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**The Council of the City of New York**

**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

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**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, *Chair*

January 12, 2021

**Oversight: Illegal Parking and Bike Lanes**

**INT. NO. 2159:** By Council Members Levin, the Speaker (Council Member Johnson), Rosenthal, Constantinides, Rivera and Van Bramer

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the department of transportation for hazardous obstruction violations

**ADMINISTRATIVE CODE:** Amends Subchapter 2 of chapter 1 of title 19

**INTRODUCTION**

On January 12, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold an oversight hearing regarding Illegal Parking and Bike Lanes in New York City (NYC or City). The hearing will explore how the Department of Transportation (DOT) is working to reduce pedestrian, cyclist and driver deaths related to illegally parked vehicles. The hearing will examine DOT’s Vision Zero plan, the steps the agency is taking to address the program’s shortcomings, and how the City will address illegal parking and bike lane obstructions in the future. In addition, the Committee will hear Int. No. 2159, introduced by Council Member Stephen Levin and Speaker Corey Johnson, in relation to hazardous obstruction by vehicles and civilian complaints to the DOT for hazardous obstruction violations. Witnesses invited to testify include representatives of the DOT, transit advocates, bike advocates, cyclists and other interested parties.

**BACKGROUND**

**Vision Zero**

Since 2014, NYC, under the de Blasio Administration, has instituted Vision Zero, a citywide initiative that operates to improve the safety of its streets throughout every neighborhood and in every borough.[[1]](#footnote-1) The initiative includes: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and a sweeping legislative agenda to increase penalties for dangerous drivers.[[2]](#footnote-2) The main premise behind Vision Zero was/is that deaths and serious injuries in traffic are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement and education.[[3]](#footnote-3) Through a collaborative effort, a number of agencies have worked together to show encouraging results, including, among other things, utilizing the City’s expanded speed camera program to reduce speeding by over 60% in locations near schools where the cameras operate; increased enforcement by the New York City Policy Department (NYPD) Traffic Bureau to penalize offenders who are driving dangerously; and ensuring that for-hire vehicles, MTA buses and City fleet drivers receive increased, state-of-the-art training and safety education.[[4]](#footnote-4) In retrospect, traffic fatalities in NYC have fallen significantly since 1990, from 701 in 1990, to 381 in 2000, to an all-time low of 202 in 2018, with traffic deaths in NYC having fallen by a third since the year before Vision Zero began.[[5]](#footnote-5)

Although the data is encouraging when looking at fatalities from 1990 to now, the citywide initiative has received a number of criticisms, mainly with the rapid increase in deaths occurring on city streets in the past two years. During a media availability on December 22, 2020, the Mayor stated that 2020 had been one of the safest years for pedestrians, but not for motorists and cyclists.[[6]](#footnote-6) A recent New York Times article indicated that the total number of traffic fatalities in 2020 was at least 243, making it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.[[7]](#footnote-7) Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in NYC, largely attributed to the lack of congestion and lack of commuters in the city at this time.[[8]](#footnote-8) However, this period did not last long, as this trend quickly reversed, with increases in overnight motorist and motorcyclist deaths, and a nationwide increase in speeding that began when streets emptied due to the pandemic and subsequent lockdowns.[[9]](#footnote-9) Although unprecedented external factors in recent times, namely the pandemic, have impacted transit systems, safe streets advocates contradict the Mayor’s assertion that Vision Zero is currently effective, by contending that a lack of action by the Administration is to blame for the increase in fatalities. They note that: reducing the budgets for Vision Zero and the Green Wave program; delaying implementation of reckless driver legislation passed by the City Council; and ignoring advice from his own expert transportation panel, has resulted in these preventable increases.[[10]](#footnote-10)

**DOT and Parking Regulations**

DOT’s goal is to provide for safe, efficient, and environmentally responsible movement of people and goods in NYC.[[11]](#footnote-11) In addition, DOT is tasked with maintaining and enhancing the transportation infrastructure that is important to ensuring their users maintain their economic vitality and quality of life.[[12]](#footnote-12) The steps that they take to ensure this include: providing safe, efficient and environmentally responsible movement of pedestrians, goods and vehicular traffic on streets, highways, bridges and waterways in NYC; improving traffic mobility throughout NYC; maintaining NYC’s infrastructure; encouraging mass transit use and other modes of transportation; and holding traffic safety educational programs.[[13]](#footnote-13) DOT’s over 5,000 employees manage an annual operating budget of $900 million and a five-year $10.1 billion capital program, while also overseeing 6,000 miles of streets and highways, 12,000 miles of sidewalks, and 794 bridges and tunnels.[[14]](#footnote-14)

DOT is the main agency that has jurisdiction over NYC’s parking regulations.[[15]](#footnote-15) NYC’s parking regulations, part of the City’s Traffic Rules and Regulations, govern where vehicles can stop, stand and park in the city.[[16]](#footnote-16) Under New York State Vehicle and Traffic Law, all of NYC is a designated Tow Away Zone, meaning that any vehicle that is parked or operating illegally, or with missing or expired registration or inspection stickers, may be towed.[[17]](#footnote-17) On certain legal holidays, however, stopping, standing and parking are permitted in most areas except those where these rules are in effect seven days a week.[[18]](#footnote-18) Despite this allowance, it is illegal for unoccupied or occupied passenger vehicles to be double-parked, including when street cleaning is occurring, regardless of location, purpose or duration, as such an act causes safety hazards and congestion.[[19]](#footnote-19) In addition, parking within 15 feet of either side of a fire hydrant is illegal.[[20]](#footnote-20)

As part of DOT’s Parking Regulations, DOT has specific rules in place regarding alternate side parking; stopping, standing and parking; T intersections; curb cuts; and parking in school zones.[[21]](#footnote-21) The City maintains alternate side parking on many streets in NYC to allow for street cleaning, however, suspends alternate side parking regulations on 34 legal and religious holidays, and makes emergency suspensions due to severe weather or other emergencies.[[22]](#footnote-22) Alternate side parking areas are generally marked with alternate side parking signs featuring a “P” crossed by a broom.[[23]](#footnote-23) In addition to alternate side parking, the NYC Traffic rules allow parking at some “T” intersections (areas without traffic signals, at all-way stop signs or crosswalk markings), even in intersections where there is a curb cut (an area of a sidewalk that has been lowered, or cut down, to facilitate access to the street).[[24]](#footnote-24) Parking is also allowed in school zones when school is in recess, however, drivers should be aware that certain schools may be open during holidays or summer vacations and thus, parking restrictions remain in effect.[[25]](#footnote-25) In addition, DOT manages over one million traffic signs in NYC to ensure safety and compliance, however, parking enforcement is the sole responsibility of the NYPD and they are responsible for administering parking tickets.[[26]](#footnote-26)

**Illegal Parking and Bike Lanes**

DOT’s parking regulations, and, ultimately, all its regulations are centered at ensuring the safe and responsible travel of pedestrians, cyclists and drivers. Illegal parking in the City, which includes vehicles that are double-parked or blocking bike lanes,[[27]](#footnote-27) may pose a safety hazard for all New Yorkers, especially cyclists. Double-parked cars often force cyclists to dart into traffic.[[28]](#footnote-28) Similarly, vehicles illegally parked in unprotected bike lanes cause cyclists to use the main part of the street. Illegal parking has been the cause of a number of traffic fatalities in recent years, including fatalities related to cyclists.

Among these fatalities, in June of 2020, an illegally double-parked car on Park Avenue in the Bronx caused the death of a cyclist.[[29]](#footnote-29) A box truck was traveling northbound approaching the intersection of East 138th Street and Park Avenue at about 5p.m. when the driver “attempted to navigate around” a double-parked vehicle, however, at the same time cyclist Jose Luis Estudillo Garcia “attempted to pass between the two vehicles” and “was struck by the rear passenger wheels of the moving box truck,” according to police.[[30]](#footnote-30) This resulted in severe body trauma and ultimately, Mr. Estudillo Garcia’s death at the scene.[[31]](#footnote-31) This fatality was similar to a number of incidences throughout the years in NYC, including the one that caused the death of cyclist Madison Lyden on Central Park West in 2018 due to a cab driver who was double-parked and a truck driver navigating around the illegally parked cab.[[32]](#footnote-32) In addition, just less than a week before Mr. Estudillo Garcia was killed, a 2013 Lexus being driven eastbound on East 138th Street killed another cyclist, Ivan Morales.[[33]](#footnote-33) Notably, Ivan Morales was biking southbound on Willis Avenue inside the two-way protected bike lane that exists there. Police did not say which person-the driver or the cyclist-ran the red light at the intersection, however, in 2019 alone, there were 23 crashes at this intersection.[[34]](#footnote-34)

**CONCLUSION**

After recording a low of ten cycling fatalities in 2018,[[35]](#footnote-35) the city has seen two consecutive years with a higher number of such fatalities. In 2020 there were at least 26 cycling fatalities[[36]](#footnote-36) and in 2019 there were at least 29 bicyclists killed.[[37]](#footnote-37) Some of these cycling fatalities were the result of illegally parked cars. During today’s hearing, the Committee seeks to learn more from DOT about their efforts to reduce illegal parking and bike lane obstructions in order to increase safety for the cycling community. In addition, the Committee will look to hear from DOT and advocates regarding Int. No. 2159.

**ANALYSIS OF INT. NO. 2159**

Int. No. 2159, introduced by Council Member Stephen Levin and Speaker Corey Johnson, would aim to reduce the number of fatalities and injuries caused by obstructions by a vehicle within a bike lane, bus lane when bus lanes restrictions are in effect, sidewalk, crosswalk, or fire hydrant when such vehicle is located within a radial distance of 1,320 feet of a school building, entrance, or exit. The legislation would impose a $175 penalty for such violations, with violations being returnable to the Office of Administrative Trials and Hearings (OATH). In addition, the legislation would require the DOT to create a civilian reporting program where civilians may submit complaints and supporting evidence for alleged violations to DOT. If such evidence or information submitted is by a civilian complainant, OATH would have authorization to award the complainant 25% of any proceeds collected as a result of such proceeding.

Int. No. 2159

By Council Members Levin, the Speaker (Council Member Johnson), Rosenthal, Constantinides, Rivera and Van Bramer

..Title

A Local Law to amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the department of transportation for hazardous obstruction violations

..Body

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 new sections 19-175.8 and 19-175.9 to read as follows:

§ 19-175.8 Hazardous obstruction. a. Except as otherwise permitted by law, no person shall park, stop or stand a vehicle within a radial distance of 1320 feet of a school building, entrance or exit in a manner that obstructs a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk or fire hydrant.

b. As an alternative to any other means of enforcement authorized by law, a violation of subdivision a of this section shall be punishable by a civil penalty of $175. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.

§ 19-175.9 Civilian complaint of hazardous obstruction. a. Any natural person, excluding personnel of the department and other employees of the city authorized to serve summonses for violations of section 19-175.8, may serve upon the department a complaint, in a form prescribed by the commissioner, alleging that a person has violated section 19-175.8.

b. The department shall publish on its website information on filing civilian complaints pursuant to this section. Such information shall include but need not be limited to instructions for filing such complaints and for gathering supporting documentation.

c. The department shall provide a tracking number to each person who submits a civilian complaint pursuant to subdivision a of this section which shall allow such person to track the status of such complaint from initiation to disposition. The department shall provide an initial status update for any such civilian complaint within three days of the submission of such complaint.

d. In any proceeding brought by the department based on a complaint submitted pursuant to subdivision a of this section, the office of administrative trials and hearings shall award the complainant 25 percent of any sums collected as a result of such proceeding.

e. No later than one year after the effective date of the local law that added this section, and annually thereafter, the commissioner shall submit to the speaker of the council and post on the department’s website a report including the number of complaints submitted pursuant to subdivision a of this section and the dispositions of such complaints.

f. The commissioner shall promulgate such rules as are necessary to implement the provisions of this section.

§ 2. This local law takes effect 120 days after becoming law, except that the commissioner of transportation shall take any actions necessary to implement this law, including the promulgation of rules, prior to such effective date.

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1. NYC, Vision Zero, available at: <https://www1.nyc.gov/content/visionzero/pages/> [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. *Id.* [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. NYC, Transcript: “Mayor de Blasio Holds Media Availability,” December 22, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/884-20/transcript-mayor-de-blasio-holds-media-availability>. [↑](#footnote-ref-6)
7. New York Times, Christina Goldbaum, “Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths,” Updated on January 1, 2021, available at: <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>. [↑](#footnote-ref-7)
8. The Gothamist, Jake Offenhartz, “Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era,” Updated October 23, 2020, available at: <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>. [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. NYC, Department of Transportation, *About DOT*, available at: <https://www1.nyc.gov/html/dot/html/about/about.shtml>. [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. *Id.* [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. NYC, Department of Transportation, Motorists & Parking, available at: <https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>. [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. *Id.* [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Id.* [↑](#footnote-ref-21)
22. NYC, Department of Transportation, Motorists & Parking, Alternate Side Parking, available at: <https://www1.nyc.gov/html/dot/html/motorist/alternate-side-parking.shtml>. [↑](#footnote-ref-22)
23. NYC, Department of Transportation, Motorists & Parking, available at: <https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>. [↑](#footnote-ref-23)
24. *Id.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
26. *Id.* [↑](#footnote-ref-26)
27. NYC, 311,“Illegal Parking,” available at: at <https://portal.311.nyc.gov/article/?kanumber=KA-01986>. [↑](#footnote-ref-27)
28. NYC, DOT and NYPD, Green Wave: A Plan for Cycling in New York City, p.19, July 2019, available for download at: <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>. [↑](#footnote-ref-28)
29. Streetsblog NYC, Gersh Kuntzman, “Double-Parked Vehicle Led to Death of Bronx Cyclist — Yet Driver is Uncharged,” Updated June 12, 2020, available at: <https://nyc.streetsblog.org/2020/06/12/double-parked-vehicle-led-to-death-of-bronx-cyclist-yet-driver-is-uncharged/>. [↑](#footnote-ref-29)
30. *Id.*  [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. *Id.* [↑](#footnote-ref-32)
33. Streetsblog NYC, Gersh Kuntzman, “Bronx Cyclist Killed by Driver on Willis Avenue,” Updated June 11, 2020, available at: <https://nyc.streetsblog.org/2020/06/11/bronx-cyclist-killed-by-driver-on-willis-avenue/>. [↑](#footnote-ref-33)
34. *Id.* [↑](#footnote-ref-34)
35. Green Wave: A Plan for Cycling in New York City, New York City Department of Transportation and New York City Police Department, p.5, July 2019, available for download at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf> [↑](#footnote-ref-35)
36. Streetsblog NYC, Julianne Caba, “Another Cyclist Killed Along Brooklyn’s Deadly Third Avenue on Christmas Morning,” Updated December 30, 2020, available at <https://nyc.streetsblog.org/2020/12/30/another-cyclist-killed-along-brooklyns-deadly-third-avenue-on-christmas-morning/> [↑](#footnote-ref-36)
37. Craig McCarthy, “NYC logs first cyclist death of 2020 – following a deadly 2019,” January 30, 2020, New York Post, <https://nypost.com/2020/01/30/nyc-logs-first-cyclist-death-of-2020-following-a-deadly-2019/> [↑](#footnote-ref-37)