

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY ON
INTRO. 2224 BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
February 24, 2021**

Good morning Chair Rodriguez and members of the Transportation Committee. I am Margaret Forgione, First Deputy Commissioner of the Department of Transportation. I am joined by Julia Kite-Laidlaw, Director of Strategic Initiatives, Ann Marie Doherty, Senior Director of Research, Implementation, and Safety, and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. We are here before you on behalf of our new Commissioner Hank Gutman. We are also joined by Chief Royster and Assistant Deputy Commissioner Chernyavsky of the NYPD. Thank you for the opportunity to testify today on behalf of Mayor Bill de Blasio.

DOT Fatality Response

I will start by walking you through DOT's process for responding to traffic fatalities and our data-driven approach for prioritizing safety enhancements citywide.

When there is a serious traffic crash, NYPD's local precinct arrives first and secures the crash site. NYPD's Collision Investigation Squad (CIS) is then called to investigate crashes that result in fatalities, likely-to-die, or critical injuries—about 350 crashes per year. CIS officers inspect and collect evidence, interview witnesses and suspects, examine vehicle mechanisms, perform field sobriety testing, and apprehend or arrest suspects.

DOT Emergency Response also responds to all CIS-investigated crashes, either when they are still active crash investigation scenes or the next morning if the crash occurred overnight. At the site, DOT's Emergency Responder obtains information about the crash, photographs the area, and assesses whether any signs, markings, signals, or street conditions are defective. The Responder submits a report to DOT's Communication Center, which then notifies the appropriate DOT Unit if repairs are needed.

DOT investigates every fatal crash site for possible safety enhancements. We evaluate the CIS report and visit the site a second time to observe traffic behavior and other field conditions. We also look at crash history and trends through a much larger crash database, including data collected by NYPD's entire patrol force—over 60,000 injuries per year—and data from New York State DOT, to determine where safety enhancements are needed most urgently.

This data analysis informs nearly all of the agency's work and Vision Zero policy. Through our Vision Zero Borough Pedestrian Safety Action Plans, we use fatality data from NYPD and severe injury data from State DOT to identify Vision Zero Priority geographies: corridors, intersections, and areas that disproportionately account for pedestrian fatalities and severe injuries, and prioritize them for safety interventions. For example, in our 2015 Manhattan Plan, we identified upper Broadway as a priority corridor, with five priority intersections between West 155th and 170th Streets. This analysis informed our 2017 Street Improvement Project in which we installed pedestrian islands, implemented signal timing changes, and more to shorten crossing distances and reduce turning conflicts.

Our data analysis also helps us understand crash patterns and trends to inform new safety treatments. Our Left Turn Crash Study looked at locations with high numbers of pedestrian and cyclist injuries from left-turning vehicles and identified the types of intersections and streets where these crashes could happen. This resulted in the development of a new treatment: “Left Turn Traffic Calming.” We implemented this treatment along with a 10-second Leading Pedestrian Interval to give pedestrians a head-start at multiple intersections along Northern Boulevard in Queens, a high-crash corridor with high pedestrian and traffic volumes. We also implement this treatment at many intersections citywide that data indicates could benefit from this safety enhancement.

Many of our programs are also designed and implemented based on crash data. We use this data to develop our annual Street Improvement Projects, which are comprehensive street redesign projects at high crash intersections or corridors. Our Proactive Warrant Analysis program uses fatality, injury, and crash data to identify locations for inclusion in signal studies, rather than relying solely on requests from the public. Our speed cameras are installed in locations based on a mix of speed and crash data.

Finally, we develop education and strategic communications campaigns and work with NYPD to target enforcement based on crash data. For example, the City’s Dusk and Darkness safety initiative emerged from DOT’s analysis of serious injury and fatality crashes, which revealed a pattern of increased danger related to earlier sunsets in the winter months. For five years in a row, we have worked with NYPD on education and enforcement campaigns during these months.

Intro. 2224

Now turning to Intro. 2224, sponsored by Chair Rodriguez, Speaker Johnson, Council Member Lander, and Council Member Levin. This bill would require DOT to create a new Crash Investigation and Analysis Unit, which would have the primary responsibility for investigating, analyzing, and reporting on all serious vehicular crashes. The unit would be required to review the street design at each serious crash location and any available crash data for locations with similar street design or infrastructure citywide. The unit would also need to determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes and make recommendations for changes at the crash location or citywide.

We oppose this bill for several reasons. First, as I have just described, DOT has a robust system in place for evaluating traffic fatalities and analyzing crash data to enhance safety citywide, which includes developing broadly applied design interventions based on lessons we learn from analyzing crash site characteristics, as the bill would require. This is at the heart of our agency’s work and core to our mission.

It is critical that DOT retain the discretion to prioritize such enhancements where they would have the greatest safety benefit and to determine which locations to study and change. Not every traffic fatality can be prevented with street redesign or new infrastructure, and not all interventions and locations yield the same results. This legislative mandate would hamper our proven effectiveness and second-guess our professional expertise.

Second, the role that the bill seeks to transfer to DOT is a law enforcement function that must continue to be performed by law enforcement personnel. NYPD's CIS officers are experts in criminal collision investigations and are on-call 24/7 to respond immediately to crash scenes to collect and preserve evidence. As you will hear from my NYPD colleagues, these officers typically need at least 10 years of police experience to be considered for the squad, and receive numerous specialized training courses, including a multi-week course specific to vehicle collisions. This squad of experts is highly skilled and has significant experience collecting evidence, interviewing witnesses and suspects, performing field sobriety tests, and providing testimony for the prosecutors' offices. Taking over primary responsibility for investigating crashes and potentially staffing the unit with law enforcement personnel with comparable experience and training would be a massive, challenging undertaking for our agency that is outside of our expertise.

DOT is committed to enhanced accountability and serious consequences for reckless driving. But this bill would have the opposite effect. Prosecutors rely heavily on CIS's investigative work. Shifting these investigations to DOT, an agency without specialized law enforcement expertise—at least in the first few years—could severely compromise the prosecutors' cases and lead to fewer convictions, effectively decriminalizing vehicular deaths and bringing fewer reckless drivers to justice.

Third, given the City's current fiscal crisis, it is essential that DOT be able to focus our resources on meeting our key commitments. This bill would require the Crash Investigation and Analysis Unit to respond to nine times the number of crashes NYPD CIS currently investigates—requiring hundreds of new personnel—and would be a huge undertaking outside of our expertise at a time when the staffing of our essential operations is already strained.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify today. DOT looks forward to working with you towards our shared goal of increasing safety and accountability on the city's streets. We would be happy to answer any questions after you hear from NYPD.

**STATEMENT OF DEPUTY CHIEF KIM Y. ROYSTER
TRANSPORTATION BUREAU
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL TRANSPORTATION
COMMITTEE
WEDNESDAY, FEBRUARY 24, 2021**

Good Morning, Chair Rodriguez and members of the Council. I am Chief Kim Royster, the New York City Police Department's (NYPD) Chief of Transportation. I am joined today by Assistant Deputy Commissioner of Legal Matters, Oleg Chernyavsky. On behalf of Police Commissioner Dermot Shea, I would like to thank you for this opportunity to discuss the role of the NYPD's Collision Investigation Squad and the Department's response to and investigation of serious traffic collisions.

At the outset of my testimony, I want to discuss the work of the NYPD's Collision Investigation Squad or CIS. This is the specialized unit tasked with investigating the city's most serious traffic collisions. CIS is called to major incidents where there is a critical injury, as determined by on-scene EMS, there is a serious injury and the party is likely to die, or a person dies as a result of the collision. CIS will also respond to collisions involving vehicles that have fled the scene after rendering any party involved in a critical condition. CIS can also be called to the scene by any executive member of the Department if they determine that the situation warrants it. In addition to CIS, the NYPD also deploys the Collision Technician Group ("CTG"), who assist CIS Detectives in examining evidence at the scene of a collision. CIS is currently comprised of a team of 22 Detectives, 5 Sergeants and 1 Lieutenant, while CTG currently has 13 Police Officers, 1 Sergeant, and 1 Lieutenant. These dedicated public servants are integral to improving public safety.

In order to join CIS, members must typically first advance through the ranks of Highway Patrol where they gain years of hand-on experience in processing collision scenes. Typically, members have at least ten years' experience as a police officer, must have been selected to join the Highway District, and must then have been assigned to the CTG. Upon joining CTG, members receive the training necessary to properly analyze, collect and document the evidence found at collision scenes. They are trained in the use of sophisticated equipment which enables them to accurately reconstruct a collision scene. Upon moving up to CIS, members are required to complete the 15-day Criminal Investigators Course; where they learn about forensic DNA and trace evidence, how to manage a crime scene to collect and preserve evidence, the requirements for search warrants, interview techniques and the laws concerning questioning of suspects. These members must also complete the ten-day Homicide Investigators Course; where they receive a comprehensive and intensive treatment of concepts and techniques in homicide investigations and training from the Medical Examiner. Moreover, they must also complete the 5-day advanced roadside impairment course, and must be trained in standard field sobriety tests.

On top of this, CIS investigators receive 9 weeks of training specific to automobile collisions. In partnership with Northwestern University, these courses include basic crash investigation, crash reconstruction, vehicle dynamics, crash investigations with human factors, and injury biomechanics. Members of CIS must be proficient in knowledge of algebra, trigonometry, mathematical order of operations and physics to complete the curriculum.

I believe that it would also be helpful to discuss what goes into a collision investigation to provide members of the Council with background information on the work we do and why the NYPD is the best agency to conduct these investigations. Collision investigations, are at their core, criminal investigations, which is within the basic functions of the NYPD and our officers in CIS and CTG are well-positioned to conduct these investigations.

Whenever CIS is requested to respond to the scene of a collision, CTG members also respond. CTG is similar to the Department's Crime Scene Unit which is responsible for processing the scene of serious crimes such as a homicide or a robbery for evidence. CTG members are the Department's experts in not only collecting evidence at the scene of vehicle collisions, but are actually able to reconstruct the scene of serious collisions. Among their duties at the scene of serious collisions, CTG members take measurements of the entire scene, measure skid marks, collect physical evidence (including DNA when appropriate), take photographs, and canvass the area for video evidence. CTG members also examine the drivers involved for signs of impairment using standard field sobriety testing and portable breath testers.

CIS investigators commence their investigation utilizing the information obtained by the CTG. CIS members interview witnesses, question vehicle occupants, obtain subpoenas, execute search warrants, review evidence, and ensure that the vehicle's onboard computer is obtained for analysis. If the facts of the case warrant, an arrest will be effected at the scene. If not warranted, the CIS investigators will work closely with the borough District Attorney as the investigation proceeds and the case is built. The District Attorney will evaluate the case presented by the CIS investigators and make the ultimate determination as to whether an arrest is warranted. CIS investigators will confer with the Office of the Chief Medical Examiner, testify in front of empaneled grand juries, and consult with the Detective Bureau to establish criminal patterns. At times, individuals who are involved in deadly collisions have been found to be involved in other criminal activities.

I would also like to highlight infrastructure that the NYPD has in place that is critical for the proper investigation of any collision. First, the NYPD already has a team of Drug Recognition Experts, who have been trained in recognizing whether a person is under the influence of controlled substances. Their expertise is invaluable in determining criminality in a collision. Moreover, the NYPD has a long standing and well established Property Clerk's Office which stores evidence. In order to prosecute a crime, the District Attorney must establish the chain of custody of all evidence from the moment it is collected to the time it reaches the court room. Any small break in the chain of custody could result in the evidence being inadmissible in court. Having robust evidence control procedures, which are already in place in the NYPD, is essential to prosecuting a criminal case. Moreover, automobiles are frequently evidence in such cases and secure storage facilities are essential to maintaining the chain of custody of the vehicle itself.

All of this work is essential to Vision Zero. As an interagency task force, each agency brings specific expertise to the table. This interagency partnership is critical to the success of the initiative, and we at NYPD are committed to bringing our wealth of investigative expertise to ensure the safety of our streets.

Since I have taken over as Chief of Transportation, I have tasked CIS with providing outreach to the families of individuals involved in these serious collisions. Our officers are trained to engage with families in a professional and courteous manner. Each family is provided with resource guides at their initial consult with CIS investigators which are tailored to each individual case. I believe that communication with family members is essential and I will ensure that we continually improve this process.

I want to take this opportunity to highlight how fortunate the NYPD is to have such a committed partnership with DOT. DOT plays a crucial role in these investigations by responding to the collision scene and using their design and engineering expertise to determine if there may have been any underlying causes of the collision. Other than our side by side work in the field, the NYPD and DOT attend weekly Traffic Safety Forums where precincts and DOT borough teams are able to share information and promote continuous conversation to improve traffic safety. Additionally, we have a monthly DOT/NYPD interagency meeting.

I would now like to turn my attention to the legislation being considered today. Introduction 2224 would transfer the investigative authority of certain collisions from the NYPD to the Department of Transportation. The Department is committed to its partnership with DOT in making the City's streets safe for all New Yorkers. However, criminal investigations are the core functions of a police force. Our CIS investigators are experts in collision investigation and have years of experience and training. Requiring DOT to perform these tasks without the specialized personnel, training, facilities, and systems in place will create significant gaps that will not only undermine the success of collision investigations, but will also not be beneficial to the victims of those collisions and their survivors.

Finally, the reporting requirements of this proposal are overly broad and raise serious privacy and investigative concerns. It would mandate the publication of all evidence, even photographs depicting deceased individuals that should not be made public and would compromise the confidentiality of criminal investigations.

In closing, the Department takes very seriously its responsibility for providing safe streets for motorists, pedestrians, passengers, and cyclists. However, we must oppose this legislation for the reasons we have discussed, as it would inappropriately transfer a core law enforcement role from the agency best suited to perform it.

Thank you for the opportunity to speak with you today, and I am pleased to answer your questions.



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Re: Int. No. 2224-2021, a local law to amend the Administrative Code of the City of New York, in relation to the creation of a crash investigation and analysis unit within the Department of Transportation

Dear Speaker Johnson, Chairperson Rodriguez, and Council Members Lander and Levin:

As prosecutors, we share your goal of keeping New York City residents safe from vehicular crashes. We appreciate and thank you for your continuing work to ensure that fewer pedestrians, cyclists, and drivers are seriously injured or killed on the City’s roads. This Council has demonstrated time and again its strong commitment to holding drivers accountable for vehicular crimes, including by passing Administrative Code 19-190 (Failure to Yield) and the Reckless Driver Accountability Act. That unwavering commitment has proved to be critical to the success of our collective effort to make New York City roads as safe as possible.

Ahead of the February 24, 2021 City Council Committee on Transportation hearing, and in the spirit of our joint commitment to street safety, we write to express concerns regarding Int. No 2224-2021. The bill seeks to enhance collision investigations by expanding the number of collision scenes that are investigated, doing more to assess whether the collision site presents any environmental, structural, or physical safety risks, and implementing roadway design changes where appropriate to improve driver, pedestrian, and bicyclist safety at the crash location. We support your efforts to improve safety on the City's roads, and are concerned that the bill as drafted will have the unintended result of impairing our abilities to provide victims of vehicular violence with opportunities for justice and to hold drivers accountable for vehicular offenses.

Our main concern is that the proposed bill vests DOT with the "primary" responsibility of investigating collisions. We believe that it is critical to street safety and driver accountability that collision scenes be regarded as potential crime scenes. Accordingly, highly trained law enforcement personnel must first secure the scene and collect evidence for use in any possible criminal prosecution. There are specific legal requirements for doing this, and failure to properly secure the scene and collect evidence may result in a case being dismissed.

Crash investigation and reconstruction is a highly specialized and technical field and proficiency requires hundreds of hours of classroom training and years of field work. The City has already invested substantial financial resources to train detectives of the NYPD Collision Investigation Squad ("CIS") in this regard. CIS detectives have received training, for example, in the analysis of crush energy, pedestrian strike analysis, downloading and analyzing motor vehicle Event Data Recorders, and classroom sessions in Basic and Advanced Crash reconstruction. Furthermore, fast-moving improvements in vehicle technology require extensive ongoing training as it becomes increasingly more sophisticated; CIS detectives regularly receive such training.

Additionally, this legislation greatly expands the number of crashes that must be investigated. If DOT is required to investigate all crashes with serious injury, that would be approximately 3,600 cases a year; by comparison, there are approximately 71,000 crashes resulting in injury citywide each year, according to DOT statistics. Currently, CIS is staffed by 23 investigators. DOT's new unit would need to be staffed by a vastly larger number than CIS.

State Vehicle and Traffic Law Section 603 and other state laws compel police officers to respond to crash scenes and to provide motor vehicle reports and other paperwork to state agencies. The proposed bill potentially presents logistical coordination issues because those state law responsibilities would remain with the NYPD, and in carrying them out the NYPD cannot be just another agency responding to a crash scene, but must be the "primary" responder. Otherwise, crucial evidence could be lost.

Many car crashes are the result of intoxicated or drugged driving, and we share the goal of holding these drivers accountable for the harm they cause. Only police officers are granted authority by state law to perform certain law enforcement functions, including obtaining search warrants and conducting breath testing. Time is of the essence in these scenarios, and if the CIS officers on the scene are in any way slowed down in obtaining or executing a search warrant for a driver's blood to prove the existence of alcohol or drugs in the driver's system, then critical evidence will be lost. So, too, other aspects of criminal investigations require infrastructure that is simply unavailable to DOT, including an evidence collection unit that can properly gather, preserve, voucher, and store evidence as well as specialists who can take measurements and take, process, and store photographs and videos. Criminal investigations also often require testing of hairs, fiber, blood, and other biological samples.

Under the law, the Medical Examiner's office, an independent agency, is not obligated to test such samples from civilians.

We agree that DOT investigators are in the best position to evaluate road design defects, and we take no issue with DOT personnel responding to crash scenes. In fact, CIS already works closely with DOT for the purpose of road re-design where appropriate. DOT bases road design changes on detailed and extensive statistical analysis coupled with the information gained by working alongside CIS. But evaluations of the built environment, which by its nature is not in danger of disappearing, must not be given priority over evidence collection in the immediate aftermath of a crash.

We have listened to street safety advocates who for years have expressed concern that vehicular collisions are not treated seriously by law enforcement. They have taught us to think, not in terms of "accidents," but of crashes that in many cases are preventable and caused by actions of drivers for which they should be held accountable. We know that accountability does not always require incarceration or a criminal conviction, but when someone is killed or seriously injured by the preventable actions of a driver, we believe that there is a role for law enforcement.

Our goal as prosecutors – like your goal as legislators – is to improve street safety and protect the citizens of New York. While we believe that enhancing DOT's ability to conduct collision investigations and assess whether collision sites present environmental, structural, or physical safety risks is a laudable objective, we respectfully submit that as written the bill could have serious unintended consequences. For that reason, we urge the City Council to consider other ways of enhancing DOT's ability to use the results of crash investigations to effect road design change. We are always open to discussing constructive measures that will have a positive impact in reducing vehicular violence in New York City, such as, among other things, expanding the capabilities of CIS, which would allow them to broaden the categories of crashes they investigate.

Sincerely,

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Cc: New York City Department of Transportation Commissioner Henry Gutman
NYPD Transportation Bureau Chief Kim Y. Royster
NYPD Highway District Collision Investigation Squad Lieutenant Jagdeep Singh



Testimony of
Richmond County District Attorney Michael E. McMahon
before the New York City Council’s Committee on Transportation
Regarding Legislation: Int 2224-2021
February 24, 2021

Good Afternoon Speaker Johnson, Chairman Rodriguez, and members of the Committee. Thank you for allowing me to appear before you today to present this testimony on today’s important topic.

As District Attorney, my primary concerns are to serve victims of crime, uphold the rule of law, and keep our communities safe by preventing and prosecuting crime. I share your goal of wanting to make our City’s roads safer, and, as a prosecutor, I commend this committee for their strong commitment to holding drivers accountable for traffic violence, including by passing Administrative Code 19-190 (Failure to Yield) and the Reckless Driver Accountability Act.

However, it is because of our joint mission to improving the public’s safety as well as the safety of our streets, that I feel it is my duty to speak out against bill Int 2224-202, which is before this committee. This legislation is flawed for many reasons, but most significantly, if enacted, it would drastically hamper law enforcement’s ability to investigate and hold offenders accountable for serious vehicular crimes and would prevent my office and the city’s other District Attorneys from securing justice for the victims of these crimes.

Under the proposed legislation, the city’s Department of Transportation would take over the “primary responsibility” for investigating crash scenes, effectively yanking these duties from the NYPD’s Collision Investigation Squad. As I have already stated, this is a misguided and dangerous move that will have a serious impact on the prosecution of vehicular crimes and hurt innocent victims throughout the five boroughs.

Prosecutors in our Vehicular Crimes Unit rely enormously on the early investigative work done by CIS officers at the scene of fatal or serious crashes. These specially

trained officers are experts in conducting criminal collision investigation and reconstruction, with years of experience in collecting, recovering, examining and vouchering evidence, interviewing witnesses and suspects, providing testimony, and assisting in the overall prosecution of a vehicular case.

It is critical to street safety and driver accountability that collision scenes be treated as potential crime scenes. Accordingly, highly trained law enforcement personnel must first secure the scene and collect evidence for use in any possible criminal prosecution. There are specific legal requirements for doing this, and failure to properly secure the scene and collect evidence may result in a case being dismissed.

Crashes involving death or serious injury are tragic. Before changing the responsibility of the unit that is tasked with investigating such serious crashes, one must understand what those investigations actually entail. Some crashes have readily apparent criminality and all parties to the crash remain on scene so that the criminal investigation can take place in one location. However, many times, particularly in cases involving crashes where one of the drivers flees the scene of the collision, a real time criminal investigation needs to take place. CIS investigators often engage other police units immediately after their response to the scene in an effort to apprehend and arrest the person believed to be responsible for the collision. Furthermore, there are occasions when CIS' criminal investigation leads them out of state in furtherance of their investigation. That is where the training and experience of CIS detectives is invaluable. These detectives, experienced in the fields of forensic collection, vehicle recognition, witness interviews, and video surveillance retrieval conduct timely and critical investigations while time is of the essence and quick thinking and analysis is needed. CIS detectives, with assistance from the Richmond County District Attorney's Office's Vehicular Crimes Unit, work quickly and tirelessly to ensure that all investigative steps are taken to evaluate and prioritize investigative steps. Thorough investigation by experienced detectives, utilizing the newest technology, allows the prosecution to build a case against dangerous and criminal drivers to ensure justice and safety. Decades of law enforcement experience is relied upon to fully analyze and successfully investigate a possible criminal collision. CIS detectives not only conduct the highly technical investigations but, also provide testimony in court so that the complexity of their investigation can be delivered to a jury in a comprehensible manner.

It is hard to believe that the City Council—who claim to care deeply about making the streets safe for drivers, passengers, pedestrians, and cyclists—would even consider handing off such immense responsibilities to a non-NYPD agency with no expertise in collision investigation or potential criminal prosecution. The bill also remains ambiguous as to how DOT would work in conjunction with law

enforcement to ensure evidence is preserved and proper procedures are followed to establish probable cause when an arrest must be made.

For members of a new unit within DOT to become equipped to handle these tasks will take substantial time and, as the City continues to experience an exceedingly difficult financial situation, significant funding. Further, if the sponsor and the Council have concerns regarding CIS' historical response to incidents across the City, addressing those concerns while maintaining CIS' current role and responsibilities is a far more appropriate, realistic, and cost-efficient option than what this legislation proposes. As written, this legislation is unpractical and unfeasible to implement on its current timeline given the training gap for the new positions at DOT.

This legislation will also impact our ability to hold intoxicated or drugged drivers accountable. Only police officers are granted authority by state law to perform certain law enforcement functions, including obtaining search warrants and conducting breath testing. Time is of the essence in these scenarios, and if the CIS officers on the scene are in any way slowed down in obtaining or executing a search warrant for a driver's blood to prove the existence of alcohol or drugs in the driver's system, then critical evidence will be lost. So, too, other aspects of criminal investigations require infrastructure that is simply unavailable to DOT, including an evidence collection unit that can properly gather, preserve, voucher, and store evidence as well as specialists who can take measurements and take, process, and store photographs and videos. Criminal investigations also often require testing of hairs, fiber, blood, and other biological samples. Under the law, the Office of the Chief Medical Examiner, an independent agency, is not obligated to test such samples from civilians.

Further, New York State Vehicle and Traffic Law Section 603 and other state laws compel police officers to respond to crash scenes and to provide motor vehicle reports and other paperwork to state agencies. The proposed bill potentially presents logistical coordination issues because those state law responsibilities would remain with the NYPD, and in carrying them out, the NYPD cannot be just another agency responding to a crash scene, but must be the "primary" responder. Otherwise, crucial evidence could be lost. In short, it sounds like a bureaucratic nightmare that will end with victims falling through the cracks in the system.

I shudder to think how this proposed unit would handle complicated and intricate cases — such as the case involving defendant Pedro Abad, the New Jersey police officer who crashed in 2015 going the wrong way on the Staten Island Expressway while driving drunk, killing his two passengers, and seriously injuring a third victim.

Due in part to the excellent investigative work by CIS, my office was able to convict this defendant at trial and secure the maximum prison sentence. Together, we won justice for the victims.

At the same time, under this bill, the focus of DOT would be split between conducting investigations and developing new proposals for safer roads based on information gathered from a crash scene. These important, but clearly distinct tasks, should be handled separately by the experts of each respective agency, not lumped together where mistakes can more easily occur.

I agree that DOT investigators are in the best position to evaluate road design defects, and I have no problem with DOT personnel responding to crash scenes. In fact, CIS already works closely with DOT for the purpose of road re-design where appropriate. DOT bases road design changes on detailed and extensive statistical analysis coupled with the information gained by working alongside CIS. But evaluations of the built environment, which by its nature is not in danger of disappearing, must not be given priority over evidence collection in the immediate aftermath of a crash.

We all want to reduce traffic injuries and fatalities while creating safer roads for drivers, pedestrians and cyclists — especially on Staten Island, where a lack of public transportation and heavy reliance on cars makes this goal even more essential to our safety and the safety of our loved ones. Effectively eliminating the NYPD's squad and transferring the primary responsibility for investigating serious vehicular crashes to a new unit within the DOT, is, stated simply, a bad idea and a solution in search of a problem.

Our goal as prosecutors – like your goal as legislators – is to improve street safety and protect the citizens of New York. As written, this bill could have serious unintended consequences on our ability to keep our streets and highways safe, with none suffering more than the victims of vehicular crime. Prosecutors and police officers swear an oath to protect our citizens and ensure justice is served, but this proposal makes it impossible for us to reassure victims or their loved ones that their case is being taken seriously and handled correctly. I urge this committee to seriously review all of the facts presented here today and to consider the serious impact this legislation could have on holding drivers accountable for traffic violence.

Thank you.



**Testimony of Queens County District Attorney Melinda Katz
To the Committee on Transportation**

**Virtual Hearing on Int. No. 2224-2021, a local law to amend the Administrative Code of the City of New York, in relation to the creation of a crash investigation and analysis unit within the Department of Transportation
February 24, 2021**

I would like to thank Speaker Johnson, Chairperson Rodriguez, Council Members Lander and Levin and the Members of the Committee on Transportation for the opportunity to appear virtually before you today to discuss crash scene investigations.

Few are more concerned about the safety of our roads in New York City than I am. While the bill before you is clearly well intended, it is the unintended consequence of hindering our ability to hold dangerous drivers accountable that has prompted me to testify today.

Every one of these collision scenes is a potential crime scene. Investigations at these crime scenes require both the expertise and authority of trained law enforcement personnel to hold drivers accountable for dangerous driving.

Since I took office just over a year ago, we have worked hand in hand with highly trained NYPD Collision Investigation Squad (CIS) detectives at over 90 collision scenes involving deaths. Assistant District Attorneys assigned to the Homicide Bureau are on call 24 hours a day/ 7 days a week to respond to all vehicular collisions where pedestrians, cyclists and motorists are killed or deemed likely to die. These assistants are specifically trained in the investigation and potential prosecutions that may arise out of these collision scenes. An integral part of the success of our work is our coordination with CIS detectives.

In investigating and prosecuting vehicular cases, we rely upon the expertise of CIS detectives. CIS not only has the responsibility to investigate these crash scenes, but the unique skill set to do so. CIS detectives are specially trained in crash reconstruction, the analysis of crush energy and pedestrian strikes and are knowledgeable about ever advancing vehicle technology. Ultimately, they may be called upon to assist in the determination of criminality and potentially testify before a Grand Jury or at trial.

In addition to their specialized knowledge, CIS detectives, as police officers, are specifically authorized by the criminal procedure law to perform many crucial functions. Critical evidence must be collected and stored in a way that will later allow for admissibility at trial. The crime scene must often be preserved in anticipation of the collection of additional evidence and analysis. As police officers, they are authorized to obtain samples for chemical analysis of a suspect's breath, saliva and blood. Without such evidence, our ability to hold responsible those who are driving while impaired by drugs and/or alcohol and kill or maim

others would be severely curtailed. On the other hand, our ability to clear those not criminally responsible would likewise be hampered.

Most notably, police officers are authorized to obtain a search warrant to collect additional evidence in investigating these collision scenes, a crucial function unavailable to DOT investigators. The timing of obtaining such warrants is critical. Since January, 2020, my office has worked with CIS to expeditiously obtain two dozen court authorized search warrants to obtain evidence that may be found in:

- The vehicle itself
- A download of the vehicle's "Black Box", which can provide CIS investigators with scientific evidence of speed, braking and acceleration in crashes
- DNA and forensic samples to help identify suspects and exonerate others
- Blood samples for chemical testing, which are time sensitive for determining levels of alcohol or drugs at the time of the crash

As Queens County's District Attorney, it is my duty to help prevent these crimes and make the streets safer for all of us. Vehicular violence is a threat to public safety and will not be tolerated. We will hold dangerous, criminal drivers accountable, and we need the experience and authority of trained law enforcement personnel to do so.

In a hit and run case this past year, CIS detectives and my office worked together to obtain court authorized search warrants for the vehicle's air bags which helped to identify the suspect that killed a passenger in the vehicle he hit. In another vehicular case, we were able to obtain a search warrant in the middle of the night based on information provided by a CIS detective for a driver's blood order after the driver refused to provide a breath or blood sample to measure his blood alcohol level at the time of the crash. Through an expedient and thorough investigation at the time of the incident, working with CIS we were able to hold the driver accountable and bring criminal charges.

Taking the primary responsibility of investigating vehicular crash scenes out of the hands of the NYPD will undoubtedly have a detrimental effect on our ability to prosecute dangerous drivers and to provide some sense of justice to those left behind. Collision scenes involving death are possible crime scenes. The resulting investigations must be led by specially trained law enforcement.

I thank you for the opportunity to appear before you today. I look forward to working with you and your staff as we continue to navigate these challenging times and move forward in the months ahead.

Statement of Mark Henry, Amalgamated Transit Union (ATU) President/Business Agent, ATU Local 1056 to NYC Council Committee on Transportation Hearing on the Establishment of a Crash Investigation and Analysis Unit within the DOT, February 24, 2021

Thank you, Chairman Rodriguez a for this opportunity to present on behalf of Amalgamated Transit Union (ATU) Local 1056. I am Mark Henry, President/Business Agent of the local and chair of the ATU NYS Legislative Conference Board. Including New York City, ATU represents more than 25,000 hard-working transit workers across New York State; other ATU cities include Albany, Binghamton, Buffalo, Rochester and Syracuse.

ATU appreciates this opportunity to provide commentary on Int. No. 2224 which calls for establishing a crash investigation and analysis unit within the City's DOT. This is a clear duplication of services. Often legislation in the transportation and transit spheres gets developed with little, if any, discussion with labor or the agencies impacted by this intro.

The members of Local 1056 based in Queens operate and maintain NYC Transit bus routes serving Queens with some routes extending into The Bronx, Brooklyn, and Manhattan. Other ATU Locals include Local 1179 in Queens, Local 726 in Staten Island, and Local 1181 in Brooklyn. We serve the riding public.

As we have shared previously with this committee and others, ATU across the five boroughs represent members who work under expired contract that the MTA **REFUSES** to update. This intro seeks to corral and or control the narrative on accidents and is not designed to present true unbiased opinion of facts.

The Council, by introducing this kind of legislation, reflects that same insensibility evidenced by the MTA in its lack of consultation on our contract, in moving an intro both flawed in its intent and in its consideration of public safety. Indeed, ATU also finds Int. No. 2224 extremely biased against motor vehicle operators.

This ill-formed legislation fails to take into account the many public agencies that rely on workers operating vehicles of all kinds that traverse city streets; this includes Police, Fire, EMS, Sanitation, Taxis and Bus Public Transit, School Buses, DOT, Corrections, DEP and Parks.

Currently, NYPD handles all accident investigations and should continue to do so. Stripping the NYPD of its highly trained and certified function of evaluating accidents lacks any merit and demonstrates a total lack of fiscal sense.

Giving the unquestioned authority to a new investigative unit that would be imbedded in the DOT simply wastes resources and is time-consuming. It is just another attempt to litigate instead of educating the masses.

Similarly speaking, the Vision Zero legislation that was enacted by this body was well intended but also globally flawed; the arrest of civil servants at accident locations under that legislation demonstrates the same misguided thinking that evidences itself in Int. No. 2224. Both fail to look at the overall impact of the legislation on transportation in the city.

The intro seeks to invest unlimited, unmentioned and vague powers into the DOT as part of a shift of investigations from NYPD to DOT envisioned by this legislation; simply put doing so will inflict irreparable harm to the many civil servants who must operate vehicles for their employment.

This bill does not focus at all on the need for education and remedial enforcement which this city greatly needs; the intro merely seeks to shift resources from a well-established agency that has performed this accident investigative function with expertise and attempts to corral information and provide a spin of alleged facts and statistics that cannot be challenged.

There is no check or balance embodied in this bill against ideologically driven initiatives unsupported by the data.

The legislation does not consider the unlicensed scooters and the bicyclists who disregard traffic regulations with impunity as they travel city streets and sidewalks, who also have struck and killed pedestrians. The sensibility this legislation unlocks in fact gives those who rider scooters and bike free reign to continue to their reckless riding with their movements unchecked.

The neighborhoods of this city are not cookie cutter in the manner that this legislation projects.

This piece of legislation put together under the guise of public safety. The monitoring of City streets by the Department of Transportation lacks any track record to reward that agency unchecked enforcement abilities. They have been poor communicators in their traffic safety and planning functions to date.

ATU extends our condolences on the losses of the families that have been impacted at this level. But this legislation does not provide the result or true accountability.

We opposed this introduction in its entirety. No feasible reason exists for Int. No. 2224.

I appreciate you holding this hearing to hear from those directly impacted. I am happy to serve as a resource and offer advice and guidance on this and other issues as we move forward.



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**Statement of Jose DeJesus, Amalgamated Transit Union (ATU) President/Business Agent, ATU Local 1179
to NYC Council Committee on Transportation Hearing on the Establishment of a
Crash Investigation and Analysis Unit within the DOT, February 24, 2021**

Thank you, Chairman Rodriguez, for this opportunity to present on behalf of Amalgamated Transit Union (ATU) Local 1179. I am Jose DeJesus, President/Business Agent of the local.

The members of ATU Local 1179 in Queens, Local 726 in Staten Island, Local 1056 also in Queens and Local 1181 in Brooklyn serve the riding public. Local 1179 members operate and maintain MTA Bus routes serving Queens with some routes extending into Brooklyn and Manhattan. ATU members are working under an expired contract that the MTA **REFUSES** to update. The MTA already settled a new contract including new wages for the workers represented by TWU Local 100; this creates two classes of workers paid differently to perform the same work.

In this context, we offer our concerns on Int. No. 2224 which ATU understands got first introduced earlier this month. It calls for intending to establish a crash investigation and analysis unit within the NYC Department of Transportation. The NYPD currently investigates serious vehicular crashes and clearly has special expertise in this regard. Creating a new unit in another agency without established investigatory expertise does not make sense and may allow for the injection of ideology where dispassionate analysis and investigation remains important.

ATU members and bus operators for TWU Local 100 already face concerns of arrest under the implementation of the Vision Zero law; we were promised it would not cover bus drivers but those understandings were not followed. ATU certainly supports analysis and investigation of vehicle accidents involving significant injuries; we emphasize safety and are proud of our bus operators. ATU certainly would welcome a process that regularly recommends safety-improvements to street design and infrastructure, and posting such reports on the Internet.

Our concern remains establishment of a new unit lacking the investigatory expertise. ATU calls for discussions on the implications of this legislation before further consideration is forum such as these.

Thank you for this opportunity to testify. I am happy to serve as a resource and offer advice and guidance on this and other issues as we move forward.

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Testimony of StreetsPAC, Int 2224-2021

New York City Council Committee on Transportation Hearing
February 24, 2021

Testimony of Eric McClure, Executive Director, StreetsPAC

Int 2224-2021: Support

StreetsPAC strongly supports Intro 2224-2021, which would transfer responsibility for investigating serious vehicular crashes from the NYPD to the Department of Transportation.

As currently constituted, the NYPD's Collision Investigation Squad investigates only a small fraction of the crashes that result in death or serious injury, which number in the thousands annually. And when they do investigate, the work of CIS too often fails to result in charges for drivers, and almost never leads to roadway engineering changes that could potentially prevent future crashes.

Just as bad, as StreetsPAC board member Steve Vaccaro can attest, CIS investigators often fail to show up for what are already deeply flawed State Department of Motor Vehicle hearings, leaving killer drivers free to get back behind the wheel, and denying the families of the victims any semblance of justice.

Beyond the failure to investigate a greater number of serious crashes, CIS investigations are cloaked in secrecy, and don't appear to result in any larger analysis of the systemic causes behind serious collisions. CIS reports don't seem to regularly inform design changes, or to be aggregated in any meaningful way.

Intro 2224 will have multiple significant benefits. Transferring crash investigations to DOT will remove the institutional bias for drivers that has built up over years in the NYPD. The reporting requirements will greatly improve the transparency of investigations, and will lead to greater insight into the factors that cause the worst crashes. And perhaps most importantly, by linking those causes to street design, Intro 2224 will inform the types of engineering changes that can prevent future crashes, potentially saving lives and helping to advance the city's Vision Zero efforts.

Crash investigations should be a path to justice for victims and their loved ones, and a key component of achieving Vision Zero. As currently constituted within the NYPD's Transportation Bureau, they fail badly on both counts. In far too many cases, like those of [Robyn Hightman](#) and [Mario Valenzuela](#), shoddy detective work has led to victim-blaming and failed to hold drivers accountable.

We have an opportunity, and indeed, a responsibility, to do better. Passing Intro 2224 is an important step in making that happen.

Eric McClure
Executive Director

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RIGHT OF WAY

DIRECT ACTION STREET JUSTICE



Testimony by Charles Komanoff to the City Council Transportation Committee regarding Intro 2224-2021 • February 24, 2021

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a crash investigation and analysis unit within the department of transportation

My name is Charles Komanoff. Some committee members may know me as “re-founder” of the bicycling-advocacy group Transportation Alternatives, whose revival I led as TA president in the late 1980s and early 1990s. You may also know of my traffic and transportation modeling work, including my “BTA” spreadsheet for evaluating congestion pricing and my report published last month urging the city to charge Uber and Lyft for the time their affiliated vehicles are occupying space in the Manhattan taxi zone, without passengers.

I speak today in a different capacity, as an organizer with the grassroots, direct-action safe-streets group, Right Of Way. You probably have stumbled upon — literally — one or more of the hundreds of street memorials to New Yorkers run over and killed by drivers that we stenciled onto city streets and sidewalks in the late 1990s and from 2013 to 2015. You may also have heard of or read our 1999 monograph, [Killed By Automobile, Death in the Streets in New York City, 1994-1997](#), the first systematic investigation of pedestrian and cyclist fatalities in an American city. *Killed By Automobile’s* finding that a clear majority of those fatalities were the result of careless or reckless driving helped change the climate of opinion around traffic danger from vulnerable-victim-blaming to driver culpability.

Toward a Pedestrian Agenda: Ten Mayoral Steps

This report analyzes pedestrian and cyclist fatalities. The next step is to spell out a transportation philosophy that is hospitable to walking and cycling. Here’s a sketch, in the form of a memo to the mayor, which will be elaborated in a forthcoming report.

- 1 Stand symbolically with victims of car violence, rather than with drivers. During your tenure as mayor, over 1200 pedestrians and cyclists have been killed by automobile. Console a bereaved family. Pledge “No more car violence.”
- 2 Stop embracing the motoring minority. Declare New York a transit and walking city. “One person one car” doesn’t work here. This isn’t “anti-car ideology” but common sense.
- 3 See to it that the police enforce all vehicular traffic laws that protect walkers and bike-riders — not as an occasional publicity gambit, but every day.
- 4 Jawbone the district attorneys to prosecute all dangerous driving, not just DWI.
- 5 Institute traffic-calming projects in the neighborhoods, not just near schools. Fight for legislative approval of “neighborhood zones,” in which any driver who hits a child is presumed culpable.
- 6 Require inquests into all pedestrian and cyclist fatalities, and make the findings public.
- 7 Stop treating bicyclists as if they were a major source of street danger. Work to change state vehicle and traffic law to establish, as the Toronto coroner recommended last year, “the principle of motorized vehicles yielding to non-motorized vehicles.”
- 8 Institute comprehensive road-pricing, beginning with barrier-free tolls on East River bridges and per-minute pricing for cars on midtown streets.
- 9 Build out sidewalks and enlarge crosswalks, starting in thronged midtown and extending throughout the city.
- 10 End free parking for public employees, including yourself.

I refer you to Recommendation #6 in the 10-point agenda at left, from *Killed By Automobile*: that the City of New York “require inquests into all pedestrian and cyclist fatalities, and make the findings public.”

Your bill, Intro 2224-2021, will help accomplish this goal, which Right Of Way enunciated 22 years ago and have urged ever since.

The key part of that recommendation is underlined in green: “make the findings public.”

Since we published *Killed By Automobile*, the NYPD’s Collision Investigation Squad (formerly, Accident Investigation Squad) has produced an estimated 4,000 analyses and reconstructions of vehicle collisions that killed pedestrians or cyclists across the five boroughs. This collection of forensics could have served as a resource to help crash investigators, health professionals,

transportation officials and street-safety advocates determine the types of behaviors — pedestrian behavior, cyclist behavior and, especially, driver behavior — that are most prevalent in serious-injury and fatal crashes suffered by people walking and biking in New York City.

This data — a literal treasure-trove — could have informed: policing, by identifying dangerous behaviors as just noted; road design and street treatments, by pinpointing not just the locations but also the geometries and layouts that are most (or least) prone to serious crashes; driver education, by highlighting motorist maneuvers that most often causes crashes; justice administration, by putting crash adjudication on a more evidence-based footing; and legislation, by helping lawmakers better distinguish enforcement, education and engineering strategies that reduce crash risks from those that do not.

Yes, these carefully wrought and expensively developed C.I.S. forensics *could have* done that. Alas, they have not. NYPD and C.I.S. squirrel away their reports in drawers and cabinets, to be seen by no one, save the attorneys in each particular case. Crash investigators don't get to review them, health professionals can't comb them, transportation officials don't review them, street-safety advocates never see them.

This must change, and Intro 2224-2021 will make that change. Right Of Way commends Committee Chair Rodriguez, Council Members Lander and Levin, and Speaker Johnson for sponsoring this bill.

I would like to propose two friendly amendments.

First, that the new crash investigation and analysis unit within the city DOT be mandated to publish annual reports that distill the analyses and findings from the prior year's crash investigations. The reports should include capsule summaries of each crash, as a way to apprise the council, health and transportation professionals within the administration, and members of the public as to the dimensions of traffic violence in their community and the city at large.

Second, that the language in the bill be modified to make clear that the investigation and analysis unit's purview extends to driver, cyclist and pedestrian behavior, not just street design and infrastructure.

Finally, this point: Please resist any blandishments from NYPD that they, and only they, can satisfy the aims of Intro 2224-2021. The Police Department has had decades to establish protocols and procedures to release their crash investigations, to distill their forensics into conclusions and recommendations, and to otherwise accomplish your aims and mine. In all this time, they haven't lifted a finger.

Indeed, whereas in 2000 the A.I.S. (now C.I.S.) helpfully shared a couple dozen crash investigation reports with Right Of Way, since then they have clamped down completely. Through their closed-door stance, the NYPD have proven that they have no interest in having their crash work improve street safety. The only corrective is to "transfer primary responsibility for investigating serious vehicular crashes from the police department to the department of transportation," as Intro 2224-2021 will do.

Thank you for hearing my comments and suggestions. I and my fellow Right Of Way street-safety activists extend our appreciation to the Council Members who are advancing this important change in the way New York City responds to, understands and minimizes traffic crashes and road violence.

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New York City Council Hearing
Transportation Committee
February 24, 2021
Testimony of Dulcie Canton, Families for Safe Streets

My name is Dulcie Canton. I am a member of Families for Safe Streets and a survivor of a hit and run crash. My crash occurred on the evening of Aug 7, 2014, while biking home from Bushwick Brooklyn, with my friend Jay, (he was riding his skateboard) to my apartment in BedStuy, Brooklyn. I remember it was an exceptionally warm night and being at the intersection of Bleeker and Wilson at the red stop light. As we were waiting at the red light at the intersection, Jay then said “Dulcie, there are no cars coming, let’s just continue on”. I insisted that we wait at the red light like the other cars. Given the recent popularity of biking and bike culture we often hear the negative stereotypes about people who bike, some folks complain that “we’re rude”, “we don’t obey the “rules of the road”, etc etc. At the time of that crash I was wearing all of the cycling gear that is supposed to keep us safe while riding, a helmet, light colored clothing, a front and rear light and a bell! It was important to me as a Black woman and a cyclist to be the “perfect role model”.

The light finally turns green, I proceed to follow Jay through the intersection...I then hear and feel the loud rumbling of a sports car engine, revving up a few vehicles behind us. Then BOOM, the Chevy Camarro, crashes into the rear of my bike and my person, I remember flying up into the air and landing in the street on my right shoulder like a human rag doll. Thankfully, the helmet I was wearing prevented external wounds, I suffered a massive concussion, so I was in and out of consciousness as the EMS and NYPD arrived. As the medics were treating me, my very first thought was “Am I going to die? Is this the end? My mom died just around this time last summer of Stage 3 Colon Cancer, will my family have to plan and attend my funeral? Where’s my bike and is she ok? Thank goodness I can feel my hands and my toes, I know my name, I’m conscious!”

As I looked up, I could see Jay and a few people from the neighborhood who were seated on a stoop about 500ft from the crash scene. Jay tried to take a photo of the Camarro but it is already far out of sight! Others tried to get the Chevy Camarro to stop but no such luck.

Before the EMS loaded me up in the ambulance to go to the hospital, Jay had asked me if he should ride in the ambulance with me. I plainly said, "You're not a doctor, I'll be ok, please take my bicycle to your apartment and then meet me at Wyckoff Hospital". Looking back now reminiscing, I think about all of the excruciating physical pain I was feeling and also feeling that NYPD doesn't have a good track record of working with BIPOC folk. As a Black woman I have firsthand personal experience...my mother survived a hit and run crash in the Bronx in the 2000's and the NYPD was of no help then!

As I was taken into Wyckoff Hospital, I was told that I had a major brain hemorrhage/bleed and that I may have to be taken to another hospital in Manhattan. Jay was with me while I was waiting for a hospital bed, I told him the news the doctors had told me and asked him to give me my cell phone from my bag. At that time I was employed full-time at a Bike Shop in Tribeca. I called my coworker Reland who was in a crash a few years earlier and he says to me "Oh my Dulcie I'm so sorry, please call my lawyer, Steve Vaccaro, he will take care of you!" I vaguely remember calling Steve but at about 2 am, we spoke briefly because I was pretty banged up and Steve could see this. Steve wanted to get on my case immediately and I wanted him on it too so I signed the paperwork he brought and off he went.

Steve travelled back to the crash site and completed an investigation with my friend Jay that weekend that the NYPD failed to do. He gathered witness statements, obtained not [1](#) but [2 CCTV](#) videos of the crash from a nearby building superintendent, and was given a right side driver mirror to the Camarro from one of the witnesses. Steve did most of his investigation into my crash that weekend with the help of Jay.

What is really telling from the videos is the recklessness and speed of this driver, in the first of the two videos you can see the Camarro "take air" due to it's high speed, like in the tv show, "Dukes of Hazard" or the Stephen King Horror Film, "Christine"!

That Sunday my friend Jay was skateboarding not too far from my crash site and came across a parked car with terrible damage to it's right side - seemingly identical to the car that struck me. I'm thinking in my head, "Wow, we have evidence, videos, witnesses, surely the NYPD will have no problem investigating my case". What a fool I was...well not entirely because I had the sense to hire a lawyer!

Being injured in a crash is traumatic. I was unable to work for weeks, was in pain from the concussion and broken ankle, and terrified to get back on my bike. I had to set-up a GoFundMe to pay my rent and eat and get some sleep. I knew that I wanted to bike again once my body recovered but that I would need "talk therapy" to get over the PTSD from the crash. It was all so much to go through at the time. And I'm very thankful for everyone who helped me!

But sadly, the NYPD was of absolutely no help. My crash happened at Bleeker and Wilson..the 83rd Precinct is literally, down the block! After getting home from the hospital I expected to get a call at least from the Detective that was assigned to my

case..no call. About three weeks after my crash my head was feeling a bit better so I went ahead and called the 83rd precinct myself, only to be told that the Detective that was assigned to my case went on vacation! Despite the fact that the entire incident was caught on surveillance tape, a witness has corroborated the victim's story, and the car has been traced to its owner, the NYPD told me that they would question the driver if they had the time. Then [Gothamist profiled](#) the NYPD's utter failure to apprehend the driver, but even after the article ran, the NYPD never took action. Although a civil court found him responsible, he is still allowed to drive his car and was never forced to change his dangerous behavior.

Clearly the NYPD is failing which is why I am here today to support changes to CIS and increased involvement of DOT. But on behalf of Families for Safe Streets, we urge the Council to go even further to reduce the role NYPD officers play in traffic enforcement. As indicated in our [statement supporting the fight for racial justice](#), it is essential that ending the preventable epidemic of traffic violence does not inadvertently harm people of color. First, we urge the Council to support our call for a pilot program with failure to yield, block the box, bike lane and distracted driving cameras -- which the Council can do without authorization from Albany. Automated enforcement does not racially profile and is proven to change behavior with only modest fines. Second, we urge the Council to consider moving routine traffic enforcement to the DOT as well. There is no need to have armed police officers enforcing our traffic laws. That is not how we will achieve Vision Zero.

Thank you.

Hello and thank you to the Council for giving me the opportunity to speak today in support of the amendment of subchapter 2 of chapter 1 of title 19 to add a new section, 19-182.3, which will create a crash investigation and analysis unit within the New York Department of Transportation.

My name is Kimberlee Goldfeld and I am the mother of Robyn Hightman who, at age 20, was killed by a box truck while they were working as a bike messenger. Anticipating a right turn as part of their job, Robyn was traveling in the right hand lane of 6th Avenue, between the intersections with West 23rd and West 24th streets. As Robyn was traveling in the right hand lane a box truck began to change lanes into Robyn's path of travel at the same time a taxi cab was attempting to pull off the curb into traffic. As a result, at 9:24 am on June 24 2019, Robyn was run over by the box truck and killed.

Many people were on the street that morning, including several eyewitnesses who saw the truck run Robyn over, bouncing high as it did. However, the truck did not stop, nor did the taxi cab. They continued on only to be pulled over a few blocks later by a pedestrian who flagged them down, telling them they needed to return to the scene.

Detective Center with the NYPD Collision Investigation Squad (CIS) was assigned to Robyn's case. Despite his professional manner and his seeming willingness to help determine the cause of Robyn's death, he ignored critical information which caused his report to place the blame squarely on Robyn – “After reviewing all available information, the cause of this collision is BICYCLIST ERROR. The contributing factors to this collision are the bicyclists improper lane use and possible reaction to an uninvolved vehicle.” Detective Center's report contains information that should not have been ignored, to include the fact that the driver of the taxi cab did not look when he pulled out. The operator of the box truck was cited on scene for several equipment violations but was not offered an interpreter and thus his cooperation was minimal. Both the operator of the box truck and the truck itself were allowed to leave the scene.

As a result of Detective Center's finding that Robyn was at fault the DMV has decided not to hold a fatality hearing. This decision is currently being appealed as the driver of the box truck needs to be held accountable for the fact that he ran Robyn over, left the scene and then stated he never knew he had run someone over. Physical evidence has shown that there were no defects in 6th Avenue that would have caused the truck to bounce as it did. There is no reason the operator could not have known he ran someone over.

My understanding is that CIS is charged with determining whether a crime has been committed in cases such as these. Instead, responsibility needs to be determined and fully shouldered with appropriate consequences to include education of the driver involved and changes to the infrastructure. There are far too many vehicles on the street and not enough room for pedestrians and cyclists. What little infrastructure is available to cyclists in the form of bike lanes is often not usable due to vehicles and vendors using it as a parking lane. There needs to be protected bike lanes on every street. There also needs to be fewer vehicles on the road.

As a result of the negligence of the driver of the box truck and poor driving skills Robyn Hightman lost her life. The driver of the box truck was not held accountable for his actions. The incident could have been prevented had the driver received proper driving education. The crash could have also been prevented with the presence of better infrastructure and fewer vehicles on the road. Instead NYPD CIS stated it was Robyn's fault and closed their case.

Thank you for your time.

Chairman Rodriguez and members of the City Council Transportation Committee:

My name is Martha Valenzuela. Thank you for the opportunity to speak about my beloved son Mario Valenzuela, who was killed by a reckless truck driver on September 21, 2019, and the terrible injustice of the police investigation that blamed him for his own death, when he was in fact not at fault. This second injustice could have been prevented by the bill, Intro 2224, which I ask you to enact into law.

My beautiful 14 year old son Mario was out with his friends riding bicycles when he was killed. Mario loved to ride his bike and he knew how to keep safe in traffic. Even to this day, it is too painful for me to watch the video showing the truck driver killing Mario. But you have heard from my attorney Steve Vaccaro, who has also registered for this hearing. Hopefully you will allow him to show you that video, and to explain how the NYPD Collision Investigation Squad completely misunderstood the crash and unfairly blamed Mario.

It was so terrible to lose my son in a traffic crash. He went out with his friends on that Saturday and he never came home. I never had a chance to protect Mario from that truck driver. I never had a chance to say goodbye to Mario. For a mother, these are terrible things that make my heart ache. We parents put so much of ourselves into raising a child to become an adult. The horror of having Mario suddenly ripped from our family by an aggressive truck driver, is unspeakable.

Because of the unfair and incorrect decision of the police to blame Mario for his own death, this is something I must relive and relive, over and over again, whenever anyone asks me about Mario and my family. When I explain what happened to Mario, I must also explain the injustice of the police in falsely blaming him. It is impossible for me to have peace, to have closure for this terrible loss, when the official government account of what happened is a lie. We look to our government to provide justice to the people at a moment like this, and instead, the police department has dropped a second, giant injustice on me and my family, in addition to us losing Mario.

Nothing can be done to bring Mario back. We can only continue our fight to win justice for Mario in death, by bringing to light the truth of what happened. I am not a mind reader and I cannot say why the police chose to blame Mario when the video shows it is not his fault. Part of it is that people, including the police, do not understand and respect the right of people, including children to bicycle in the road. But regardless of the motivation of the police, it is clear that even the trained police specialists do not understand these basic matters of traffic law and the right of people to bicycle in the street. Please pass this bill, Intro 2224, and move the work of investigating traffic crashes to properly trained professionals at another agency who will fairly evaluate the evidence in cases like Mario's. In this way, you, the City Council, can give some tiny measure of justice, and solace, to the many parents like me, who lose their children to traffic violence each year here in New York City.

My name is Cheryl Stewart, I live in Red Hook, Brooklyn, and I've been riding motorcycles since 1981. I'm a Founding Member of the Sirens Women's MC, Co-Founder of the New York Motorcycle and Scooter Task Force, Founder and Leader of Riders Against Congestion, and a former instructor for Fishtail Riding School.

When I was hit and seriously injured in 2011 the Crash Investigation Squad was not called despite my 24 bone breaks, including a shattered pelvis and nine breaks in my lumbar spine, because I was deemed unlikely to expire. Unfortunately, I was unconscious when the NYPD arrived. The officer on the scene simply reported what the car driver stated, regardless of the fact that the laws of physics would have precluded his purported crash scenario. A full investigation by trained professionals would have been quite welcome, and should have been undertaken. Instead, I was forced to hire a lawyer to recover a settlement from a car driver who attempted to turn onto Carroll St right through me. As you can imagine, that minimal settlement didn't begin to cover my medical expenses, plus I had to share it with my lawyer, all because the CIS failed to investigate my crash.

Because motorcycle riders are not covered under NY State No Fault regulations <https://sacksteinlaw.com/2018/04/30/clearing-confusion-motorcycle-accidents-no-fault-insurance/> we're obliged to pursue compensation from insurers ourselves if we're injured in a collision with another vehicle, or we hire an

expensive lawyer, as I had to do in 2011. Pursuing our cases becomes even more difficult when accident reports are rudimentary or missing information because of the NYPD policy of only calling the CIS to fatal crashes.

<https://nyc.streetsblog.org/2019/05/15/nypd-says-thanks-but-no-thanks-to-council-bid-to-improve-collision-investigation-squad/> riders injured non-lethally in collisions with cars are, like me, routinely denied the benefit of a full CIS investigation. The cost to us is high.

Chronic understaffing of the NYPD Crash Investigation Squad is particularly impactful for motorcyclists. I strongly support Int 2224-2021, the establishment of a crash investigation unit within NYC Department of Transportation, because ALL motor vehicle crashes which result in serious personal injuries should be fully investigated by trained professionals. Transferring those duties to the DOT would provide more New Yorkers with important information while freeing up the police to do policing work.

Thank you, Chair Rodriguez and members for the Transportation Committee for the opportunity to speak in support of Intro 2224-2021, and for giving that opportunity to Martha Valenzuela as well. My name is Steve Vaccaro. I am an attorney and advocate for crash victims, in particular, cyclists. I represent Martha Valenzuela in her fight for justice for her deceased 14 year old son, Mario Valenzuela. Mario was killed while bicycling in 2019 in Long Island City by a reckless truck driver. NYPD's Collision Investigation Squad investigated Mario's death and concluded, erroneously, that Mario was solely at fault for his own death. The Queens County District Attorney and the New York State Department of Motor Vehicles relied on the CIS's flawed analysis of the crash, and declined to take any action against the driver or the owner of the truck. I will present the key evidence in Mario's case that shows how completely wrong the NYPD's Collision Investigation Squad got their investigation of Mario's death, and why we need to move crash investigation responsibilities away from NYPD, as proposed in Intro 2224-2021.

The critical piece of evidence is video, in two segments, each of which last approximately one minute. The Valenzuela family have not watched these videos because they cannot bear to see the death of their beloved Mario, but they have authorized us to make these videos public so that we can advocate for safer streets, in hopes of learning from Mario's death and preventing more crashes like the one that killed him. The videos are linked here: <https://vimeo.com/473452439> <https://vimeo.com/473450398>.

The CIS investigator concluded on the basis of this video that Mario's death was his own fault, because Mario allegedly attempted to pass the truck on the right while it was signaling a making a right turn, with the right of way, as shown below:

Nickname/Alias/Middle Name						
Sex MALE	Race WHITE HISPANIC	Date of Birth 02/03/2005	Age 14			
Home Telephone	Business Telephone	Cell Phone	Beeper #	E-Mail Address		
Activity Address Location OFFICE		Street	City	State	Zip	Apt #
Cross Street		Intersection of and		Premise Type		
Activity Date 12/31/2019		Activity Time 12:35				
Topic/Subject: (CLOSING) CONTRIBUTING FACTORS, CLOSURE						
Summary of Investigation: 1. The investigation into this collision has been completed; all parties involved have been identified and if possible interviewed. After reviewing all the information available, it is my opinion that the contributing factor is as follows: BICYCLIST ERROR- Improper Passing. As vehicle# 1 was traveling eastbound on Borden Ave the operator activated his right turn signal prior to reaching 11 St. The bicyclist who is seen on video riding to the right of vehicle# 1 and slightly behind vehicle# 1 begins to overtake vehicle# 1 as vehicle# 1 begins to make a right turn onto southbound 11 St. The bicyclist was unable to stop before colliding with the front right side of vehicle# 1 and subsequently being rolled over by the wheels of vehicle # 1. 2. The bicyclist was pronounced dead at the scene. 3. ADA Diaz of the Queens DA's office was notified of this collision and agreed that there was no criminality. 4. The registered owner of vehicle# 1 was issued Criminal Court summonses for violations that I do not believe contributed to the collision. 5. I have conferred with the Hwy 3 CIS supervisor and it has been decided that this investigation has been concluded. BICYCLIST# 1 ERROR- Improper Passing. 6. Case Closed / Investigation Concluded						
Reporting Officer:	Rank DT2	Name JAMES CONLON		Tax Reg. No. 915487	Command 415-HWY DST COLLISION INV SQD	
Reviewing Supervisor:	Manner of Closing B-2B - B-2B DOA NON-CRIMINAL OCME FINAL DEATH CERT NEEDED AND RECEIVED	Date Reviewed 01/03/2020	Date of Next Review	Name ROBERT DENG	Supv. Tax No. 900281	

These conclusions are simply wrong. As shown in the video, the truck was not signaling a right turn, and in fact swung far out left, over the double yellow line into oncoming traffic, before suddenly turning right without signaling and cutting off Mario. Mario was not trying to pass the truck; he was simply

going straight along the right side of the road as a cyclist is required to do. The crash occurred because the truck driver unexpectedly turned right, cutting Mario off.

Investigators also found that the front passenger side directional signal of the truck was inoperable—in fact, it was broken and secured with packing tape as shown in the photograph below — and so could not have signaled the truck’s right turn, contrary to the CIS investigator’s conclusion. Police issued tickets for this and other equipment violations, but that was the extent of the consequences for the driver and the carting company. Notably, the truck was put immediately back into service, and permitted to operate without a functional directional signal shortly after the fatal crash.



Ordinarily, traffic seeking to turn across the path of other traffic that is going straight, has to yield to the traffic going straight, until the way is clear, and it is safe to make an appropriately-signaled turn. The truck driver who killed Mario plainly did not do so. There is no basis or explanation for the conclusion of the CIS investigator, which was reviewed and confirmed by a supervising CIS sergeant, that Mario was solely at fault for his death. The state Vehicle and Traffic Law, Section 1231, declares that cyclists have the same right to the road as motorists. In our law practice, we have seen this principle is inconsistently applied, and often ignored, by CIS personnel.

The mishandling of this crash investigation, and many others in which I and my law office have been involved, create a dire need for the transfer of crash investigation and prevention responsibilities from the NYPD’s CIS to the civilian employees of another agency. To give justice to traffic crash victims and to learn from fatal crashes so that they can be reduced and eliminated as part of Vision Zero, crash investigation is essential work that must be properly funded and conducted. Too often, the police harbor deep and unfounded biases and misunderstandings about the rights of cyclists and pedestrians to be in the roadway, and blame pedestrian and cyclist crash victims for their own deaths. The gathering, preservation and analysis of evidence is best left to civilian government employees with training in the technical, legal, and public health and policy aspects of traffic violence. The attempt in the bill to expand crash investigations beyond cases of fatal or near fatal crashes to include all serious injuries is also welcome and necessary, because there are many crashes causing severe injuries short of death that are life-changing, and also require competent fair investigations.

To the New York City Council:

I support Council Member Rodriguez's bill to transfer the Collision Investigation Squad from NYPD to DOT. Too many New Yorkers die or are seriously injured in car crashes every year, and we need to end this epidemic. Cities internationally, such as Amsterdam and Oslo, have shown that the most effective way to improve safety is through street design. Since DOT is responsible for street design, it is rational for them to lead collision investigation as well. I also like that the bill requires analysis of similar roads, so we can start designing our streets proactively rather than reactively.

I also support Council Member Levin's bill to allow civilian enforcement of parking violations, regardless of any financial incentive. The bike lanes in my neighborhood are frequently blocked by vehicles. Of the dozens of reports I've filed for the safety of cyclists, not one of them has resulted in any action against the driver who parked there. Even if this bill did not distribute part of the fine to civilians, we need our bike lanes to be safer. Recent cyclist deaths on Crescent St in Astoria and Wythe Ave in Williamsburg show that blocked bike lanes have deadly consequences. We also need our sidewalks cleared of parked cars so that people who need mobility assistance such as wheelchairs and walkers can walk safely and reliably. Sidewalks are always blocked outside police precincts, so how can we trust NYPD to enforce this?

William Meehan
Brooklyn



New York City Council Hearing
Transportation Committee
February 24, 2021
Testimony of Amy Tam, Families for Safe Streets

On October 6th, 2013, we got an awful phone call telling us to go to the hospital because our daughter Ally was hurt. It wasn't until we got to the hospital that an ER doctor told me that Ally and her grandmother had been hit by a car. Ally died that day. She was 3-years-old. Grandma lived but is not the same.

I am Allison Hope Liao's mom. My name is Amy.

At the hospital, the police officers told my husband that there was nothing they could do and provided excuses for the driver. The driver didn't see Ally and grandma. The driver had a blind spot. They took the time to provide extensive detail on what part of the car can cause this blind spot.

The police officers left out that Allison and her grandma had the signal and the right of way. They also didn't mention the driver had some alcohol in his system but was under the legal limit.

It was as though they already made up their mind before the investigation was complete.

Our nightmare was compounded when the newspapers read that Ally had "broken free from grandma's hand" and incorrectly shared that Ally was walking behind grandma eating watermelon while crossing the street. Some of the reporters cited the NYPD as their source. I'm not sure why the police told them this. They didn't see it happen and it was not true.

The next day, the owner of a dash camera submitted a video to the police that captured the whole crash. Ally and grandma were hand-in-hand, crossing the street with the light. A distracted driver of a big Black SUV made a fast and aggressive left turn, failed to yield to them, hit them both, knocked Ally to the ground, and rolled over her with both his front and rear tires. This grueling [video](#) is available for anyone to see.

Dealing with the sudden death of a young child and injured parent is beyond difficult. To hear that the victims are blamed for their own death and injuries before an investigation is completed is more than anyone should bear.

Although the driver who killed Ally faced no criminal charges, he did have two hearings with the Department of Motor Vehicles. The first hearing was in July 2014 for the tickets the driver received. The NYPD failed to provide the video evidence and uttered only three words, "That's right." and "Um" if that's even considered a word. He never even told the judge that the tickets were related to a crash where two people were struck and one died. We had not been notified so we were not there to make sure that this important information was shared. The entire hearing took 47 seconds before the judge dismissed the tickets.

The DMV also holds a hearing every time someone is killed in a crash to determine if the driver should keep his license. The police shared the evidence, and because Ally's grandma was there, she could share what happened. As a result, the driver's license was revoked for 30 days. But it was at our civil hearing where we finally did what the police failed to do. The driver admitted wrongdoing, issued a public statement, and voluntarily agreed to give up his license for five years.

It is clear to us that the police are failing families like mine and, equally important, are failing to prevent these senseless deaths.

To truly prevent these horrific crashes, there needs to be a detailed, unbiased investigation after every crash exploring both the driver's responsibility and the flaws in the street design that contributed to the crash.

We strongly support changes to CIS and increased involvement of the Department of Transportation. The DOT has been leading the fight for Vision Zero, does not have the same pro-driver biases as the NYPD, and has the expertise to conduct a detailed, systematic analysis at every crash site to make our street safer.

Thank you.



New York City Council Hearing
Transportation Committee
February 24, 2021

Testimony of Bernadette Karna, Families for Safe Streets

My name is Bernadette Karna. I am a member of Families for Safe Streets and a survivor of a hit and run crash. On June 8, 2016, I was run over by a reckless driver, while in the crosswalk with the light, as I crossed 3rd Ave at 41st Street in Manhattan on my way to work. The driver dragged me 50 feet and then fled, leaving me for dead.

While in the ambulance, I thought I was going to die. I couldn't breathe, as I drifted in and out of consciousness. While in the ER, the pain from the insertion of the chest tube was unbearable. I laid in the ICU recovery room for days attached to various tubes and monitors. I was overwhelmed and in constant pain. My ribs were crushed, requiring surgical fixation with metal plates, and I had numerous other fractures to my back, shoulder, knee and foot. I was in physical therapy for nearly two years and unable to work for twenty months. I continue to require ongoing medical attention.

Surviving a crash is traumatic, exhaustive and life altering. While I was recovering, I relied on the police to do a complete investigation.

However, my case wasn't investigated thoroughly. The detective from the local precinct assigned to my case went on a two-week vacation during the critical investigative period, and closed my case after four months. No charges were filed and he retired shortly thereafter without any further investigation. I was told very little and the video of the crash was lost by the NYPD. I waited over nineteen months to receive the first detailed report of the crash. From the report, I learned that city cameras captured a car and plate, prompting the detective to question a person of interest.

It was only after [The New York Times](#) profiled my crash and I shared my story with The City Council that the NYPD Collision Investigation Squad (CIS) reopened my case in September of 2018.

With the CIS reviewing the case, I was hopeful that the driver would be found and held accountable. To my surprise, the video of the crash was found and it was only then that I realized, for the first time, the driver had actually run over my body.

I was told that the first detective was looking at the wrong time stamp on the video. And there were two similar SUVs. Footage captured from other cameras helped the detective identify the correct SUV.

If the first detective had initially eliminated the first car, it is likely the correct car would have been identified sooner. It blew my mind to learn that an hour after my hit and run, the SUV was set on fire in Brooklyn.

The owner of the identified vehicle was located and she admitted owning the SUV. Her daughter insured the vehicle and never spoke to the police. She didn't respond to police phone calls or a house call. I was shocked to learn that she could ignore the detective, and the police search ended there.

Despite new information from the second investigation, I was utterly dismayed in June of 2019, when the NYPD closed the investigation without pressing any charges. Whether it is a lack of resources to investigate and prosecute drivers or an apathy that these are just "accidents" is unclear. But what is obvious is that the justice system doesn't bring justice to crash victims or hold reckless drivers accountable. My case was reopened only after political pressure. Still no one has been held accountable.

After a crash, not only do you lose a loved one or are seriously injured, but you have to navigate the insurance, medical and judicial system while grieving or recovering. It's not acceptable that the car owner and driver can simply deny responsibility, and refuse to cooperate with police, without any consequences.

I will continue to do my best to live a full life but the failure to hold the driver accountable after two investigations is preventing me from completely moving beyond the trauma.

Hit and run crashes need to be thoroughly investigated by motivated agents with specialized training in crash investigations. Training that also includes compassion and empathy toward the victim and their family and not a bias toward the driver as obviously happened to me.

My attorney prepared a civil case against the SUV owner. However the case is stalled due to COVID restrictions. Nearly five years later and I am still waiting.

To prevent these crashes and lack of justice from happening to others, I strongly support changes to CIS and increased involvement of the Department of Transportation. The DOT is committed to Vision Zero and has the expertise to conduct

a detailed, systematic analysis at every crash site to understand what could have prevented the crash. This analysis will help address the underlying issues and truly make our streets safe.

Thank you.