, use a more general “safe distance” passing requirement with no specified distance.

### Side Guards

Pedestrians and cyclists are particularly vulnerable to serious injury or death as a result of being pulled into the space between the front and rear axles of large trucks. In the City, trucks account for 3.6% of vehicles on the streets, but account for 12.3% of pedestrian fatalities and 32% of cyclist fatalities.<sup>43</sup> Side guards are devices that prevent pedestrians or cyclists from falling into

---

<sup>40</sup> *Id.*

<sup>41</sup> DOT developed the Trucks Eye View (TEV) program in 2011 to provide education to the public on the blind spots around large trucks. The Trucks Eye View program demonstrates to the public where the blind spots around large trucks are located. At events citywide, participants can sit in the driver’s seat of a truck and learn about the vehicle’s blind spots from a professional truck driver, to increase safety awareness for all roadway users. See <http://www.nyc.gov/html/dot/html/motorist/trucks.shtml/sizewt.shtml>

<sup>42</sup> National Conference of State Legislatures, *Safe Passing Bicyclists Chart*, NCSL (Mar. 3, 2018), <http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>.

<sup>43</sup> New York City Office of the Mayor, *City Begins Installing Truck Sideguards To Protect Pedestrians And Cyclists*, The Official Website of the City of New York, (Feb. 9, 2015), <http://www1.nyc.gov/office-of-the-mayor/news/101-15/city-begins-installing-truck-sideguards-protect-pedestrians-cyclists>.

the exposed space between the front and rear axles of large vehicles.<sup>44</sup> While current federal regulations require rear impact guards on trailers and semi-trailer trucks to reduce the risk of death or serious injury when passenger vehicles rear-end large trucks, there are no federal regulations requiring side guards.<sup>45</sup> However, several localities have adopted laws, resolutions, or ordinances requiring side guards: New York, Seattle, Chicago, Boston, Portland, and Washington D.C.<sup>46</sup>

Side guards are devices that prevent pedestrians or cyclists from falling into the exposed space between the front and rear axles of large vehicles.<sup>47</sup> While current federal regulations require rear impact guards on trailers and semi-trailer trucks to reduce the risk of death or serious injury when passenger vehicles rear-end large trucks, there are no federal regulations requiring side guards.<sup>48</sup> However, several localities have adopted laws, resolutions, or ordinances requiring side guards: New York, Seattle, Chicago, Boston, Portland, and Washington D.C.<sup>49</sup>

In December 2014, U.S Department of Transportation Volpe Center (“Volpe”)<sup>50</sup> and the NYC Department of Citywide Administrative Services (“DCAS”), which operates the City’s fleet,<sup>51</sup> conducted and published a study on side guards for the City’s “Vision Zero” initiative.<sup>52</sup> The final report identified at least 4,734 City fleet vehicles appropriate for side guard installation.<sup>53</sup>

---

<sup>44</sup> Alexander K. Epstein et al., *Truck Sideguards for Vision Zero: Review and technical recommendations for Safe Fleet Transition Plan and pilot deployment* 9 (Dec. 2014), [www.nyc.gov/html/dcas/downloads/pdf/fleet/DCASVolpePhaseFinal.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/fleet/DCASVolpePhaseFinal.pdf).

<sup>45</sup> 49 C.F.R. § 571.223.

<sup>46</sup> See U.S. Department of Transportation Volpe Center: Truck Side Guards Resource Page, <https://www.volpe.dot.gov/our-work/truck-side-guards-resource-page> (last visited Apr. 13, 2018).

<sup>47</sup> Alexander K. Epstein et al., *Truck Sideguards for Vision Zero: Review and technical recommendations for Safe Fleet Transition Plan and pilot deployment* 9 (Dec. 2014), [www.nyc.gov/html/dcas/downloads/pdf/fleet/DCASVolpePhaseFinal.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/fleet/DCASVolpePhaseFinal.pdf).

<sup>48</sup> 49 C.F.R. § 571.223.

<sup>49</sup> See U.S. Department of Transportation Volpe Center: Truck Side Guards Resource Page, <https://www.volpe.dot.gov/our-work/truck-side-guards-resource-page> (last visited Apr. 13, 2018).

<sup>50</sup> See U.S. Department of Transportation Volpe Center: About Us, <https://www.volpe.dot.gov/about-usa> (last visited Oct. 21, 2019) (Volpe is a center of transportation and logistics expertise operating under the United States Department of Transportation).

<sup>51</sup> NYC owns and operates the largest municipal fleet in the nation, with over 27,000 vehicles; see *supra* note 43.

<sup>52</sup> See Epstein, *supra* note 47; see also NYC Vision Zero, <http://www1.nyc.gov/site/visionzero/index.page> (last visited Apr. 13, 2018).

<sup>53</sup> Epstein, *supra* note 47, at 39.

Following the report, the City passed Local Law 56 of 2015 requiring side guards to be installed on vehicles weighing over 10,000 pounds in the City fleet and vehicles licensed by the City for waste hauling services, no later than January 1, 2024.<sup>54</sup> The 8-year timeline was designed to give the City sufficient time to install side guards to new City vehicles, which is more cost efficient than retrofitting old vehicles. As part of the City's Vision Zero program, the City began retrofitting its vehicles in February 2015, at an average cost of \$3000 per side guard.<sup>55</sup>

### Seat Belts

In 1985, New York became the first state to require drivers and front seat passengers wear seatbelts.<sup>56</sup> Seat belt use reduces both death and injury when used in both the front and back seat of a vehicle.<sup>57</sup> Unbelted rear passengers are three times more likely to be killed and eight times more likely to be seriously injured.<sup>58</sup> According to a 2016 AAA report, by 2015, 92% of New Yorkers use seat belts in the front seat.<sup>59</sup> Since then, New York State law was expanded to require individuals under the age of 16 to wear a seatbelt or be secured in a child restraint system while riding in the front or back seat of a vehicle. The law applies to vehicles registered outside of New York. Currently, 29 states and the District of Columbia require all rear seat passengers to wear a seatbelt. According to the National Highway Traffic Safety Administration's Fatality Analysis Reporting System, only 54% of rear occupants age 8 years and older wore a seatbelt between 2012-2013. From 1995-2014, 886 unbelted rear seat passengers age 16 and older were killed on New

---

<sup>54</sup> See Local Law 2015/56. See also Stephen Miller, *De Blasio Signs Bill Requiring Side Guards on 10,000 Trucks by 2024*, Streetsblog NYC (June 17, 2015), <https://nyc.streetsblog.org/2015/06/17/de-blasio-signs-bill-requiring-side-guards-on-10000-trucks-by-2024/>; Stephen Miller, *Side Guard Pilot Almost Complete—Next Up, the Other 95% of City Trucks*, Streetsblog NYC (Oct. 2, 2015), <https://nyc.streetsblog.org/2015/10/02/side-guard-pilot-almost-complete-but-years-until-all-city-trucks-have-them/>.

<sup>55</sup> *Supra* note 43.

<sup>56</sup> Mark Weiner, *Cuomo: Expand NY Seat belt law to back passengers*, Syracuse (Feb. 19, 2019) available at <https://www.syracuse.com/politics/2019/02/cuomo-expand-ny-seat-belt-law-to-back-seat-passengers.html>

<sup>57</sup> AAA, *Buckle Down on Safety: The Case for Rear Seat Belt Law* (May 25, 2016) available at <http://cqrcengage.com/aaanys/file/VJzf2FDjoJn/BuckleDownOnSafety.pdf>

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

York State roads. The chart below shows the fatalities by New York counties including Queens, New York (Manhattan), Kings (Brooklyn) and the Bronx.<sup>60</sup>

Unbelted Rear Passenger Fatalities from 1995-2014  
Passengers 16 Years and Older

| County      | Fatalities |
|-------------|------------|
| Suffolk     | 88         |
| Queens      | 71         |
| Nassau      | 70         |
| Bronx       | 46         |
| Kings       | 42         |
| Erie        | 32         |
| Monroe      | 32         |
| Westchester | 32         |
| New York    | 31         |
| Orange      | 26         |

### NYPD Enforcement

As part of the Green Wave plan, the City will be expanding NYPD enforcement of dangerous driving at intersections throughout the City that have been deemed by DOT and the NYPD as hazardous locations for cyclists.<sup>61</sup> Cyclists have long argued that drivers often park their cars in bike lanes creating dangerous situations for cyclists by forcing them into the path of traffic.<sup>62</sup> The plan would also increase enforcement of Operation Bicycle Safe Passage, an initiative that targets cars parked in bicycle lanes. During the first three weeks after its implementation in July of this year, 8,600 summonses were issued to such vehicles.<sup>63</sup> The City's 311 hotline began accepting complaints related to vehicles blocking bike lanes in November

---

<sup>60</sup> Id.

<sup>61</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

<sup>62</sup> Winnie Hu and John Surico, *Cyclist Killed by Cement Truck and 2 Other Deaths Spur 'Emergency'*, N.Y. TIMES, July 3, 2019, available at <https://www.nytimes.com/2019/07/03/nyregion/nyc-bicycling-deaths.html>

<sup>63</sup> Gabe Herman, *'Green Wave' plan will boost bike safety: Mayor*, The Villager, August 5, 2019, available at <https://www.thevillager.com/2019/08/green-wave-plan-will-increase-bike-safety-mayor/>

2016.<sup>64</sup> A review of this data found that from September 4, 2017 through September 4, 2018, there were 4,230 complaints filed with 311 about bike lane violations.<sup>65</sup> Many times these cars are either owned or are being operated by members of the City’s workforce.<sup>66</sup>

The NYPD has been criticized for targeting cyclists in response to accidents and fatalities that involved persons riding bikes through enforcement of traffic violations against cyclists. In June 2019, Robyn Hightman was ran over and killed by a truck driver who did not initially remain at the scene near 6<sup>th</sup> Avenue and 23<sup>rd</sup> Street in Manhattan.<sup>67</sup> The next day, NYPD officers were seen issuing summons almost entirely to cyclists a block away from where the accident occurred.<sup>68</sup> Similar enforcement tactics had previously been reported in response to the death of Aurilla Lawrence in Brooklyn on February 28,<sup>69</sup> and the death of Chaim Joseph in a protected bike lane on February 4 in Hell’s Kitchen.<sup>70</sup> This enforcement strategy even included writing one ticket for riding a bike without a helmet, which is not illegal.<sup>71</sup> None of the proposed NYPD actions included in the 2014 Vision Zero Action Plan includes enforcement against cyclists.<sup>72</sup>

---

<sup>64</sup> Ameena Walker, *Blocked bike lanes are a huge problem in these NYC areas*, *Curbed New York*, September 13, 2018, Available at <https://ny.curbed.com/2018/9/13/17855884/nyc-cyclists-bike-lanes-complaints-report>

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> Cuba, Julianne “Updated: Cyclist Killed on Sixth Avenue by Hit-And-Run Trucker” *StreetsBlog* June 24, 2019 available at <https://nyc.streetsblog.org/2019/06/24/breaking-cyclist-killed-by-hit-and-run-trucker-on-sixth-avenue/>

<sup>68</sup> Patil, Adwait “NYPD Cracks Down on Cyclists, Not Drivers, Where Truck Driver Killed Bike Messenger” *Gothamist* June 25, 2019 available at <https://gothamist.com/news/nypd-cracks-down-on-cyclists-not-drivers-where-truck-driver-killed-bike-messenger>

<sup>69</sup> Cuba, Julianne, “More Fury Over de Blasio Ticket Blitzes After Cyclists Are Killed,” *StreetsBlog*, March 1, 2019 available at: <https://nyc.streetsblog.org/2019/03/04/more-fury-over-de-blasio-ticket-blitzes-after-cyclists-are-killed/>

<sup>70</sup> Robbins, Christopher, “NYPD Targets Cyclists in Hell’s Kitchen: ‘I Saw An Officer Shove A Guy Off Of His Bicycle’”, *Gothamist*, February 7, 2019: available at: <https://gothamist.com/news/nypd-targets-cyclists-in-hells-kitchen-i-saw-an-officer-shove-a-guy-off-of-his-bicycle>

<sup>71</sup> Kuntzman, Gersh, “After Cyclist is Killed on Eighth Avenue, NYPD Cracks Down...on Cyclists” *StreetsBlog*, February 7, 2019, available at: <https://nyc.streetsblog.org/2019/02/07/after-cyclist-is-killed-on-eighth-avenue-nypd-cracks-down-on-cyclists/>

<sup>72</sup> <http://www.nyc.gov/html/visionzero/pdf/nyc-vision-zero-action-plan.pdf>

In 2018, police officers issued summonses for running red lights to 16, 254 cyclists and 56,086 motor vehicles.<sup>73</sup> According to Transportation Alternatives, since 2014, five pedestrians have been killed by cyclists in New York City, while more than 700 have been killed by cars.<sup>74</sup>

In July 2019, NYPD Chief of Department Terence Monahan announced that the department would no longer issue summonses to cyclists in the wake of a driver killing or injuring a cyclist.<sup>75</sup> Chief Monahan suggested the department may instead conduct educational outreach to cyclists, but the enforcement would be strictly targeted to motor vehicles within the 72 hours after an accident.<sup>76</sup> In addition, the Green Wave plan specifically stated that the NYPD would discontinue its practice of ticketing cyclists at the site of fatal cyclist crashes.<sup>77</sup>

Advocates have also criticized the NYPD's handling of reports following a bicycle crash, stating that members of the NYPD often provide incorrect information to the press before an investigation has been completed, frequently in a manner that exculpates motor vehicle drivers. For example, Abul Bashar was run over and killed by a private sanitation truck driver in Gowanus, Brooklyn.<sup>78</sup> According to Streetsblog, in the NYPD's original report, the officer indicated that Mr. Bashar "exited the sidewalk" and was struck by the driver of the truck. However the Department later amended the report after surveillance video showed Mr. Bashar had not exited the sidewalk,

---

<sup>73</sup> Hu, Winnie, "After Cyclist Deaths, City Adjusts Traffic Lights to Slow Cars", New York Times, October 23, 2019, available at: <https://www.nytimes.com/2019/10/23/nyregion/nyc-bike-commute-green-lights.html>

<sup>74</sup> Cuba, Julianne, "Medical Examiner: NYPD is 'Incorrect' That Cyclist Killed Pedestrian", StreetsBlog, August 8, 2019, available at: <https://nyc.streetsblog.org/2019/08/08/medical-examiner-nypd-is-incorrect-that-cyclist-killed-pedestrian/>

<sup>75</sup> Kuntzman, Gersh "NYPD: We Will No Longer Target Grieving Cyclists after Crashes" StreetsBlog July 14, 2019 available at <https://nyc.streetsblog.org/2019/07/14/nypd-we-will-no-longer-target-on-grieving-cyclists-after-crashes/>

<sup>76</sup> *Id.*

<sup>77</sup> *Vision Zero: Mayor de Blasio Announces "Green Wave" Bicycle Plan to Address Cycling Fatalities -- With Citywide Protected Bike Lane Network and Increased Enforcement*, See <https://www1.nyc.gov/office-of-the-mayor/news/368-19/vision-zero-mayor-de-blasio-green-wave-bicycle-plan-address-cycling-fatalities---/#/0>

<sup>78</sup> Cuba, Julianne "NYPD Secretly Alters Victim-Blaming Narrative of Death of E-Bike Rider and Charges Trucker" StreetsBlog October 18, 2019 available at <https://nyc.streetsblog.org/2019/10/18/nypd-secretly-alters-victim-blaming-narrative-of-death-of-e-bike-rider-and-charges-trucker/>

but was struck while entering an intersection.<sup>79</sup> According to advocates and families of victims, these premature statements often place the victim as the cause of their own injuries and death.<sup>80</sup>

### Issues and Concerns

Proper enforcement of the State Vehicle and Traffic Law is critical to cyclist safety. This hearing will explore the recent questions surrounding the purposes, costs, and benefits of NYPD enforcement of traffic regulations against cyclists, the Department's stated policy change. It will also address the Department's plan for reducing the number of cyclist fatalities through enforcement against reckless or dangerous drivers. The hearing will also address the cooperation between the DOT and the NYPD in the Administration's Vision Zero efforts, as it specifically relates to cyclists.

### **Analysis of Int. No. 769**

Section one of Int. No. 769 would add a new section 19-176.3 to the Administrative Code. New section 19-176.3 would indicate that any notices of violation issued by a city agency to a bicyclist operating a bicycle without equipment required in the Vehicle and Traffic law or the Administrative Code will be canceled upon the satisfactory demonstration to the agency that issued such notice of violation that such bicycle contains such equipment in good working order within 48 hours following the issuance the notice of violation.

Section two of Int. 769 would state that the local law would take effect 90 days following enactment into law except that all appropriate agencies shall take all necessary action, including the promulgation of rules, prior to such effective date.

---

<sup>79</sup> *Id.*

<sup>80</sup> Polansky, Chris "Families of People Killed by Drivers Say NYPD Victim-Blaming Compounds Grief" Gothamist March 13, 2019 available at <https://gothamist.com/news/families-of-people-killed-by-drivers-say-nypd-victim-blaming-compounds-grief>



### **Analysis of Int. No. 1354**

Section one of Int. No. 1354 would add a new section 19-159.2 to the Administrative Code.

Subdivision a of the new section would define the following:

- Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck or volumetric concrete mixer, used to seal the chute.
- Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.
- Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.
- Volumetric concrete mixer. The term “volumetric concrete mixer” means a truck outfitted with separate compartments for the transport of materials to be mixed into liquid concrete.

Subdivision b of the new section would state that no later than January 1, 2020, all concrete mixer trucks and all volumetric concrete mixers driving through New York City would be equipped with chute closure devices during the transport of liquid concrete or materials to be mixed into liquid concrete.

Subdivision c of the new section would state that DOT has the authority to promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by DOT. DOT is authorized to inspect chute closure devices and chute closure device specifications for compliance with the requirements of this section.

Section two of Int. No. 1354 would state that this local law would take effect immediately.

### **Analysis of Int. No. 1435**

Section one of Int. No. 1435 would add a new section 19-175.7 to the Administrative Code. New section 19-175 would state that the use of safety belts by back seat passengers required. In addition to any requirements set forth in section 1229-c of the vehicle and traffic law:

- Subdivision a of the new section would indicate that no person 16 years of age or over shall be a passenger in a back seat of a motor vehicle within New York City unless such person is restrained by a safety belt approved by the commissioner of the NY State DOT.
- Subdivision b of the new section would indicate that no person shall operate a motor vehicle within the city of New York unless every passenger in the back seat who is 16 years of age or over is restrained by a safety belt approved by the commissioner of the state department of transportation.
- Subdivision c of the new section would indicate that the requirements of this section would not apply to buses, school buses, as such term is defined in section 142 of the Vehicle and Traffic Law, or authorized emergency vehicles, as such term is defined in section 101 of the Vehicle and Traffic Law.
- Subdivision d of the new section would indicate that the requirements of this section would not apply to a passenger with a physically disabling condition whose physical disability would prevent appropriate restraint in a safety belt; provided, however, that such condition is duly certified by a physician who shall state the nature of the disability, as well as the reason such restraint is inappropriate.
- Subdivision e of the new section would state that the requirements of subdivision b of this section would not apply to drivers operating vehicles which they have been licensed to

operate by the Taxi and Limousine Commission while they are transporting passengers for hire pursuant to such licensure.

- Subdivision f of the new section would indicate that any passenger 16 years of age or over or any operator of a motor vehicle who violates the provisions of this section shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not more than \$50. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article 2-A of the Vehicle and Traffic Law.
- Subdivision g of the new section would state that in any proceeding alleging a violation of subdivision a of this section by a passenger in the back seat of a taxi or livery vehicle, it shall be an affirmative defense that such taxi or livery vehicle was in violation of subdivision 4-b of section 383 of the vehicle and traffic law, requiring the installation, in a taxi or livery vehicle, of a back seat safety belt that is visible, accessible and maintained in good working order.

Section two of Int. No. 1435 would indicate that this local law takes effect 180 days after it becomes law, except that DOT may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

### **Analysis of Int. No. 1763**

Section one of Int. No. 1763 would indicate that a new section 19-190.1 is added to the Administrative Code. Subdivision a of the new section would state that the operator of a motor vehicle overtaking a bicycle taking place on the same side of a street must leave a distance of not less than 3 feet between the motor vehicle and the bicycle and must maintain such distance until such vehicle has passed the bicycle. Subdivision b of the new section would state that a person

who violates subdivision a of this section would be guilty of a traffic infraction punishable by a fine of not more than \$50.

Section two of Int. No. 1763 would state that this local law would take effect 120 days after it becomes law, except that DOT may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**ANALYSIS OF PRECONSIDERED INT. NO.**

Section one of Preconsidered Int. No. would amend section 6-141 of the Administrative Code. Subdivision a of section 6-141 would be amended to include the definition of City contracted vehicle. The term “city contracted vehicle” would mean any large vehicle that is owned or operated pursuant to a contract with the city or any subdivision thereof.

Subdivision b would be amended to add new paragraph 1 which amends the requirement that all large vehicles in the city fleet be equipped with side guards from January 1, 2024 to January 1, 2021. New paragraph 2 of subdivision b would be added and would indicate that no later than January 1, 2021, all city contracted vehicles shall be equipped with side guards.

Paragraph 1 one of new subdivision d would indicate that any owner or operator of a city contracted vehicle that violates paragraph 2 of subdivision b of this section shall be liable for a civil penalty of \$10,000 per city contracted vehicle that is in violation, returnable to the Office of Administrative Trials and Hearings (OATH). Each notice of violation shall contain an order from DCAS directing the respondent to correct the condition constituting the violation and to file a certification that the condition has been corrected within 30 days from the date of the order with the DCAS electronically, or in such other manner as the DCSAS shall authorize,. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$500 for each day that the violation is not corrected beyond 30 days from such order. New paragraph 2 of new

subdivision d would indicate that for the purposes of this section, if OATH finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

Section two of Preconsidered Int. No. would amend subdivision f of section 16-509 of the Administrative Code. Subdivision f is amended to indicate that on or after January 1, 2021, DCAS may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of DCAS that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

Section three of Preconsidered Int. No. would amend subdivision b of section 16-526 of the Administrative Code. Subdivision b is amended to change the date that all trade waste hauling vehicles shall be equipped with side guards, from no later than January 1, 2024 to no later than January 1, 2021.

Section four of Preconsidered Int. No. would indicate that this local law takes effect immediately.

This page intentionally left blank

By Council Member Menchaca and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to warning notice for missing bicycle equipment

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Missing Bicycle Equipment. Any notices of violation issued by a city agency to a bicyclist operating a bicycle without equipment required in the vehicle and traffic law or this code shall be canceled upon the satisfactory demonstration to the agency that issued such notice of violation that such bicycle contains such equipment in good working order within forty eight hours following the issuance of such notice of violation.

§2. This local law takes effect 90 days following enactment into law except that all appropriate agencies shall take all necessary action, including the promulgation of rules, prior to such effective date.

GZ/LF/CCF  
LS 1071/Int. 399-2014  
LS 996  
01/04/2018 5:06 pm

This page intentionally left blank



Int. No. 1354

By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins and Maisel

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks and volumetric concrete mixers

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.2 to read as follows:

§ 19-159.2 Chute closure devices required on concrete mixing trucks. a. Definitions. As used in this section, the following terms have the following meanings:

Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck or volumetric concrete mixer, used to seal the chute.

Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.

Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.

Volumetric concrete mixer. The term “volumetric concrete mixer” means a truck outfitted with separate compartments for the transport of materials to be mixed into liquid concrete.

b. No later than January 1, 2020, all concrete mixer trucks and all volumetric concrete mixers driving through the city of New York shall be equipped with chute closure devices during the transport of liquid concrete or materials to be mixed into liquid concrete.

c. The department shall have the authority to promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by the department. The department is authorized to inspect

chute closure devices and chute closure device specifications for compliance with the requirements of this section.

§ 2. This local law takes effect immediately.

AS  
LS # 8612, 8613, 8874  
11/29/18

Int. No. 1435

By Council Member Rodriguez (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the use of back seat safety belts

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.7 to read as follows:

§ 19-175.7 Use of safety belts by back seat passengers required. In addition to any requirements set forth in section 1229-c of the vehicle and traffic law:

a. No person 16 years of age or over shall be a passenger in a back seat of a motor vehicle within the city of New York unless such person is restrained by a safety belt approved by the commissioner of the state department of transportation.

b. No person shall operate a motor vehicle within the city of New York unless every passenger in the back seat who is 16 years of age or over is restrained by a safety belt approved by the commissioner of the state department of transportation.

c. The requirements of this section shall not apply to buses, school buses, as such term is defined in section 142 of the vehicle and traffic law, or authorized emergency vehicles, as such term is defined in section 101 of the vehicle and traffic law.

d. The requirements of this section shall not apply to a passenger with a physically disabling condition whose physical disability would prevent appropriate restraint in a safety belt; provided, however, that such condition is duly certified by a physician who shall state the nature of the disability, as well as the reason such restraint is inappropriate.

e. The requirements of subdivision b of this section shall not apply to drivers operating vehicles which they have been licensed to operate by the taxi and limousine commission while they are transporting passengers for hire pursuant to such licensure.

f. Any passenger 16 years of age or over or any operator of a motor vehicle who violates the provisions of this section shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not more than \$50. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article 2-A of the vehicle and traffic law.

g. In any proceeding alleging a violation of subdivision a of this section by a passenger in the back seat of a taxi or livery vehicle, it shall be an affirmative defense that such taxi or livery vehicle was in violation of subdivision 4-b of section 383 of the vehicle and traffic law, requiring the installation, in a taxi or livery vehicle, of a back seat safety belt that is visible, accessible and maintained in good working order.

§ 2. This local law takes effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1763

By Council Member Rodriguez and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to motor vehicles overtaking cyclists

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190.1 to read as follows:

§ 19-190.1 Vehicles overtaking cyclists. a. The operator of a motor vehicle overtaking a bicycle proceeding on the same side of a street shall leave a distance of not less than 3 feet between the motor vehicle and the bicycle and shall maintain such distance until such vehicle has passed the bicycle.

b. A person who violates subdivision a of this section shall be guilty of a traffic infraction punishable by a fine of not more than \$50.

§ 2. This local law takes effect 120 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

AS  
LS # 4622  
8/28/2018

This page intentionally left blank

Preconsidered Int. No.

By Council Member Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to side guards

Be it enacted by the Council as follows:

Section 1. Section 6-141 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

§ 6-141 Side guards in the city fleet and on city contracted vehicles. a. Definitions. For the purposes of this section, the following terms have the following meanings:

City contracted vehicle. The term “city contracted vehicle” means any large vehicle that is owned or operated pursuant to a contract with the city or any subdivision thereof.

Department. The term “department” means the department of citywide administrative services.

Large vehicle. The term “large vehicle” means a motor vehicle with a manufacturer’s gross vehicle weight rating exceeding 10,000 pounds. “Large vehicle” does not include street sweepers, fire engines, car carriers, off road construction vehicles, or any specialized vehicles or vehicle types on which side guard installation is deemed impractical by the department pursuant to subdivision c of this section.

Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; much achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle

sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

b. Side guards. 1. No later than January 1, [2024] 2021, all large vehicles in the city fleet shall be equipped with side guards.

2. No later than January 1, 2021, all city contracted vehicles shall be equipped with side guards.

c. The department shall have the authority to promulgate any rules necessary to administer the provision of this section, including but not limited to rules establishing side guard specifications that depart from the default specifications set forth in subdivision a of this section when such departure is deemed necessary by the department, as well as rules governing when the installation of side guards on certain city vehicles is impractical and will not be required. The department shall be authorized to inspect side guards and side guard specifications for compliance with the requirements of this section.

d. Enforcement. 1. Any owner or operator of a city contracted vehicle that violates paragraph 2 of subdivision b of this section shall be liable for a civil penalty of \$10,000 per city contracted vehicle that is in violation, returnable to the office of administrative trials and hearings. Each notice of violation shall contain an order from the department directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected within 30 days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$500 for each day that the violation is not corrected beyond 30 days from such order.



2. For the purposes of this section, if the office of administrative trials and hearings finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

§ 2. Subdivision f of section 16-509 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

f. On or after January 1, [2024] 2021, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

§ 3. Subdivision b of section 16-526 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

b. Side guards. No later than January 1, [2024] 2021, all trade waste hauling vehicles shall be equipped with side guards.

§ 4. This local law takes effect immediately.

AS/JJD  
LS 2,054  
10/2/19 12:00pm