

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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February 10, 2020

Start: 10:35 AM

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HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS: Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
Ruben Diaz, Sr.
Peter A. Koo
Stephen T. Levin
Mark Levine
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richrds
Deborah L. Rose.

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

(sound check) (pause) (background
comments/pause) (gavel)

CHAIRPERSON RODRIGUEZ: Good morning
everyone, good after-good morning, and welcome to
this hearing of the City Council Transportation
Committee. I'm Ydanis Rodriguez, the Chair of this
committee. First, let me recognize my colleagues who
are here with us today, Council Members Cabrera,
Cohen Deutsch, Koo, Menchaca, Miller and Reynoso. We
have to save lives. We need to address the epidemic
that is affecting our city of so many pedestrians and
cyclists losing their life. (Speaking Spanish)
Today, we will be voting on Proposed Intro 971-A, a
Local Law to amend the Administrative Code of the
City of New York in relation to creating a dangerous
vehicle abatement program. The bill is sponsored by
Council Member Brad Lander and I am proud to be a co-
sponsor, too. Proposed Intro 971-A, the reckless
driving initiative would create a dangerous vehicle
abatement program that requires owners of vehicles
with more than five red light camera violations or
with more than 15 speed camera violations within a
12-month period to take a Safe Vehicle Operation
course offered by the Department of Transportation.

2 The proposed bill would also allow for the vehicle to
3 be impounded if an owner fails to complete the Safe
4 Vehicle Operation course. Last month this committee
5 held an oversight—an oversight hearing entitled:
6 Improving Street and Vehicle Safety. We held that
7 hearing because over the last several months there
8 were too many vehicle crashes that killed numerous
9 pedestrians especially involving trucks. Last year
10 we saw an increase in cyclist fatalities within the
11 last couple of years reaching almost 30. Enough is
12 enough. We must begin implanting life saving
13 measures to ensure all pedestrians and cyclists are
14 protected on the road. We need to be proactive in
15 our approach to make roads safer and drivers should
16 be accountable. We need to do everything in our
17 power to increase safety for all New Yorkers and get
18 reckless drivers off our streets. This bill helps us
19 to do—do that by adding additional enforcements, and
20 an opportunity to educate the driver on the proper
21 road safety. Simply paying a \$50 ticket is not
22 enough. I will now call on Council Member Lander to
23 give a comment on his proposed bill. Council Member
24 Lander.

2 COUNCIL MEMBER LANDER: Thank you very
3 much Chair Rodriguez, and I really want to thank you
4 for your leadership of this committee, which has been
5 so critical in moving the city forward more broadly
6 toward that Vision Zero, that day when we will not
7 have anyone killed in preventable crashes. So, a big
8 thanks to you and to everyone on this committee and
9 the Council and the Speaker for that. We've done a
10 lot of work to try to address the carnage that we too
11 often see on our streets. We've worked through
12 engineering and physical changes to make our streets
13 and intersections safer so drivers slow down so
14 people have safe crossings. We've done a lot of
15 education work. We've done meaningful enforcement
16 through the expansion of the Camera Program, and most
17 drivers if they get one speed camera violation, or
18 one red light camera violation, don't like it, and
19 they slow down, and they are more careful. But we
20 all see out there those crazy reckless drivers. You
21 just see them sometimes when you're driving around,
22 someone that blows by you at a crazy high speed or
23 runs a red light or whips an illegal U-turn, and you
24 think to yourself, that guy is going to kill someone,
25 and it really is a driver like that that started the

2 road to this bill. Right about two years ago a
3 driver blew through a red light right outside my
4 district office at 5th Avenue and 9th Street in Park
5 Slope and killed four-year old Abigail Blumstein and
6 one-year-old Joshua Lew, and hit Joshua's—Abigail's
7 mom, and she lost a baby that she was carrying, and
8 that really just broke the heart of the neighborhood
9 as it so often does when these crashes happen, and
10 what we learned quickly thereafter was that the
11 driver who killed them had a history of speed camera
12 and red light violations, and we could have
13 identified this driver as a reckless driver from the
14 camera violations, and taken steps to intervene
15 before she killed Abigail and Joshua, but that's not
16 something that we or any other city is yet doing
17 focusing on the most reckless drivers based on this
18 camera data that we have, and intervening with them
19 before harm causing crashes. It's common sense that
20 the most reckless drivers are more likely to cause
21 harm through crashes, but because the camera programs
22 are new, we haven't yet set something up like this.
23 So over the last two years we've worked with a wide
24 range of people to try to design a really good
25 program that identifies those most reckless drivers,

2 holds them accountable, and takes an approach that's
3 likely to get them to change their behavior or if
4 not, to impound their vehicle, and that is this
5 Reckless Driving Accountability Act, which I am so
6 grateful and proud that we are moving forward to pass
7 in committee today. It has been—there have been some
8 real challenges. You know, the Fourth Amendment
9 provides rightly protection against, you know,
10 unreasonable search and seizure or people's property.
11 So we wanted to set up a program that provides all
12 appropriate protections to make sure that we're
13 honoring people's Constitutional rights. The Speed
14 Camera Program has been dramatically expanding.
15 We're going from 140 cameras to 750 cameras. So what
16 the right threshold is as the camera violations has
17 increasing is a big issue, and we want to take a
18 restorative justice approach that attends to
19 repairing harm, and changing people's behavior, and
20 so we're basing the course off a program that the
21 Center for Court Innovation has been running at the
22 Red Hook Community Justice Center that has had
23 something like a 40% reduction in recidivism, and
24 really when you listen to people who have taken the
25 course because they are small classes, and they hear

2 from people who have lost loved ones to traffic
3 crashes, start to make the connections that they've
4 been missing between their own reckless driving
5 behavior and the chance that someone else could be
6 injured or killed, and we want to set the program up
7 in a way that holds people accountable, and that's
8 why having the sheriff tow vehicles who do not
9 participate in the program even after they're
10 identified as reckless is important, but also offers
11 a real opportunity for people to take a course that
12 can change their behavior, and get people to stop
13 using their vehicles like weapons aimed at their
14 neighbors, and that's the program we're bringing to
15 you today, and I—I really feel proud of it. I'll
16 address two concerns I know that I've heard a couple
17 of my colleagues speak to. One is the somewhat lower
18 number of vehicles that will be covered by this
19 program. When we introduced it a year and a half
20 ago, we estimated that as introduced it would have
21 covered about 20,000 vehicles, and we're starting
22 with covering the 5,000 most reckless. So, 15 speed
23 camera violations or five red light camera
24 violations, and I sure understand the desire to have
25 it be a higher number. You know, when you see a

2 reckless driver kill or injure someone, you think
3 let's just take all their cars away, but we've got to
4 run a program that shows it works, and we believe
5 that 5,000 per year is a program that can be
6 implemented by the Department of Transportation in a
7 strong way with those small classes that really get
8 people to change their behavior, and where people
9 don't participate for the sheriff to boot or tow
10 their vehicles. There's also—and then yeah, I've
11 been asked why it's a three-year pilot program
12 instead of a program that we just start and not, you
13 know, and keep going, and this is something new and
14 groundbreaking. There is not yet really good data
15 connecting the most reckless drivers to harm causing
16 crashes or good data on what enforcement or education
17 approach will change their behavior and keep people
18 safer. So, this is being set up as a three-year
19 pilot program. One bit of good news is that doesn't
20 mean it needs to go through a big open RPF process
21 that would take as much as a year and a half or two
22 years to get started, and it also means we can do a
23 really rigorous evaluation, and so the bill provides
24 for a very thorough evaluation of the program, and
25 its impacts, and that evaluation will be ready with

2 data on the first year's cohort in the program with
3 one year after that to see how their driving has
4 changed, and then that—that evaluation will be ready
5 at least three months before the program expires so
6 that the next Council can have all that information,
7 and I believe when it proves that the program works
8 and provides even more data and evidence it will make
9 sense to expand the program back to where we
10 originally proposed it or even beyond, but also to
11 evolve as we learn more from the data and information
12 that we're getting. On last final point. This bill
13 covers the vehicles, the cameras, the red light
14 cameras and the speed cameras. What they capture is
15 a license plate. We don't know for sure who is
16 driving the car at the time that it is—is captured.
17 We know who owns that vehicle, and the vehicle is
18 being operated in a way that puts the lives of New
19 Yorkers at risk. It is becoming a nuisance what
20 we're calling here a dangerous vehicle, and that is
21 the harm that we seeking to abate. We will require
22 the owner of that vehicle to take the course to make
23 sure that it is being operated more safely, but there
24 is an opportunity for them to go to OATH and say
25 someone else is the main operator of the vehicle and

2 for the OATH judge to have that person assigned to
3 take the course. It's easy to slip into language of
4 the most reckless drivers who are obviously the ones
5 driving these vehicles when they--when they speed and
6 blow red lights, but the--the--the program we're
7 operating here this Dangerous Vehicle Abatement
8 Program is centered around a focus on those vehicles
9 and the fact that they've become as a result of the
10 reckless way they're owned a real danger to New
11 Yorkers. So that's the bill. I really want a lot of
12 people who have put their hearts and souls into
13 getting it here, and so I'm going to thank a bunch of
14 them. I'll try to do it quickly, but I--I really
15 appreciate your indulgence. The Speaker has been a
16 champion and a supporter of this bill, and Mr. Chair
17 you have as well. So thank you. Council staff who
18 drafted and worked with us on this bill have been
19 hard at work so to Kelly Taylor, Elliot Linn, James
20 Digiovanni, and Jeff Baker a big thank. Because
21 sometimes things can get-- You know, in this case we
22 worked very closely with the Law Department to try to
23 make sure everything is--is--is really thoughtful. So,
24 I want to thank Andrea Burger, Mark Mushenheim (sp?),
25 Olivia Goodman, Trevor Litman and Emily Stidleman

2 (sp?), at DOT Commissioner Trottenberg and Ben Smith.

3 DOT is going to have a lot of work to do to set this
4 program up so their work on this is just beginning.

5 Paul Choa and Anna Picey (sp?) are at City Hall and
6 in my office Julia Ehrman who is here who really has
7 been—done yeoman's work on this bill, and—and you got
8 started when Annie Levers was my Policy Director.

9 So, thanks to her as well, and then as all of this
10 work advocates have just done an enormous amount of
11 work. So to Families for Safe Streets and especially
12 Amy Cohen, Transportation Alternatives and especially
13 Mark O'Connor, to Steve Vacarro and Blythe Danner,
14 Erin Naperstack (sp?) and Eric McClure, a whole set
15 of folks who have figured out the data behind this
16 especially Brian Howell, and I encourage to follow
17 his How's My Driving bot on Twitter, and I mention
18 that program at the Center for Court Innovation—run
19 by the Center for Court Innovation at the Red Hook
20 Community Justice Center, and want to thank Adam
21 Mansky and Amanda Berman for setting it up and
22 bringing the research into this program. So, thank
23 you for indulgence of this long statement. To the
24 Chair and to committee, I really appreciate your
25 support and think look that vision of Vision Zero

2 where no one is injured or killed in a preventable
3 crash is the north star we're aiming toward. This
4 bill by itself obviously is not going to get us
5 there, but I believe we're breaking new ground in a
6 way that will have real measurable impacts at holding
7 reckless drivers accountable, and at changing
8 behavior and at saving lives and preventing injuries
9 for New Yorkers, and I really appreciate the support
10 of my colleagues. Thank you.

11 CHAIRPERSON RODRIGUEZ: Thank you,
12 Council Member Lander for your leadership on this
13 bill and the many other initiatives that we've been
14 working together. I would also like to recognize
15 that we've been joined by Council Member Levine, and
16 now I call for the vote on Proposed Intro 971-A. I
17 recommend a yes vote, and I ask the Committee Clerk
18 to please the roll.

19 CLERK: Mathieu DiStefano, Committee
20 Clerk, Committee on Transportation. Roll call vote
21 on Proposed Intro No. 971-A, Chair Rodriguez.

22 CHAIRPERSON RODRIGUEZ: Aye.

23 CLERK: Cabrera.

24 COUNCIL MEMBER CABRERA: Aye.

25 CLERK: Cohen.

1 COMMITTEE ON TRANSPORTATION

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2 COUNCIL MEMBER COHEN: Aye.

3 CLERK: Deutsch.

4 COUNCIL MEMBER DEUTSCH: Aye.

5 CLERK: Koo.

6 COUNCIL MEMBER KOO: Aye

7 CLERK: Levin.

8 COUNCIL MEMBER LEVIN: Yes.

9 CLERK: Levine.

10 COUNCIL MEMBER LEVINE: With enormous
11 congratulations to Council Member Lander and the
12 incredible coalition of advocates behind this
13 movement I proudly vote aye.

14 CLERK: Menchaca.

15 COUNCIL MEMBER MENCHACA: Permission to
16 explain my vote.

17 CHAIRPERSON RODRIGUEZ: Granted.

18 COUNCIL MEMBER MENCHACA: Thank you. I
19 also want to thank advocates. This has been a long
20 time coming, and Council Member Brad Lander has been
21 really championing this work, and we in some ways
22 never thought that this would come, and here we are.
23 As a member of the Transportation Committee, and
24 someone who represents a district that has
25 experienced immense violence on the roads with

2 reckless drivers, I want to say a few things before I
3 cast my vote. I think part of this work as
4 legislators is to really ensure that everything that
5 can be done could be done, and the two questions that
6 Council Member Lander answered were—were kind of
7 spoke to were my questions as well, the 20,000 to
8 5,000 decrease is concerning. The pilot project is
9 also concerning. I thin that pilots are one of the
10 things that the Administration, and this is an
11 administration the Mayor's Team that I've been
12 fighting for a while now, use this as an opportunity
13 to kind of slow things down, and there's no doubt
14 that this work is a step forward. My question is
15 that we still have maybe some time to push, and so
16 I'm calling on any advocates to reach out to me, to—
17 to—to kind of explain a little bit more about how we
18 can maybe push this even further before we get onto
19 the floor of the City Council. The pilot piece is
20 really I think a way to kind of slow it down that
21 might not be necessary. These are my questions, and
22 so I have questions today on the floor of the City
23 Council as a member of this Transportation Committee.
24 So, I will be voting no on this bill, and hope that
25 by the time we get onto the floor I can understand

2 this better, I can feel connected to this work in a
3 way that gets me to yes, I think I can get there, but
4 I just want to make sure that I can voice this
5 concern that I saw on Twitter, and—and I know there's
6 been a lot of responses to this, which is good, but
7 we're not done yet, and I look forward to working
8 with everybody. Thank you.

9 CLERK: Miller.

10 COUNCIL MEMBER MILLER: Permission to
11 explain.

12 CHAIRPERSON RODRIGUEZ: Permission
13 granted.

14 COUNCIL MEMBER MILLER: So, um, I
15 absolutely concur that with the intent of the
16 legislation certainly ultimately it's to change the
17 cultures where we have to get to. All of our
18 communities want to be safe. We want to keep our
19 residents of New York City whether they are residents
20 or visiting, we want everyone to be safe while on the
21 road. Um, and then secondly, education is how we get
22 to change that, but I do have some real concerns
23 about the ambiguity of this bill that there is some
24 open-ended particularly cameras. I'm—I am a little
25 concerned with the addition of—of—of the additional

2 camera considering what I have seen in my district
3 and other places and placement and the lack of
4 response from agencies as to when and how they got
5 there and why they were placed in certain places as
6 well as whether or not we can work collaboratively
7 with agencies to respond in—in a really transparent
8 way that we have yet to see. So, I'm—I'm hoping that
9 all those questions can be answered in the very near
10 future. Again, I absolutely agree with the intent,
11 but for now I'll be abstaining.

12 CLERK: Council Member, what is your
13 vote? Council Member Miller.

14 COUNCIL MEMBER MILLER: (off mic) I will
15 be abstaining.

16 CLERK: Abstain. Thank you. Reynoso.

17 COUNCIL MEMBER REYNOSO: Permission to
18 explain my vote.

19 CHAIRPERSON RODRIGUEZ: Permission
20 granted.

21 COUNCIL MEMBER REYNOSO: First, I just
22 want to start by thanking Council Member Brad Lander.
23 When I got into this Council I was endorsed by an
24 organization called StreetsPact. I was new to the
25 game when it came to the type of Council Members

2 that they want to put into office, and I was tasked
3 with making sure that I looked out for the interests
4 of pedestrians and cyclists and alternative
5 transportation users outside of vehicles, and it's
6 because of the work that these transportation
7 advocates like Transportation Alternatives and
8 Families for Safe Streets have done over the last
9 decade that really put Council—Council Members like
10 Brad like me like Council Member Menchaca in the
11 Council, and we were tasked to do a lot of work, and
12 this bill is a reflection of that advocacy working,
13 but—so I don't want to take away from this moment. I
14 want to thank the advocates and Brad. I just am very
15 concerned about 5,000 of the worst actors in the city
16 of New York are simply going to get an opportunity to
17 change behavior or fix behavior. This 5,000 of the
18 worst people. I feel like 5,000 of the worst drivers
19 just shouldn't be able to drive, and I don't think
20 that that's a tall order. Millions of vehicles every
21 single day in the City of New York. We're asking
22 5,000 people to learn how to drive again because they
23 are reckless. I don't think that that's—that's a tall
24 order to ask that they just lose their vehicles or
25 their rights to—to conduct a vehicle because they're

2 very dangerous, and they're going to kill—they can
3 kill people on the streets and they are killing
4 people on the streets. Thereafter, anything after
5 that 10, 20,000 of the next people should—we should
6 have a restorative justice practice. We should be
7 teaching people, and educating them, but it just
8 doesn't feel like a tall order to ask to make that
9 happen. And my concern with this bill is that if
10 this is what the Administration is allowing us to
11 move forward with on these type of conversations,
12 then the advocacy and the work that I want to
13 continue to do in the Transportation sector is going
14 to be very hard for me to accomplish. If this is
15 considered a monumental bill, then the stuff that I
16 want to get done is dead on arrival. It just really
17 stops the movement that I'm going to be able to move
18 forward on with other pieces of legislation, and then
19 for this to be a 36-month piece of legislation. Why?
20 I have—there's no logic. If there's 5,000 bad
21 drivers, 15 speeding tickets mean the same today as
22 they would in three years. Why put this as something
23 that would go—would sunset, and will be done after 36
24 months? Let the next Council vote against it if they
25 want, and if they don't think this is working for us.

2 You just put a sense that is a big concern. So, I'm
3 just—I'm just very concerned about—about it, but I
4 understand the realities that exist in negotiations
5 with the Administration, and the difficulties that
6 come about the work that we do. So, I don't want to
7 take away from the work that Brad Lander did to make
8 this happen. So, I'm going to vote yes.

9 CLERK: By a vote of 7 in the affirmative,
10 1 in the negative, 1 abstention, the item has been
11 adopted.

12 CHAIRPERSON RODRIGUEZ: We will leave the
13 vote open for Council Member who is around here, and
14 before we leave I would like to dedicate, you know,
15 our vote to Families for Safe Streets, and
16 Transportation Alternatives As I was speaking to one
17 of the reporters and one Jennifer Martinez she was
18 referring to, you know, how all the media was
19 covering the story when the little—and when the
20 mother lost her child on 116th and First Avenue back
21 in at the beginning of December, and for those of us
22 who were there, sometimes we think that that's the
23 last press conference that is going to be covering or
24 addressing the need to improve safety in the streets,
25 but suddenly at the end of December we had to go to

2 Queens where a mother crossing 10-years-old also lost
3 her boy plus four additional. So, I think that, you
4 know, I do agree with any concern that any colleague
5 they can have, being sure that agencies do their job,
6 but at the end of the day we have to understand that
7 we have 8.6 million in the City of New York. Only
8 1.4 million individuals own vehicles. It means that
9 7.2 million New Yorkers walk in the street, rely on
10 buses and trains, and-and everyone have to do their
11 part, but the ultimate responsible in the city of New
12 York are drivers. So, with that, thank you. My
13 colleague Lander and Council Member Levin his here.

14 CLERK: Council Member Levin.

15 COUNCIL MEMBER LEVIN: Thank you, Chair,
16 and with deep congratulations to my colleague Brad
17 Lander on this very important legislation, and really
18 keeping in mind the families that have lost loved
19 ones due to vehicular violence, I vote aye on all.

20 CLERK: Okay, the vote now stands 8 in
21 the affirmative, 1 in the negative with 1 abstention.

22 CHAIRPERSON RODRIGUEZ: So, it's the end
23 and before we leave we would like to send our prayers
24 to the family of the Policer Officers were the
25 victims of the assault, and-and yesterday we spoke

2 very loud and clear and were sure we condemn any
3 assault against any member of the NYPD. We rely on
4 them to keep our city safe. We've always been
5 working to improve the relationship between the
6 police and the community, and the only way how to do
7 it is that continue developing the mechanism of
8 respect by any level of assault on any police officer
9 is taken and should be taken as an assault of the 8.6
10 million New Yorkers. Thank you. With that, this
11 hearing is adjourned.

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C E R T I F I C A T E

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



Date February 19, 2020