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Int. No. 263

By Council Members Joseph, Restler, Feliz, Louis, Won, Salaam, Riley and Banks.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to investigate vehicle collisions

Be it enacted by the Council as follows:

Section 1. Section 19-182.3 of the administrative code of the city of New York, as added by local law number 49 for the year 2021, is amended to read as follows:

§ 19-182.3 Crash investigation and analysis unit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Serious vehicular crash. The term "serious vehicular crash" means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person, as well as any collision involving a motor vehicle for which a collision report, as defined by section 14-167, was prepared by the police department of the city of New York.

Significant injury. The term "significant injury" means any injury categorized as an "A" injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.

b. Powers and duties. No later than January 1, 2022, the department shall establish a crash investigation and analysis unit, which shall have the duty to analyze and report on serious vehicular crashes. In coordination with the police department, such unit shall have all powers necessary to investigate serious vehicular crashes or any other crash, including but not limited to, inspecting crash sites, documenting vehicle and party positions, measuring and collecting data, interviewing witnesses, and conducting collision reconstructions. The unit shall

also have the primary responsibility for all public statements, press releases or any other public communications regarding serious vehicular crashes and related investigations. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes.

c. Investigation. The crash investigation and analysis unit shall investigate every serious vehicular crash. Such investigation shall commence no later than one week after the date of the crash, and be completed no later than one month after the date of the crash.

d. Review of street design. As part of any investigation undertaken pursuant to subdivision b of this section in which the department determines that street design or infrastructure contributed to a serious vehicular crash, the crash investigation and analysis unit shall review the existing street design, infrastructure and driver behavior at the location of each such crash, and as part of each such review, any available crash data or reports on locations with similar street design or infrastructure. In conducting the review, the unit may coordinate with the police department, the department of health and mental hygiene, the office of the chief medical examiner, or any other agency, office or organization deemed relevant by the department. Following each such review, the unit shall determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes and make recommendations, if any, for safety maximizing changes to street design or infrastructure at the location of such crash, or citywide.

[d] e. Reporting. No later than April 30, 2022, and every three months thereafter, the department shall post on its website a report with information on each investigation completed during the preceding three month period ending thirty days prior. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes. Furthermore, nothing required to be reported by this subdivision shall be reported in a manner that would reveal the identity of a

person or persons involved in a serious vehicular crash. Each such report shall include, but need not be limited to, the following:

1. The total number of investigations completed during the reporting period;

2. For each such investigation, all [All] evidence and data collected pursuant to each such investigation, including a graphical reconstruction of the serious vehicular crash;

3. For each such investigation, any determinations [Determinations] as to fault, including any potential criminal wrongdoing;

4. For each such investigation, any [Any] factors that may have contributed to each crash, or increased or mitigated the severity of each such crash; [and]

5. For each such investigation, whether [Whether] changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes, at each crash location or other similar locations, the estimated cost to implement such improvements, and a recommendation as to any such changes or improvements that should be made[.]; and

6. For each such investigation, the number of serious vehicular crashes with similar contributing factors, including but not limited to the travel direction of the motor vehicles, pedestrians, cyclists, or other persons involved in the serious vehicular crash or the speed of the motor vehicle at the time of the serious vehicular crash, that have occurred at the intersection or location in the previous five years. If the department made any changes to the street design or infrastructure at such intersection or location within the previous five years, the report shall include an analysis of the quantity and nature of serious vehicular crashes before and after the implementation of such changes.

§ 2. This local law takes effect 90 days after it becomes law.

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