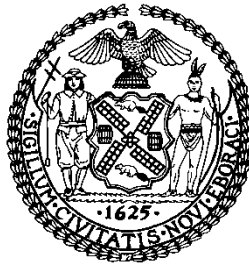


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**THE COUNCIL OF THE CITY OF NEW YORK**

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION  
Matthew Gewolb, Legislative Director

**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, Chair

**December 2, 2015**

**INT. NO. 219:**

By Council Members Mendez, Barron, Cabrera, Eugene, Johnson, Levine, Rosenthal and Menchaca (by request of the Manhattan Borough President)

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to creating a bicycle safety task force.

**ADMINISTRATIVE CODE:**

Amends title 19 by adding a new section 19-190.

**INT. NO. 603:**

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Richards, Rose, Vallone, Rosenthal, Williams, Kallos, Reynoso, Menchaca, Torres, Cabrera, Cohen, Levine, Constantinides, Koslowitz, Ferreras-Copeland, Greenfield, Levin, Espinal, Cumbo and Ulrich

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties for leaving the scene of an incident without reporting.

**ADMINISTRATIVE CODE:**

Amends subdivisions a and b of section 19-191 of title 19.

**INT. NO. 604:**

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Rose, Vallone, Rodriguez, Williams, Kallos, Reynoso, Menchaca, Richards, Torres, Cabrera, Levine, Constantinides, Koslowitz, Ferreras-Copeland, Greenfield, Levin, Espinal, Cumbo, Miller and Ulrich

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to reporting information related to leaving the scene of an incident without reporting.

**ADMINISTRATIVE CODE:**

Amends subdivision c of section 14-153, as amended by local law 5 for the year 2014.

**INT. NO. 696:**

By Council Members Rodriguez, Chin, Koo, Rosenthal and Menchaca

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to reporting on bicycle related fatalities.

**ADMINISTRATIVE CODE:**

Amends subdivision a of section 19-186.

**INT. NO. 787:**

By Council Members Lander, Reynoso, Menchaca, Rosenthal, Williams, Kallos, Levin, Levine, Chin, Arroyo, Cumbo, Johnson and Dromm

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to the seizure of abandoned bicycles.

**ADMINISTRATIVE CODE:**

Amends subdivisions a and i of section 16-122 and amends section 16-122 by adding new subdivisions k, l, m, n, o and p.

**INT. NO. 863:**

By Council Members Rosenthal, Mendez and Menchaca

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to identifying garments worn by those operating a bicycle used for commercial purposes.

**ADMINISTRATIVE CODE:**

Amends subdivision i of section 10-157.

## **INTRODUCTION**

On December 2, 2015, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Int. No. 219, a Local Law in relation to creating a bicycle safety task force; Int. No. 603, a Local Law in relation to increasing civil penalties for leaving the scene of an incident without reporting; Int. No. 604, a Local Law in relation to reporting information related to leaving the scene of an incident without reporting; Int. No. 696, a Local Law in relation to reporting on bicycle related fatalities; Int. No. 787, a Local Law in relation to the seizure of abandoned bicycles; and Int. No. 863, a Local Law in relation to identifying garments worn by those operating a bicycle used for commercial purposes. The Committee expects to hear testimony from the New York City Department of Transportation, the New York City Police Department, and other interested stakeholders.

## **BACKGROUND**

### **Hit-and-Run Crashes**

Drivers leaving the scene of a motor vehicle incident, also referred to as “hit-and-runs,” pose a significant danger to the City’s pedestrians, cyclists, and fellow motorists. Despite efforts to reduce traffic fatalities, hit-and-run collisions continue to kill and injure New Yorkers. Nationally, one in five pedestrians killed in 2013 were victims of a hit-and-run.<sup>1</sup> The New York City Police Department’s (“NYPD”) Collision Investigation Squad, which investigates traffic crashes involving critical injury or death, investigated 58 “hit-and-run” cases in 2012, of which 15 resulted in an arrest.<sup>2</sup> In the first eight months of 2014, at least seven individuals were killed

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<sup>1</sup> National Highway Traffic Safety Administration, *Traffic Safety Facts* (Apr. 2014), available at <http://www-nrd.nhtsa.dot.gov/Pubs/812124.pdf>.

<sup>2</sup> N.Y.C. Council Committees on Public Safety and Transportation, Testimony of Inspector Paul Ciorra, Sept. 30, 2013, available at <http://legistar.council.nyc.gov>.

in hit-and-run incidents in New York City.<sup>3</sup> And in the first seven months of 2015, hit-and-run drivers killed at least 13 pedestrians and cyclists.<sup>4</sup> According to the first report provided by the NYPD pursuant to Local Law 5 of 2014—which requires the City to report on hit-and-run crashes each quarter—there were 10 hit-and-run incidents in the third quarter of 2015, five of which led to an arrest.

Under New York State law, any driver who knows or should know that they have caused property damage or physical injury with their vehicle is required to remain on the scene in order to provide the property's owner or the injured party with their insurance and personal contact information.<sup>5</sup> In the case of property damage, if the owner is not present at the time of the incident, the driver must go to the nearest police station or officer as soon as they are physically able to report the incident and provide them with all required information.<sup>6</sup> If a person was injured, a driver must also report the incident to law enforcement and provide such information to a police officer.<sup>7</sup>

Failure to remain on the scene and report in the event of property damage is deemed a traffic infraction under State law, punishable by a fine of up to \$250 and up to 15 days imprisonment.<sup>8</sup> Hit-and-runs causing physical injury can result in criminal charges ranging from a class A misdemeanor and a fine of up to \$1,000, to a class E felony and a fine of up to \$2,500.<sup>9</sup> However, if the incident causes death, a driver leaving the scene can be charged with a class D

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<sup>3</sup> Brad Aaron, *Hit-and-Run Drivers Killed Two People in NYC This Weekend*, Streetsblog, May 12, 2014, available at <http://www.streetsblog.org/2014/05/12/hit-and-run-drivers-killed-two-people-in-nyc-this-weekend/>; Denis Slattery, et al, *Man killed by hit-and-run driver in Brooklyn*, N.Y. DAILY NEWS, Jun. 28, 2014, available at <http://www.nydailynews.com/new-york/man-killed-hit-and-run-driver-brooklyn-article-1.1847474>; Joseph Matos and Thomas Tracy, *Man killed in hit-and-run on Queens street*, N.Y. DAILY NEWS, Aug. 18, 2014, available at <http://www.nydailynews.com/new-york/nyc-crime/man-killed-hit-and-run-queens-street-article-1.1907061>.

<sup>4</sup> <http://www.streetsblog.org/2015/09/10/nypd-and-electeds-idle-as-nycs-hit-and-run-epidemic-claims-another-life/>

<sup>5</sup> N.Y. Vehicle and Traffic Law §§ 600(1) and (2).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at § 600(1)(b).

<sup>9</sup> *Id.* at § 600(2)(c).

felony, which is punishable by up to seven years imprisonment and a fine of up to \$5,000.<sup>10</sup> Drivers convicted of leaving the scene of an incident where a personal injury occurred will have their license revoked.<sup>11</sup>

Moreover, as the criminal penalties for leaving the scene of an incident are lower than that of penalties for driving while intoxicated or impaired, they may provide an incentive for some drivers to flee following an incident.<sup>12</sup> For example, a driver who leaves the scene after causing physical injury likely only faces a class A misdemeanor with a maximum penalty of one year imprisonment, but if they remained on the scene and were found to be intoxicated or impaired, could be charged with a class E felony and face four years imprisonment.<sup>13</sup> Additionally, a driver convicted of vehicular manslaughter faces a class D or C felony, while the maximum penalty for leaving the scene of an incident resulting in a death is only a class D felony.<sup>14</sup>

The State Legislature attempted to remedy some of these concerns in 2005 by making it a class D felony for a person to leave the scene of a crash resulting in a death and increasing the penalty for those who leave the scene when personal injury results from a B misdemeanor to an A misdemeanor, but did not amend the burden of proof required in prosecuting such cases.<sup>15</sup> In June 2015, the State Legislature passed a bill that would create the offense of aggravated leaving the scene of an incident without reporting; however, the legislation has drawn criticism from district attorneys and traffic safety advocates because of the conditions it imposes on when the

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at § 510.

<sup>12</sup> N.Y. Vehicle and Traffic Law § 1192; John M. Annese, *11 days later, driver remains at large in Staten Island hit-run tragedy*, Feb. 23, 2012, STATEN ISLAND ADVANCE, available at [http://www.silive.com/news/index.ssf/2012/02/11\\_days\\_later\\_driver\\_remains\\_a.html](http://www.silive.com/news/index.ssf/2012/02/11_days_later_driver_remains_a.html).

<sup>13</sup> N.Y. Vehicle and Traffic Law § 1193.

<sup>14</sup> N.Y. Penal Law §§ 125.12 and 125.13.

<sup>15</sup> L.2005, c. 49, § 1, eff. May 24, 2005.

charge may be applied.<sup>16</sup> The bill has not yet been delivered to the Governor for his consideration.<sup>17</sup>

This session, the Council has passed several pieces of legislation directly related to hit-and-runs. In January 2014, the Council overrode the veto of former Mayor Michael Bloomberg to require that the NYPD report quarterly on hit-and-runs beginning in the third quarter of 2015.<sup>18</sup> Each report must contain the number of hit-and-run incidents resulting in critical injury, the number of such cases closed, and the number of incidents closed without an arrest being made.<sup>19</sup> Additionally, the NYPD is required to provide the Speaker of the Council with a brief summary of steps taken to investigate hit-and-runs. In May 2014, the Council adopted a resolution calling on the State Legislature to remedy several deficiencies in the law regarding leaving the scene of an incident.<sup>20</sup> Finally, in September 2014, the Council passed legislation imposing civil penalties on hit-and-run drivers, in addition to any penalties imposed under State law.<sup>21</sup> As the burden of proof required in an administrative proceeding in order to impose a civil penalty—generally a preponderance of evidence—is a lesser standard than is required in a criminal matter, it is arguably less difficult to impose warranted penalties under this law than to successfully bring charges under State law. Int. No. 603 would raise these civil penalties for repeat offenders and Int. No. 604 would require that information about any civil penalties imposed be included in the quarterly “hit-and-run” report required by Local Law 5 of 2014.

### Bicyclist Safety

The popularity of cycling in New York City has grown rapidly in the past decade. It is

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<sup>16</sup> 2015 N.Y. Assembly Bill A5266; 2015 N.Y. Senate Bill S4747.

<sup>17</sup> [\*Id.\*](#)

<sup>18</sup> Int. No. 1055-2013, L.L. 5 of 2014.

<sup>19</sup> *Id.*

<sup>20</sup> Res. No. 51-2014.

<sup>21</sup> Int. No. 371-A-2014, L.L. 50 of 2014.

estimated that more than 500,000 New Yorkers use bicycles at least several times a month and the number of those commuting by bicycle doubled between 2007 and 2011.<sup>22</sup> The City began tracking bicycle use in 1985 through a 12-hour count of those entering and exiting key points of Manhattan known as the NYC Bicycle Screenline Count.<sup>23</sup> These assessments reveal that bicycling has more than quadrupled since 2000, with particularly sharp increases occurring between 2007 and 2011.<sup>24</sup>

As the use of cycling increases, so do concerns regarding the safety of bike users and adherence to applicable State and local laws. The City has taken a number of steps to improve conditions for cyclists, including incorporating bicycle infrastructure such as dedicated lanes and racks into its transportation planning.<sup>25</sup> Bicycle lanes allow cyclists to travel the City's streets more safely, encourage cycling, and help to protect pedestrians by discouraging cyclists from riding on sidewalks. Cycling advocates often urge the expansion of protected bicycle lanes, as they help to shield cyclists from vehicular traffic.<sup>26</sup> Following a three-year study of protected bicycle lanes in Manhattan, the New York City Department of Transportation ("DOT") found that cyclist crashes with injuries decreased by 17 percent while pedestrian injuries decreased by 20 percent.<sup>27</sup> For 2014, DOT worked on fourteen current bicycle route projects covering nearly 49 miles throughout Brooklyn, the Bronx, Manhattan, and Queens.<sup>28</sup> Since DOT began installing bicycle lanes in the City in 2006, over 438 lane miles have been added or are under

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<sup>22</sup> N.Y.C. Department of Transportation, *Bicyclists*, <http://www.nyc.gov/html/dot/html/bicyclists/bicyclists.shtml> (last accessed Nov. 15, 2014); N.Y.C. Department of Transportation, *Memo on Bicycle Ridership*, <http://www.nyc.gov/html/dot/html/bicyclists/ridership-facts.shtml> (last accessed Nov. 26, 2014).

<sup>23</sup> N.Y.C. Department of Transportation, *2013 NYC In-Season Cycling Indicator* (Feb. 2014), available at

<sup>24</sup> *Id.*

<sup>25</sup> City of New York, *PlaNYC: A Greener, Greater New York* 87 (2007), available at [http://www.nyc.gov/html/planyc/downloads/pdf/publications/full\\_report\\_2007.pdf](http://www.nyc.gov/html/planyc/downloads/pdf/publications/full_report_2007.pdf).

<sup>26</sup> N.Y.C. Department of Transportation, *Sustainable Streets: 2013 and Beyond* 84 (Nov. 2013), available at <http://www.nyc.gov/html/dot/downloads/pdf/2013-dot-sustainable-streets-lowres.pdf>.

<sup>27</sup> N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* 7 (Sept. 2014), available at <http://www.nyc.gov/html/dot/downloads/pdf/2014-09-03-bicycle-path-data-analysis.pdf>.

<sup>28</sup> N.Y.C. Department of Transportation, *Current Bicycle Route Projects*, <http://www.nyc.gov/html/dot/html/bicyclists/bike-projects.shtml> (last accessed Nov. 15, 2014).



construction.<sup>29</sup>

The creation of additional infrastructure has made it easier and safer to bicycle around the City. While the popularity of cycling has increasing since 2000, the number of fatalities and injuries associated with cycling has largely stayed flat.<sup>30</sup> Bicycling has also led to the reconfiguration of City streets and roadways, such as the expansion of bike lanes. The new infrastructure has not only resulted in more safety for bicyclists, it has contributed to safer conditions for pedestrians and motorists.

The increase in cycling has created some heightened safety concerns for bicyclists and pedestrians. In 2014, two pedestrian fatalities were linked to cyclists. On August 3, 2014, a pedestrian was killed when a cyclist attempted to avoid a pedicab.<sup>31</sup> On September 18, 2014 a pedestrian was killed in Central Park by a cyclist while trying to cross the street.<sup>32</sup> According to the Mayor's Management Report, in Fiscal Year ("FY") 2014, 172 crashes involving cyclists and pedestrians were reported.<sup>33</sup> Furthermore, according to DOT statistics, in 2013, 316 pedestrian were injured and one pedestrian fatality was reported from crashes with cyclists.<sup>34</sup> The City responded to the September Central Park incident with Operation Safe Cycle, a push by the Police Department to ticket cyclists for violations of State and local laws.<sup>35</sup>

Despite a recent focus on crashes involving pedestrians, cyclists continue to face the brunt of crash-related dangers, especially from motorists. Though pedestrian deaths fell in

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<sup>29</sup> N.Y.C. Department of Transportation, Past Bicycle Projects, <http://www.nyc.gov/html/dot/html/bicyclists/past-bike-projects.shtml> (last accessed Nov. 16, 2014).

<sup>30</sup> N.Y.C. Department of Transportation, *New York City Cycling Risk* (2013), available at <http://www.nyc.gov/html/dot/downloads/pdf/2013-nyc-cycling-risk-indicator.pdf>.

<sup>31</sup> Samuel G. Freedman, *A Bicycle Crash Kills Another Pedestrian in Central Park*, Sept. 23, 2014, NEW YORKER, available at <http://www.newyorker.com/news/news-desk/bicycle-crash-kills-another-pedestrian-central-park>.

<sup>32</sup> *Id.*

<sup>33</sup> City of New York, *2014 Mayor's Management Report* 232 (2014), available at <http://www.nyc.gov/html/ops/downloads/pdf/mmr2014/dot.pdf>.

<sup>34</sup> N.Y.C. Department of Transportation, *Bicycle Crash Data – 2013*, available at <http://www.nyc.gov/html/dot/downloads/pdf/2013-bicycle-crash-data-report.pdf>.

<sup>35</sup> Freedman, *supra* note 31.

2014—from 293 to 248—the number of cyclists killed in traffic collisions rose from twelve to twenty.<sup>36</sup>

In February 2011, the Council passed legislation requiring DOT to produce an annual report that includes the number of crashes involving solely bicycles, between bicycles and motorized vehicles, and between bicycles and pedestrians that occur in the City each year and the number of injuries and fatalities resulting from those crashes.<sup>37</sup> Int. No. 696 would require that that report include information regarding the number of crashes, injuries, and fatalities in parks and on roadways.

Int. No. 219 would create a task force to study issues related to safe bicycle use in New York City.

### Abandoned Bicycles

Bicycles that are left unclaimed by their owners are commonly referred to as “abandoned bicycles.” Abandoned bicycles are most commonly found attached to City-owned racks or trees, parking meters, and street signs.<sup>38</sup> The City defines an abandoned bicycle as “unusable” if it has at least three of the following factors: 1) appears to be crushed or unusable, 2) is missing a handlebar, pedal, rear wheel, or chain, 3) has flat tires or wheel spokes and rim that are bent, 4) has a bent frame, 5) has damaged handlebars or pedals, or 6) 75 percent or more of the bike is rusted.<sup>39</sup>

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<sup>36</sup> Emma G. Fitzsimmons, *New York City's Pedestrian Fatalities Lowest on Record in 2014*, N.Y. TIMES, Jan. 1, 2014, available at <http://www.nytimes.com/2015/01/02/nyregion/new-york-pedestrian-deaths-are-lowest-on-record.html>.

<sup>37</sup> Int. No. 374-A-2010, L.L. 13 of 2011.

<sup>38</sup> City of New York, *Bicycle Chained to Public Property*, <http://www1.nyc.gov/nyc-resources/service/1191/bicycle-chained-to-public-property> (last accessed Nov. 27, 2015).

<sup>39</sup> *Id.*

Currently, the Administrative Code allows for the removal of abandoned vehicles and other “movable property,” but bicycles are not explicitly mentioned.<sup>40</sup>

In the past, NYPD has seized bicycles pursuant to that section of the Code.<sup>41</sup> Following one such incident, a group of cyclists challenged the seizures of their property in U.S. District Court for the Southern District of New York, which found that due process was violated where cyclists were not provided any explanation before their bicycles were seized.<sup>42</sup> The court did not rule on whether the Code would allow for seizure of genuinely abandoned bicycles if due process were afforded.<sup>43</sup> Int. No. 787 would clarify that the Code only provides for the seizure of genuinely abandoned bicycles, would establish formal notice, hearing, and retrieval processes, and provide for a civil penalty of \$25 to \$100 for abandoning a bicycle in a public place.

### Commercial Cyclists

Concerns have often been raised about individuals who use bicycles for commercial purposes, particularly food delivery cyclists operating in dense neighborhoods of Manhattan, who, with speed required by the nature of their work, often ignore traffic rules. The Code imposes a variety of requirements on commercial cyclists and the businesses that employ them.<sup>44</sup> In October 2012, the Council passed a package of legislation that enhanced these requirements, including Local Law 52 of 2012, which requires commercial cyclists to wear a retro-reflective jacket or vest provided by the cyclist’s employer that indicates the business’ name and the cyclist’s required identification number in lettering at least one inch in height. Int. No. 863 would require that the lettering be reflective and be at least two inches in height.

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<sup>40</sup> N.Y.C. Admin. Code § 16-122.

<sup>41</sup> See Int. 234-2006 at § 1; N.Y.C. Admin. Code § 16-122.

<sup>42</sup> *Bray v. City of New York*, 2005 WL 2429504 (S.D.N.Y. Sept. 30, 2005).

<sup>43</sup> *Id.*

<sup>44</sup> N.Y.C. Admin. Code § 10-157.

## **ANALYSIS OF INT. NO. 219**

Section one of Int. No. 219 outlines the legislative findings and intent of the proposed legislation, including a description of the unique factors that lead many New Yorkers to use bicycles, the benefits of bicycling, and the need to create a task force to identify ways to encourage cycling and improve safety.

Section two would amend title 19 of the Code by adding a new section 19-190 entitled “Bicycle safety taskforce.” The new section would establish a bicycle safety task force to examine the city's bicycle utilization and infrastructure and to develop recommendations on how to make New York City more bicycle-friendly. The recommendations would have to include the best ways to use federal funding to improve bicycling in New York City, changes in rules and regulations regarding bicycle routes, infrastructure components for bicycle lanes and bicycle parking, and educational campaigns and other measures to promote bicycling while ensuring the safety of bicyclists and pedestrians.

The task force would include representatives from DOT, the Department of City Planning, the Department of Parks and Recreation, two mayoral appointees—including one transportation expert and one person who advocates on bicycle use related issues, and two appointees of the Speaker of the Council—including one transportation expert and one person who advocates on bicycle use related issues. The task force would be in effect for two years, with any vacancy filled in the same manner as the original appointment, all members of the task force would serve without compensation, except that each member would be allowed actual and necessary expenses to be audited in the same manner as other City charges. The task force would have to meet at least five times a year and hold a hearing in each of the five boroughs. The DOT Commissioner would serve as chairperson and convene the first meeting of the task force within

ninety days after the effective date of the local law. The task force would be required to issue and submit a report of its findings and recommendations to the Mayor and the Speaker of the Council no later than twelve months and twenty-four months after the effective date of the local law.

Section three contains a severability clause, which would ensure that if one portion of the local law is invalidated such action would not affect the validity of the remaining portions of the local law.

Section four states that the local law would take effect immediately upon enactment and would be deemed repealed on May 31, 2016.

### **ANALYSIS OF INT. NO. 603**

Section 19-191 of the Code imposes civil penalties on drivers for leaving the scene of an incident without reporting as required by State Vehicle and Traffic Law. Section one of Int. No. 603 would amend subdivisions a and b of section 19-191 by adding language that would require civil penalties in the following amounts: \$1,000 for the second and any subsequent violation when property damage results; \$2,000-\$5,000 for the second and any subsequent violation when physical injury results; \$5,000-\$10,000 for the second and any subsequent violation when serious physical injury results; at least \$10,000 for the second and any subsequent violation when death results.

Section two states that the local law would take effect 90 days after its enactment.

### **ANALYSIS OF INT. NO. 604**

Subdivision c of Section 14-153 of the Code, as amended by Local Law 5 of 2014, requires the NYPD to provide a quarterly report on hit-and-run incidents. Section one of Int. No. 604 would amend subdivision c by adding language which would require that the report include information about notices of violation issued pursuant to section 19-191 of the Code, which

imposes civil penalties on drivers for leaving the scene of an incident without reporting as required by State Vehicle and Traffic Law, and about the amount of civil penalties paid pursuant to that section.

Section two states that the local law would take effect immediately upon its enactment.

#### **ANALYSIS OF INT. NO. 696**

Section 19-186 of the Code requires DOT to compile data and produce a report regarding bicycle crashes. Section one of Int. No. 696 would amend section 19-186 by adding language that would require that that data compilation and report include bicycle crashes in parks and on roadways.

Section two states that the local law would take effect 120 days following its enactment.

#### **ANALYSIS OF INT. NO. 787**

Section one of Int. No. 787 declares the legislative findings and intent of the proposed legislation, which includes stating that a process should be implemented to allow the City to remove actually abandoned bicycles, in order to prevent bicycles that have not been abandoned from being impounded.

Section two amends subdivision a of section 16-122, which discusses legislative intent, by adding bicycles to the scope of the section and stating that it is not the intent to prohibit or preclude any person from temporarily leaving a bicycle unattended without it being deemed abandoned.

Section three of Int. No. 787 would amend subdivision i of section 16-122 to make newly added civil penalties related to abandoned bicycles returnable to the Environmental Control Board.

Section four of Int. No. 787 would amend section 16-122 by adding new subdivisions k, l, m, n, o and p. New subdivision k would make it unlawful for any person, or any person's agent or employee, to abandon, or to suffer or permit to abandon a bicycle in any public place, regardless of whether they are the owner. The owner or operator of a bicycle would be allowed a reasonable time, not less than 36 hours, to remove the abandoned bicycle. New subdivision l would make any person found to have abandoned a bicycle liable for a civil penalty of \$25 to \$100.

New subdivision m would require that before a bicycle is impounded, the owner be given notice of the City's intent to impound the bicycle. The notice would have to be affixed to the bicycle and state the section of law violated, the date, and time and location where the enforcement officer issued the notice. In cases where the operator is known to the officer, they may give notice to the operator explaining the procedures for obtaining release of the bicycle. This notice would have to include a brief description of the bicycle, the location where the bicycle may be claimed, applicable charges for removal and storage, and instructions on the steps necessary to request a hearing before the Environmental Control Board. The notice would also have to include a conspicuous notification to the operator and/or owner that they are required to contact the agency in possession to inform them if and when a hearing is scheduled. If, 36 hours after the issuance of the notice the bicycle is still at the same location, the City would be able to impound the bicycle.

New subdivision n would require that an impounded bicycle be released to the owner or another person lawfully entitled to possession upon payment of costs for removal and storage as set forth in the rules of the NYPD, and proof of payment of any fine or civil penalty for the violation. Alternatively, if a proceeding for the violation is pending in a court or before the

Environmental Control Board, such a bicycle could be released upon the posting of a bond or other form of security acceptable to the NYPD in an amount which will assure the payment of such costs and any fine or penalty which may be imposed for the violation. The NYPD would have to establish by rule the time within which bicycles which are not redeemed may be disposed of and the procedures for disposal.

New subdivision o would require that the owner of an impounded bicycle be given the opportunity for a hearing before the Environmental Control Board within five business days of the impoundment. The Environmental Control Board would have to render a determination within three business days after the hearing. In cases where the Board finds there was no basis for impoundment, the owner would be entitled to immediate possession of the bicycle without charge or a refund of any amount paid.

New subdivision p would require that, upon the impoundment of a bicycle, a reasonable attempt be made to give the owner written notice of the procedures for redemption and requesting a post-seizure hearing. In cases in which the operator is not the owner, notice provided to the operator would be deemed to be notice to the owner. In cases in which the defendant or respondent is less than 18 years old, the notice would also have to be mailed to the parent, guardian or, where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.

Section five states that the local law would take effect 90 days after its enactment.

### **ANALYSIS OF INT. NO. 863**

Subdivision i of Section 10-157 of the Code requires that commercial cyclists wear retro-reflective vests containing certain identifying information. Section one of Int. No. 863 would amend subdivision i by adding language that would require that such identifying information be



displayed using reflective lettering and numerals and requiring that such lettering and numerals be at least two inches in height instead of one inch, as is currently required.

Section two states that the local law would take effect 90 days after its enactment.

Int. No. 219

By Council Members Mendez, Barron, Cabrera, Eugene, Johnson, Levine, Rosenthal and Menchaca (by request of the Manhattan Borough President)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating a bicycle safety task force.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. New York City is a unique urban environment and factors such as limited parking, traffic congestion and the availability of public transportation discourages car use. Consequently, many New Yorkers ride bicycles to work and other destinations. Bicyclists also ride for recreation and to improve health and fitness. Bicycling reduces road congestion and motor vehicle related pollution. The Council recognizes that increasing bicycling in New York City can create health and environmental benefits. The Council also recognizes that creating a safe environment for bicyclists can prevent injuries and fatalities. The Council finds that by establishing a mechanism for comprehensive review of bicycle use, including routes and pathways and bicycle safety, we will better understand how to improve the use of bicycles in New York City and encourage safe bicycling practices. Accordingly, the Council finds that a task force dedicated to reviewing the trends and patterns of bicycle use and creating ways to encourage safe bicycling practices in New York City is needed.

§2. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§19-190 Bicycle safety taskforce. a. There shall be established a bicycle safety task force to examine the city's bicycle utilization and infrastructure. Such task force shall develop

recommendations on how to make New York city more bicycle-friendly, which shall include, but not be limited to, the best ways to use federal funding to improve bicycling in New York City; changes in rules and regulations regarding bicycle routes, infrastructure components for bicycle lanes and bicycle parking; and educational campaigns and other measures to promote bicycling while ensuring the safety of bicyclists and pedestrians.

b. Such task force shall consist of the commissioner of the department of transportation, or his or her designee; the commissioner of the department of city planning, or his or her designee; and the commissioner of the department of parks and recreation, or his or her designee. The mayor shall appoint two additional individuals, including one transportation expert and one person who advocates on bicycle use related issues; provided, however, that such individuals shall not hold any other public office, employment or trust. The speaker of the city council shall appoint two additional individuals, including one transportation expert and one person who advocates on bicycle use related issues; provided, however, that such individuals shall not hold any other public office, employment or trust.

c. Such task force shall be in effect for a term of two years. Any vacancy shall be filled in the same manner as the original appointment.

d. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

e. Such task force shall meet at least five times a year and shall hold a hearing in each of the five boroughs. The commissioner of the department of transportation shall serve as chairperson of such task force and shall convene the first meeting of such task force within ninety days after the effective date of the local law that added this section. Such task force shall

issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than twelve months and twenty-four months after the effective date of the local law that added this section.

§3. Severability. If any sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§4. This local law shall take effect immediately and shall be deemed repealed on May 31, 2016.

GZ/LF  
Int. No. 133/2010  
LS 707/2014

Int. No. 603

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Richards, Rose, Vallone, Rosenthal, Williams, Kallos, Reynoso, Menchaca, Torres, Cabrera, Cohen, Levine, Constantinides, Koslowitz, Ferreras-Copeland, Greenfield, Levin, Espinal, Cumbo and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing civil penalties for leaving the scene of an incident without reporting.

Be it enacted by the Council as follows:

Section 1. Subdivisions a and b of section 19-191 of title 19 of the administrative code of the city of New York is amended to read as follows:

a. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that damage has been caused to the real property or the personal property of another due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision one of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board, of not more than five hundred dollars for the first violation and not less than one thousand dollars for a second or subsequent violation.

b. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that physical injury has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board, of not less than one thousand

dollars nor more than two thousand dollars for the first violation and not less than two thousand dollars and not more than five thousand dollars for a second or subsequent violation, except where such injury is a serious physical injury, such driver shall be liable for a civil penalty, recoverable at the environmental control board, of not less than two thousand dollars nor more than ten thousand dollars for the first violation and not less than five thousand dollars and not more than ten thousand dollars for a second or subsequent violation, and where such injury results in death, such driver shall be liable for a civil penalty, recoverable at the environmental control board, of not less than five thousand dollars nor more than ten thousand dollars for the first violation and not less than ten thousand dollars for a second or subsequent violation.

§ 2. This local law shall take effect 90 days after enactment.

KET 12/11/14 5:10PM  
LS 2949/2014

Int. No. 604

By Council Members Van Bramer, Rodriguez, Chin, Gibson, Koo, Lander, Mendez, Rose, Vallone, Rodriguez, Williams, Kallos, Reynoso, Menchaca, Richards, Torres, Cabrera, Levine, Constantinides, Koslowitz, Ferreras-Copeland, Greenfield, Levin, Espinal, Cumbo, Miller and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting information related to leaving the scene of an incident without reporting.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 14-153 of the administrative code of the city of New York, as amended by local law 5 for the year 2014, is amended to read as follows:

c. For the quarter beginning July first, two thousand fifteen and quarterly thereafter, the department shall provide a report, in writing, to the speaker of the council regarding: (1) the number of traffic-related incidents during the prior quarter that involved at least one vehicle and resulted in critical injury and where the driver of a vehicle involved in such incident left the scene of such incident without reporting, in violation of section six hundred of the vehicle and traffic law; (2) the number of such incidents the department closed during the prior quarter resulting in an arrest being made for violation of such section of the vehicle and traffic law; [and] (3) the number of such incidents the department closed during the prior quarter without an arrest being made for violation of such provision of the vehicle and traffic law, and (4) notices of violation issued pursuant to section 19-191 of the code and the amount of civil penalties paid pursuant to such section. The data in such report shall be disaggregated by precinct and the cross streets of the incident and the department shall also publish such data on the department's website. Additionally, the department shall provide to the speaker of the council in writing a brief description of what steps were taken to investigate each such incident, noting the cross

streets of the incident. For purposes of this subdivision, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to any such incident.

§ 2. This local law shall take effect immediately.

KET 12/1/14 6:12PM  
LS 2948/2014



Int. No. 696

By Council Members Rodriguez, Chin, Koo, Rosenthal and Menchaca

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting on bicycle related fatalities.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-186 of the administrative code of the city of New York, is amended to read as follows:

§ 19-186 Compilation of bicycle crash data. a. The department shall compile the total number of bicycle crashes that are reported to city agencies. Such bicycle crash compilation shall include, but not be limited to, bicycle related fatalities in parks and on roadways, crashes between bicycles, between bicycles and motorized vehicles and between bicycles and pedestrians. The department shall commence compiling such data on October 1, 2011.

b. On June 1, 2012 and annually thereafter, the department shall provide a report to the council for the preceding calendar year, with such report posted on the department's website, of the total number of reported crashes as required by subdivision a of this section, disaggregated by those involving solely bicycles, between bicycles and motorized vehicles, and between bicycles and pedestrians. Such report shall also include the number of injuries and fatalities resulting from such crashes disaggregated as above, and shall include number of such crashes that occur in parks and on roadways as well as injuries and fatalities resulting from such crashes.

Such report shall also be disaggregated by borough and by police precinct.

§ 2. This local law shall take effect 120 days following its enactment into law.

Int. No. 787

By Council Members Lander, Reynoso, Menchaca, Rosenthal, Williams, Kallos, Levin, Levine, Chin, Arroyo, Cumbo, Johnson and Dromm

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the seizure of abandoned bicycles.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The New York City Council finds that removing genuinely abandoned bicycles affixed to public property serves a legitimate governmental objective. Accordingly, in order to authorize the City to remove actually abandoned bicycles, and prevent bicycles that have not been abandoned from being impounded, the Council finds that it is necessary to amend the Administrative Code in relation to the seizures of bicycles by explicitly authorizing the seizure of actually abandoned bicycles, creating a notice requirement in connection therewith, and establishing procedures for the retrieval of abandoned bicycles seized pursuant to this section.

§ 2. Subdivision a of section 16-122 of the administrative code of the city of New York is amended to read as follows:

a. Legislative intent. The need for this legislation is indicated by the ever increasing number of abandoned cars and bicycles in the city of New York. The purpose of this section is to punish those persons who abandon and/or remove component parts of motor vehicles in public streets, and to provide for the seizure of abandoned bicycles. It is not the intent to prohibit or preclude any person in lawful possession of a vehicle from making lawful repairs or removing any component part for the purpose of making lawful repairs or removing any component part for the purpose of making such lawful repairs to a motor vehicle on a public street. It is not the

intent to prohibit or preclude any person from temporarily leaving a bicycle unattended without it being deemed abandoned.

§ 3. Subdivision i of section 16-122 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties [hereinabove] herein provided in [subdivision] subdivisions h and l of this section.

§ 4. Section 16-122 of the administrative code of the city of New York is amended by adding new subdivisions k, l, m, n, o and p to read as follows:

k. It shall be unlawful for any person or such person's agent or employee to abandon, or to suffer or permit to be abandoned, any bicycle, whether or not owned by such person, in any public place. The owner or operator of a bicycle shall be allowed a reasonable time, not less than thirty-six hours, within which to remove such abandoned bicycle from the public place.

l. Any person found to have violated any of the provisions of subdivision k of this section shall be liable for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars.

m. Before a bicycle may be impounded pursuant to this section, the owner of such bicycle shall be given notice of the city's intent to impound the bicycle. The notice of intention to impound the bicycle shall be affixed to the bicycle and shall state the section of law violated, the date, time and location where the enforcement officer issued the notice of intent to impound. Where the operator of the bicycle to be impounded is known to the enforcement officer, the

enforcement officer may give the notice of intention to impound and information to the operator explaining the procedures for obtaining release of the bicycle. The notice shall include a brief description of the bicycle, the location where the bicycle may be claimed, the applicable charges for removal and storage, and instructions on the steps necessary to request a hearing before the environmental control board. The notice shall also include a conspicuous notification to the operator and/or owner that he or she is required to contact the agency in possession of the bicycle to inform that agency if and when a hearing is scheduled on the matter. If, after thirty-six hours from the issuance of the notice of intention to impound, the bicycle is still at the same location, the city may impound the bicycle.

n. A bicycle impounded under this section shall be released to the owner or another person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or penalty which may be imposed for the violation. The police department shall establish by rule the time within which bicycles which are not redeemed may be disposed of and the procedures for disposal.

o. The owner of a bicycle that has been impounded shall be given the opportunity for a hearing regarding the impoundment before the environmental control board within five business days of such impoundment. The environmental control board shall render a determination within three business days after the conclusion of such hearing. Where the board finds that there was no basis for the impoundment, the owner shall be entitled to immediate possession of the bicycle

without charge or to the extent that any amount has been previously paid for the release of the bicycle, such amount shall be refunded.

p. Upon the impoundment of a bicycle, a reasonable attempt shall be made to give the owner of the bicycle written notice of the procedure for redemption of the bicycle and the procedure for requesting a post seizure hearing. Where the operator is not the owner thereof, notice provided to the operator shall be deemed to be notice to the owner. Where the defendant or respondent is less than eighteen years old, such notice shall also be mailed to the parent, guardian or, where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.

§ 5. This local law shall take effect ninety days after its enactment.

RC/KET 6/30/14 8:42AM  
Int. 0421-2010  
LS 1643/2014

Int. No. 863

By Council Members Rosenthal and Mendez

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to identifying garments worn by those operating a bicycle used for commercial purposes.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 10-157 of the administrative code of the city of New York is amended to read as follows:

i. A business using a bicycle for commercial purposes shall provide for and require each bicycle operator employed by such business to wear and each such bicycle operator shall wear a retro-reflective jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost garment while making deliveries, or otherwise riding a bicycle on behalf of such business, the back of which shall indicate such business' name and such bicycle operator's individual identification number as assigned pursuant to subdivision c of this section in reflective lettering and numerals not less than [one inch] two inches in height so as to be plainly readable at a distance of not less than ten feet.

§ 2. This local law shall take effect 90 days after its enactment into law.

KET 11/18/14 10:38AM  
LS 2760/2014