



Legislation Details (With Text)

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Res. No. 261

Resolution urging the New York City Police Commissioner to improve the education of Traffic Enforcement Agents regarding the use of safety belts and hand-held mobile telephones, and to enforce any violations by Traffic Enforcement Agents of state statutes.

By Council Members Baez, Nelson and Stewart

Whereas, Traffic accidents that result in serious injuries and fatalities because of the failure to wear safety belts, and because of the use of hand-held mobile telephones while driving, are preventable tragedies; and

Whereas, The U.S. Department of Transportation's National Highway Traffic Safety Administration indicates that 56 percent of the estimated 42,800 people killed on U.S. highways in 2004 were not wearing safety belts; at a current rate of 82 percent of Americans wearing their safety belts while driving or riding in their vehicles, safety belts are preventing 15,700 fatalities, 350,000 serious injuries, and \$67 billion in economic costs associated with traffic injuries and deaths every year; and

Whereas, According to a study published in the *New England Journal of Medicine*, the distraction caused by mobile telephone use while driving quadrupled the risk of a collision, a rate equivalent to the impairment caused by legal intoxication; further, a 2003 article by the Harvard Center for Risk Analysis assessed that mobile telephone use by drivers may cause approximately 2,600 deaths, 330,000 moderate to critical injuries, and 1.5 million instances of property damage in America per year; and

Whereas, States have taken an active role in addressing traffic safety, leading to the adoption of safety belt use requirements, with forty-nine states mandating all motor vehicle occupants to wear safety belts; every state has also considered legislation regarding mobile telephones and distracted driving, with 17 states enacting such laws; and

Whereas, The mission of the New York City Police Department's Traffic Control Division, to which Traffic Enforcement Agents are assigned, is to promote the safety and security of all persons who use the streets and highways of New York City; the functions of Traffic Enforcement Agents include enforcing all laws and ordinances as they relate to each of the different forms of street and highway traffic; reducing the number of vehicular and pedestrian accidents; and developing and implementing strategies that will improve the flow of traffic, remove obstacles to traffic movement, and expedite motor vehicle traffic about the City; and

Whereas, New York State law mandates that Traffic Enforcement Agents wear safety belts while operating a motor vehicle, unless those vehicles are "authorized emergency vehicles," as defined in the Vehicle and Traffic Law, which includes vehicles "operated by the police department"; in addition, Traffic Enforcement Agents are prohibited from using hand-held mobile telephones while driving, except when performing official duties; and

Whereas, Although Traffic Enforcement Agents may not be mandated by state law to use safety belts while operating their police vehicles, and although the use of such seat belts may be perceived as difficult considering the number of times a Traffic Enforcement Agent enters and exits his or her vehicle, it is imperative for the safety of these agents, as well as for the public, that these agents be urged to use safety belts; and

Whereas, It is also important that Traffic Enforcement Agents be advised of the law that bans hand-held mobile telephone use while operating a motor vehicle; and

Whereas, These vehicle and traffic laws were designed to protect the public, as well as Traffic Enforcement personnel, and should be enforced uniformly; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York City Police Commissioner to improve the education of Traffic Enforcement Agents regarding the use of safety belts and hand-held mobile telephones, and to enforce any violations by Traffic Enforcement Agents of state statutes.

Res. 1239/2005
JPV