

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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April 15, 2015
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HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
James G. Van Bramer
Mark S. Weprin
David G. Greenfield
Costa G. Constantinides
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso

A P P E A R A N C E S (CONTINUED)

Joshua Benson
Assistant Commissioner
Street Improvement Projects
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Jeff Lynch
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John Frost
Executive Director
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New York City Department of Transportation

Kim Wiley-Schwartz
Assistant Commissioner
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Susan Petito
Assistant Deputy Commissioner
Legislative Affairs
New York Police Department

Carol Waaser
Past President
New York Cycle Club

Paul White
Bike New York

Nellie Weisman [sp?]
Rich Conde [sp?]

2 [sound check, pause]

3 CHAIRPERSON RODRIGUEZ: Good morning
4 everyone and welcome to today's hearing on the New
5 York City Council Transportation Committee. I'm
6 Ydanis Rodriguez, Chair of the Committee, and I'm
7 joined by my colleague Council Member Weprin. Today,
8 we will hear a number of bills related to biking as
9 well as boarding on two bills designed to limit
10 emissions produced by public vehicles and improve
11 transit for thousands of riders across our city.
12 After a long winter, we welcome the early signs of
13 the spring, and with temperatures rising, we soon
14 expect to see our streets, parks and bike lanes
15 filled with bicycles--with cyclists. Our cycling has
16 grown tremendously. As this mode of transportation
17 over the past several years, we as a city have worked
18 hard to keep up with its popularity through improving
19 safety with new infrastructure and the street
20 designs.

21 A major part of this effort was the
22 introduction of Citi Bike the New York bike sharing
23 network, which launched in 2013 with 6,000 bikes at
24 300 stations and now has plans to expand further into
25 Manhattan, Brooklyn and Queens. This is something

2 that many here at the Council are happy to see. We
3 have alternative ways of getting from Point A to
4 Point B that are clean, efficient, and for the most
5 part, safe. But we as a city are always looking to
6 improve, and that's exactly what the legislation
7 considered today will do. Intros 210 and 225
8 introduced by Council Member Lander and myself
9 respectively are designed to provide transparency to
10 the Citi Bike program as it pertains to usage data
11 and program finance. Last year the operating company
12 of the New York City Bike Share, Alta, faced
13 financial difficulties putting at risk the bike share
14 programs in New York City and cities across the
15 country.

16 At this time, questions arose as to how
17 to save the amenity that many New Yorkers and
18 visitors have come to enjoy. One, they have become
19 part of our transportation network. Thankfully, in
20 October, this crisis was averted as the company was
21 taken over by Bike Share Holding, LLC, and changed
22 its name to Motivate International, whose housings
23 made improvement and upgraded technology to the
24 benefit of riders across the city. Yet, as this
25 continues to be a public good, it is in the interest

2 of the public to ensure that network--that the
3 network remains on solid financial footing. With
4 Intro 225, we at the Council can determine if the
5 steps need to be taken to secure the future of New
6 York City Bike Share including its plan to expand to
7 other parts of the city.

8 Intro 210 has similar intentions in mind
9 when it comes to shedding light on how our Bike Share
10 program is operating. This bill will require the DOT
11 to publish Citi Bike's usage data, showing where a
12 trip begins and ends, as well as how long riders are
13 using bikes. With this increased transparency, the
14 public can be engaged in improving not only the
15 system, but the city's bike infrastructure as a whole
16 pointing to where cycling is most prevalent and
17 ensuring the infrastructure is keeping up with the
18 demand to keep riders safe.

19 We will also hear Intro 7--716,
20 introduced by myself, which will create a civil
21 penalty for the theft of a bike or motor vehicle, a
22 crime with potentially devastating consequences for
23 those with modest means. When a person steals one's
24 means of transportation, there are stealing more than
25 just a physical item. They are potentially robbing

2 person of their means to earn a living. According to
3 an AMNY report, bike thefts increased over 103% from
4 2013--2003 to 2013, with over 4,000 bikes stolen
5 between January and late October of last year. With
6 this, we will send a message to anyone who is
7 planning to steal a bike, we will go after them. Our
8 city cannot tolerate this offense, and with this
9 legislation we will do more to protect these
10 important rules.

11 Finally, we, the Committee--we at the
12 Committee will consider Intro--Intros 544 and 545
13 introduced by Council Member Treyger intending on
14 making our streets that much safer for cyclists and
15 pedestrians alike. Intro 544, which I am a co-prime
16 sponsor, will prohibit the use of wireless
17 communication devices while cycling to ensure that
18 cyclists' attention is focused solely--solely on the
19 role of the path in front of them, decreasing the
20 likelihood of collisions or unsafe behavior. And
21 Intro 545 will require the DOT to develop a biking
22 safety course based on the state and local laws, and
23 for the DOT to partner with the NYPD on a public
24 education campaign to increase aware of the law, and
25 the safe behavior of bikes. We have seen too many

2 collisions--collisions involving cyclists and
3 pedestrians, and cyclists and cars. And while I want
4 to be clear that drivers behind the wheels have the
5 utmost responsibility for their actions leading to
6 this committee to place greater accountability on
7 drivers. Vision Zero is about improving the behavior
8 of all of us who use our streets, which is the
9 intention of these bills. I now invite the council
10 member--Council Member Lander to speak on Intro 210.

11 COUNCIL MEMBER LANDER: Thank you very
12 much to Chair Rodriguez, and to my colleagues. I'm
13 very enthusiastic today that the committee will vote
14 on Intro 211 to establish a bus rapid plan for New
15 York City. I'm really grateful to our staff here to
16 Kelly Taylor and Lyle Frank for their work on the
17 bill. To Ben Smith from my staff, to DOT who has
18 worked very closely with us on it, and already done
19 so much work to build out or BRT network. But who
20 see the value in making that part of really our law
21 and our planning together in moving forward to make
22 sure we have a robust network.

23 But we're thinking really far into the
24 future; what that's going to look like, where it's
25 going to go, what its features will be. And how it

2 can set up a vision we can keep moving toward, and
3 really involving people in moving toward it together.
4 And, a big thanks to the advocates as well to
5 Transportation Alternatives, and the Riders Alliance
6 and whole range of groups who have been working
7 together with us. I want to thank TWU for their
8 support here as well. I really think as we look
9 forward at this city at how we handle growth in a
10 way, which is sustainable, and equitable, there are a
11 few things that can get us there better than a really
12 strong robust rapid transit network. And I would
13 encourage people if you haven't and you want to be
14 convinced of this. Go back to the last panel of the
15 day that we had at the hearing you chaired, Mr.
16 Chair, where some young women from neighborhoods that
17 can be served by the BRT. And who really see the
18 vision of a transit system that is sustainable that
19 reaches all neighborhoods, that creates good jobs,
20 and that knits our neighborhoods together. That's
21 what this bill is designed to do, and I thank you for
22 your leadership and support on this and all the other
23 issues being considered on the calendar today.

24 [pause]

25

2 CHAIRPERSON RODRIGUEZ: The birthday boy,
3 my colleague Council Member Treyger to do his opening
4 statement, and happy birthday.

5 COUNCIL MEMBER TREYGER: Thank you very
6 much, Mr. Chairman and for your leadership in this
7 committee, and being really the champion in the
8 Council and advancing all of the laudable goals of
9 Vision Zero. So, once again, thank you to the
10 Chairman for hosting this important hearing on a
11 package of bike safety legislation today. And for
12 his unwavering commitment to improving the safety of
13 all of us on our streets, and for all New Yorkers.

14 Over the past year, this Council has
15 worked very hard as a city to change the culture on
16 our streets, and work towards the important goal of
17 advancing Vision Zero. We have made tremendous
18 progress, but we also have a ways to go to meet this
19 challenge. One thing is clear, we all play a role in
20 making our streets safer, and ending the culture or
21 reckless behavior that has claimed too many lives
22 over the years. And, let's make no mistake, and to
23 be crystal clear, motorists play the largest role,
24 and they are the largest brunt of the responsibility
25 of promoting safe streets. But after watching a

2 cyclist nearly causing multi-vehicle accidents in my
3 district because he was texting and not paying
4 attention, I was surprised to learn that this is not
5 specifically prohibited by current city law. My
6 belief is that no one should be distracted by a
7 handheld device traveling on public streets whether
8 it's a motorist or a bicyclist, which is why I'm
9 proposing this legislation. However, I truly believe
10 that Vision Zero must be about safety and education,
11 and not simply about increasing revenue for the city.

12 With that in mind, I am also proposing
13 the creation of the city's first official bike safety
14 course. First offenders who do not cause injuries or
15 property damage will have the option of taking a bike
16 safety course in lieu of a fine--of the fine. This
17 is the most progressive ban in the nation. In the
18 City of Chicago, there is no option of a bike safety
19 course. You have to pay a fine. The State of
20 California has actually a more severe fine that
21 they're considering. We are better off educating
22 people than simply fining them. So I'm especially
23 proud of this piece of legislation, and the positive
24 impact it will have on promoting safe and responsible
25 cycling in New York City. Thank you to Bike New

2 York, and my colleagues including the Chair for
3 supporting this common sense piece of legislation. I
4 look forward to continuing to work with Chair
5 Rodriguez and this committee, and the advocates and
6 the administration to move this legislation forward.
7 Thank you.

8 CHAIRPERSON RODRIGUEZ: Thank you. I
9 would like to recognize my colleagues who are here,
10 Council Member Menchaca, Lander, Treyger, Rose,
11 Vacca, Miller, Dan Garodnick and Constantinides. And
12 before we hear testimony from the Administration, I
13 would like to take the time to vote on two bills.
14 Intro 211 as sponsored by Council Member Lander will
15 require the City to develop a study and plan in
16 partnership with the MTA to bring bus rapid transit
17 route to transit starved neighborhoods. Bus rapid
18 transit is a method designed to connect this
19 community to [sneeze] our valuable transit--bless
20 you--to our valuable transit network speeding up
21 commute times through safe and efficient means.

22 Also, Intro--we will be voting on Intro
23 597, as sponsored by Council Member Torres, which
24 will require the City to develop car sharing
25 strategies within the City fleet, and ultimately

2 decrease the size of the fleet while maintaining
3 efficiency. This will lower the city's agency impact
4 on our environment through having fewer cars on our
5 streets. I will now invite Council Member Lander to
6 give an opening statement on Intro 211.

7 COUNCIL MEMBER LANDER: Thank you, Mr.
8 Chairman, I grouped sides, [sic] but--I--I--I have
9 more to say.

10 [background comments]

11 CHAIRPERSON RODRIGUEZ: Great.

12 COUNCIL MEMBER LANDER: Thank you.

13 [background comments]

14 CHAIRPERSON RODRIGUEZ: Intro 597 as
15 sponsored by Council Member--Member Torres will
16 require the city to develop car sharing--I'm sorry.
17 I already said that one. So, now, I would like to--
18 to move on voting, and I recommend a yes vote on
19 both, and I also would like to add my name to those
20 two bills. I ask the clerk to please call the role.

21 CLERK: William Martin, Committee Clerk.
22 Roll call vote Committee on Transportation. Council
23 Member--Chair Rodriguez.

24 CHAIRPERSON RODRIGUEZ: I vote aye.

25 CLERK: Garodnick.

2 COUNCIL MEMBER GARODNICK: Aye.

3 CLERK: Vacca, Rose.

4 COUNCIL MEMBER ROSE: [off mic] Aye.

5 CLERK: Weprin.

6 COUNCIL MEMBER WEPRIN: [off mic] Aye.

7 CLERK: Constantinides.

8 COUNCIL MEMBER CONSTANTINIDES: Aye, and

9 I'd be--I'd like to be added as a co-sponsor to Intro
10 597-A, please. Thank you.

11 CLERK: Menchaca.

12 COUNCIL MEMBER MENCHACA: Aye.

13 CLERK: Miller.

14 COUNCIL MEMBER MILLER: Could I have
15 clarification on what we're voting on, please?

16 CHAIRPERSON RODRIGUEZ: [off mic] What
17 did you say? [sic]

18 COUNCIL MEMBER MILLER: Clarification.
19 I'm sorry. Clarification on what we're voting on.

20 COUNCIL MEMBER RODRIGUEZ: [off mic]
21 We're voting on two bills sponsored by Council Member
22 Lander and one for the City to develop a study.
23 [sic]

24 COUNCIL MEMBER MILLER: Okay, right.

25 I'm yes--permission to explain, please. Okay, so on

2 the BRT piece, I am a long-term--a long time advocate
3 of BRT. Obviously, everyone knows my former position
4 in transportation, and for the record, I think that
5 we were in Brazil more than a decade ago. Studying
6 BRT I think is a fantastic idea. I also think that
7 it requires infrastructure and other things that I
8 don't know if--that the city is prepared to do right
9 now. But I would say on a more pressing matter the
10 BRT that is scheduled for Jamaica to Flushing, which
11 there have been a number of forums and town halls
12 held on that. And each community that was involved in
13 these forums vehemently objected to the BRT for
14 various reasons.

15 My community of Jamaica, Southeast Queens
16 one of--which has one of the largest commutes into
17 the city. For me, a 35-minute bus ride and the first
18 stop to the last stop on the J or the E to get here,
19 which is on the best day an hour and a half, BRT does
20 absolutely nothing to address that concern, and the
21 concern of close to 150,000 riders that utilize those
22 services. So for that--but I do certainly think that
23 the bill has merit. That there has to be studies to
24 whether not there--or what the feasibility is as we
25 move forward. But I am, too, inclined to--on the BRT

2 to abstain at this time. And I vote aye on the
3 other.

4 CLERK: Introduction 211-A has been
5 adopted by a vote of 7 in the affirmative, 0 in the
6 negative and 1 abstention, and Introduction 597-A has
7 been adopted by a vote of 8 in the affirmative, 0 in
8 the negative, and no abstentions.

9 CHAIRPERSON RODRIGUEZ: Now, before we--
10 we hear from our witness, including the
11 administration and the advocating general public, I
12 would like to thank my committee staff who do the--
13 all the work Counsel Kelly Taylor, Policy Analyst
14 Jonathan Masserano, Gafar Zaaloff, and Russell
15 Murphy, as well as my Chief of Staff Carmen de la
16 Rosa and my Communication Legislative Director Lucas
17 Acosta. I now welcome the representatives here from
18 the New York City DOT, and the NYPD and ask our
19 Committee Counsel to administer the affirmation.
20 Then invite them to deliver their testimony.

21 [pause]

22 COMMITTEE COUNSEL: Kelly Taylor,
23 Committee Counsel. Would you please raise your right
24 hands. Do you affirm to tell the truth, the whole
25 truth, and nothing but the truth in your testimony

2 before the committee today, and to respond honestly
3 to council member questions? Thank you.

4 [pause]

5 ASSISTANT COMMISSIONER BENSON: May I
6 begin? [coughs] Good morning Chairman Rodriguez and
7 members of the Transportation Committee. My name is
8 Joshua Benson, Assistant Commissioner for Street
9 Improvement Projects at the New York City Department
10 of Transportation. I'm also joined today by Jeff
11 Lynch, Assistant Commissioner for Intergovernmental
12 Affairs; John Frost, Executive Director of DOT's Bike
13 Share Program; Kim Wiley-Schwartz, Assistant
14 Commissioner of Education and Outreach; and Sue
15 Petito, Assistant Deputy Commissioner for Legislative
16 Affairs at NYPD. [coughs] On behalf of DOT
17 Commissioner Trottenberg, thank you for having us
18 here to discuss this package of legislation, which
19 addresses several topics relating to bicycling in New
20 York City. In recent years, New York City has become
21 a leader in cycling nationally. And last year
22 Bicycling Magazine named New York City as the best
23 biking city in the U.S. The City Council has been a
24 tremendous partner in the expansion of both the bike
25 lane network, and the Citi Bike Program

2 The time and energy the Council has
3 devoted to this issue through the leadership of
4 Speaker Mark-Viverito and Chairman Rodriguez has been
5 invaluable to the work of DOT and NYPD in making New
6 York City a safer place for bicyclists and for all
7 users of our streets. In recent years we have seen
8 tremendous growth in cycling in New York City.
9 Cycling has nearly tripled in the last ten years, and
10 grew by 4% in just the last year. Over 340,000 trips
11 per day are made by bike in New York City, and nearly
12 30,000 of those trips are using Citi Bikes. New
13 Yorkers today can ride on over 960 miles of bike
14 lanes including 650 miles of on-street lanes of which
15 50 miles are protected lanes, and the remaining 310
16 miles are for our Greenways parks.

17 Let me now turn to the bills being heard
18 today. Two of the bills deal with the issue of
19 bicycle safety. Intro 544 establishes a violation
20 for using an electronic communications device while
21 riding a bicycle. Intro 545 would require DOT to
22 create a bicycle safety course and work with the NYPD
23 to conduct outreach on safe bicycling. Intro 545
24 also allows for hearing officers to waive civil
25 penalties incurred for riding a scooter without a

2 helmet, or for riding a bicycle on a sidewalk upon
3 completion of the safety course. A big part of the
4 expansion of bicycling in New York City is our focus
5 on safe riding practices. DOT has developed *Bike*
6 *Smart*, the official guide to cycling in New York
7 City, which we have here with us today. This
8 handbook provides useful information on making
9 cycling safer and easier including NYC laws, tips on
10 using newer bicycle facilities such as protective
11 bike lanes and bike boxes, and the importance of
12 yielding to pedestrians. To date, we have
13 distributed over 600,000 Bike Smart Guides during all
14 of our bicycling helmet fitting and giveaways to bike
15 shops throughout the city. And also with the NYPD
16 during our joint Vision Zero Street Team Operations.

17 In 2012, DOT launched its Delivery
18 Cyclists Education and Enforcement Program. As part
19 of this program, DOT conducted outreach and provided
20 information about bicycling safety to local
21 restaurants and businesses. We also created an
22 online safety course available in several languages
23 that all commercial cyclists are required to take by
24 law. DOT believes that driving a car or riding a
25 bicycle while distracted does pose a danger to all

2 users of the road. As part of Vision Zero we
3 launched a campaign to combat reckless driving using
4 billboard signs and on the radio called *Your Choices*
5 *Matter*. These ads inform New Yorkers about how the
6 choices they make when operating any type of vehicle
7 can make a difference in preventing crashes. While
8 we share the Council's concerns about cyclist
9 behavior, we have concerns about a provision of Intro
10 545 that would permit waiving the penalties for
11 children riding without a helmet. This--the
12 requirement for children under 14 to ride a scooter
13 or bicycle with a helmet is an important part of how
14 children learn to ride with due care. We want to
15 make sure that any change in the enforcement of this
16 law currently targeted at parents does not undermine
17 the city's goal of protecting children and promoting
18 the safe use of our streets.

19 Additionally, while cyclists would
20 benefit from more safety education, drivers account
21 for the overwhelming number of crashes that lead to
22 fatalities or serious injuries on our streets. The
23 Council may want to consider ways to promote expanded
24 safety education for drivers, which will go much
25 further in making our streets safer. Nonetheless, as

2 more New Yorkers ride on our growing bike network,
3 DOT looks forward to continuing to work with the
4 Council and NYPD on developing ways to improve safety
5 for all road users.

6 Next, Intro 716 would create a civil
7 penalty of \$500 to \$1,000 for stealing bikes, and
8 \$5,000 to \$7,500 for stealing motor vehicles. As the
9 bike network grows across the city, it is important
10 to have safe places to keep bicycles when they're not
11 in use. To meet the growing demand for storage, we
12 at DOT have been diligent about creating more
13 capacity to keep up with the increased ridership. We
14 now have over 22,000 sidewalk bike parking racks,
15 including 46 multi-rack bike corrals. DOT also
16 administers the Bikes in Buildings Program, which
17 currently covers nearly 350 buildings, and provides
18 access for over 6,500 bicycles. These amenities
19 provide New Yorkers with safe, secure, and convenient
20 places to store their bicycles, which can reduce the
21 amount of theft. As with the earlier bills
22 discussed, we are also happy to work with the NYPD
23 and Chairman Rodriguez to develop solutions to
24 improve the safety of New Yorker's vehicles.

2 The final two bills before us deal with
3 the successful Citi Bike Program. Intro 210 would
4 require DOT to report quarterly on Citi Bike usage
5 data, such as the start date and time, the end date
6 and time, the start station, the end station, the
7 bike number and the membership type. Intro 225 would
8 require DOT to annually report on Citi Bike financial
9 data. Both Intro 210 and 225 look to make the Bike
10 Share Program data available to all New Yorkers, and
11 since the start of the program in 2013, the operator
12 has made information about the program publicly
13 available. Currently, on the Citi Bike website you
14 can find historic monthly trip statistics going back
15 to July 2013. Statistics in these data sets include
16 trip duration, start date and time and station; trip
17 and date and time, and station; the bicycle ID
18 number, and the membership type, annual or short-
19 term. As well as data that would not be required by
20 Intro 210 including the gender and age of the rider.
21 Also available on the website are the program's
22 monthly reports, which include information on
23 membership and ridership; bicycle and station
24 maintenance; the program's environmental impact;

2 overall operator performance; and a summary of the
3 program's revenues.

4 While we believe that Motivate has done a
5 lot to provide the public with access to data, we
6 share the sponsor's goals of transparency, and we'll
7 work together with the Council on enhancing Citi
8 Bike's data sharing. To summarize, cycling in New
9 York City has never been safer, easier, or more
10 popular. At DOT and in the de Blasio Administration,
11 we pledge to continue to grow and improve cycling,
12 and to make it safer for everyone in the city. Thank
13 you Chairman Rodriguez and members of the committee.

14 ASSISTANT COMMISSIONER PETITO: Good
15 morning Chair Rodriguez and members of the Council.
16 I am Susan Petito, Assistant Deputy Commissioner for
17 Legislative Affairs of the New York City Police
18 Department. On behalf of Police Commissioner William
19 J. Bratton, I would like to thank you for this
20 opportunity to speak to you about two of the bills
21 before you today, Intros 544 and 716. First, Intro
22 544 would prohibit the use of an electronic
23 communications device while operating a bicycle. A
24 key tenet of Vision Zero is the need to focus our
25 efforts to reduce the most dangerous moving

2 violations on our streets, particularly speeding and
3 failure to yield. Which remain the Administration's
4 enforcement priorities. That said, all users of our
5 public thoroughfares must remain alert, and must not
6 be distracted.

7 The bill represents an attempt to address
8 the distraction to bicycle operators, which may be
9 caused by the use of cell phones or other handheld
10 electronic devices while navigating crowded city
11 streets. We do have some concerns regarding how the
12 bill would be implemented, however. Since it sets
13 forth a two-tiered system with a first violation not
14 subjecting the offender to a civil penalty unless
15 property damage or personal injury is caused. We
16 interpret the bill's language to authorize
17 enforcement of the prohibition by the issuance of a
18 summons returnable the Traffic Violations Bureau like
19 other moving violations committed by bicycle
20 operators. But we are unclear regarding whether that
21 enforcement action is intended to be limited in some
22 way. A police officer observing a violation would
23 not know whether a bicycle operator had previously
24 committed the same infraction.

2 Therefore, we would suggest that the bill
3 language be clarified to indicate that the summonses
4 issued based upon the violation itself thereby
5 leaving to the administrative law judge of the
6 Traffic Violations Bureau the determination of
7 whether a civil penalty should be imposed based upon
8 the circumstances. A similar issue arises with the
9 aggravated penalty for a second violation within 18
10 months. Again, a police officer would not know the
11 operator's history, and would only be able to issue a
12 summons for the basic violation. There may also be a
13 concern regarding the ability of the Traffic
14 Violations Bureau to impose the aggravated penalty
15 since these violations are not necessarily associated
16 with the driver's license number. And, therefore,
17 may be difficult for the Traffic Violations Bureau to
18 track. Notwithstanding the potential challenges, we
19 welcome the opportunity to work together with you and
20 with the Traffic Violations Bureau to design and
21 appropriate implementation plan should the bill be
22 enacted.

23 With respect of Intro 716, we understand
24 the bill's intent to impose civil penalties on those
25 who have been criminally convicted of theft of

2 bicycles and motor vehicles. However, the mechanism
3 by which the civil penalty would be enforced may
4 require further exploration. The bill contemplates
5 that an offender would be served with a notice of
6 violation returnable to the Environmental Control
7 Board triggered in some way by a criminal conviction.
8 But, it is not yet clear how that would be
9 accomplished. Again, the Administration is open to
10 further discussion of the bill to determine the best
11 way that its intent may be realized. Thank you for
12 the opportunity to speak with you today, and would be
13 pleased to answer your questions.

14 CHAIRPERSON RODRIGUEZ: I have a few
15 questions, and I know that my colleagues also have
16 others. And the first one was about--and first of
17 all, I'd like to thank the Administration for being
18 open, you know, to continue conversation with those
19 two bills. That's a good beginning of addressing an
20 issue that affects, you know, our city. One is about
21 on Intro--Intro 716. What are the statistics and
22 trends regarding bicycle theft in the city?

23 ASSISTANT COMMISSIONER PETITO: Currently
24 the year to date--

2 CHAIRPERSON RODRIGUEZ: [interposing] Uh-
3 huh.

4 ASSISTANT COMMISSIONER PETITO: --2015,
5 there have been 532 bicycle thefts reported to the
6 Police Department. The trend is, however, upward for
7 the last couple of years. In 2011, there were 2,894
8 reports. In 2012, there were 3,503. In 2013, there
9 were 4,249, and then again in 2014, 4,849. So the
10 trend is upward, and I think that probably has a lot
11 to do with the fact of increased bicycle usage in the
12 city.

13 CHAIRPERSON RODRIGUEZ: Yeah, and I think
14 it's important to, you know, to recognize that we are
15 in the--we are going in the right direction, you
16 know, when it comes to taking to the bike as you--as
17 another way of transportation. But we also have to
18 protect them, you know, like-- And I think it is
19 good to know that we have particular places where
20 cyclists can store the bike. But what we're
21 addressing is like not only those places where
22 cyclists they can store their bike, but the cyclists
23 that leave their bike in the street. You know, from
24 someone who buys--who has \$100 bike to whoever has
25 invested \$3,000 in a bike. So, you know, that's--

2 that's where we like to see how we can work together
3 and address that situation.

4 ASSISTANT COMMISSIONER PETITO: Well, Mr.
5 Chairman, if I could mention the Police Department
6 Crime Prevention Section has a very robust effort to
7 have people register their bicycles with us. If the
8 bicycle has a serial number, they would register the
9 serial number with us. If it doesn't have a serial
10 number we would etch an identifying number on the
11 bicycle for them. And then if, you know, the bad
12 thing happens that the bicycle is stolen, at least it
13 might be able to be recorded, and then the owner
14 identified. So our Crime Prevention section has
15 events at which they attempt to like encourage people
16 to etch their bicycles or register the bicycles. But
17 any person can make an appointment or go into a
18 precinct and speak to the Crime Prevention Officer to
19 register their bicycle.

20 CHAIRPERSON RODRIGUEZ: Great.

21 ASSISTANT COMMISSIONER BENSON: And if I
22 could just add [coughs] DOT's efforts to provide safe
23 bike parking, I mentioned in the testimony we have
24 22,000 bicycle racks on the sidewalk. We also in our
25 New York City Bike Map, which we distribute very

2 widely, we offer tips on how to lock your bike
3 properly, which is a big key to using bike racks. If
4 you don't secure the bike properly, if the operator
5 doesn't secure the bike properly, it's going to be
6 vulnerable. So we--we do education to help people
7 know how to do it correctly. We take requests via
8 our website and 311 for bike rack locations. So if
9 any of the members have locations where bike racks
10 would be helpful or any of the constituents we
11 absolutely take requests. And, you know, that's an
12 important key to this. It's not about just
13 recovering the stolen bikes, but actually preventing
14 through proper storage and proper racking of bikes.

15 CHAIRPERSON RODRIGUEZ: Great and on the
16 educational part and, of course, like we appreciate
17 it on how the DOT is working with some institutions,
18 not-for-profit institutions to partner with them and
19 the local elected officials to bring the educational
20 programs to our community. Can you explain a little
21 bit on how are we doing on doing the educational
22 part.

23 ASSISTANT COMMISSIONER BENSON: Sure.
24 I'm going to ask Kim Wiley-Schwartz, who handles all

2 of our educational and outreach efforts to explain a
3 little bit on that.

4 ASSISTANT COMMISSIONER SCHWARTZ: Thank
5 you, Mr. Chair. Well, of course, we--we use our
6 bicycle helmet fitting and giveaway events to reach
7 out to bicyclists where we can do a lot of work on
8 education, especially on the basic laws. And also
9 that's where we can give out Bike Smart, bike maps,
10 but we also do a lot of one-on-one education. I mean
11 when somebody is sitting and they're getting a helmet
12 fitted, that gives you quite a lot of time to talk to
13 them about cycling. So we've given away over 120,000
14 of those helmets since 2007, which means that's a lot
15 of personalized one-on-one interventions here in New
16 York City. And, of course, we have several bike to
17 school programs. So we are pushing in safe biking
18 into schools to our Safety City Program, and other
19 things like that. Every time we go into a school we
20 address bicycling to all young people because it's
21 also a bike encouragement situation for us every time
22 we have an opportunity to go into a city. So that
23 gives us an opportunity to give the cardinal rules to
24 children as well as tips for cycling such as not
25 cycling while distracted.

2 CHAIRPERSON RODRIGUEZ: Great. So let me
3 call my colleagues and we'll get back to other
4 questions. Council Member Treyger.

5 COUNCIL MEMBER TREYGER: Thank you.
6 Thank you, Mr. Chairman. So I guess my first
7 question will go I guess to NYPD, and then I'll
8 follow up with DOT. Our cyclists who use cell phones
9 currently ticketed or summonsed in anyway, and what
10 is the typical charge.

11 ASSISTANT COMMISSIONER PETITO: There
12 have been instances where cyclists have been issued
13 summonses under the Vehicle and Traffic Law for
14 either using a cell phone or texting. There two
15 separate provisions of the Vehicle and Traffic Law,
16 but those instances are very rare. And we actually
17 don't know what happens to them in traffic court
18 because the statute specifically says those
19 prohibitions apply to motor vehicles. Now, there's a
20 separate provision of the Vehicle and Traffic Law,
21 which says that in general the laws applying to motor
22 vehicles also apply to the operation of bicycles on
23 the public highways. But we think that it's
24 problematic for the issuance of a summons based on
25 the Vehicle and Traffic Law because that particular

2 law does say motor vehicle. So the instance of the
3 issuance of these summonses has been very rare. And
4 as I said, we don't know whether they're dismissed by
5 the Traffic Violations Bureau or not. So there is
6 certainly no local law regarding the use of the
7 electronic devices in New York City with bicyclists.

8 COUNCIL MEMBER TREYGER: So an NYPD
9 spokeswoman reported that from January 2014 to
10 November 2014, there were 423 cases where cyclists
11 were stopped for distracted cycling.

12 ASSISTANT COMMISSIONER PETITO: Well,
13 that--

14 COUNCIL MEMBER TREYGER: [interposing]
15 I'm not--I'm not sure if that constitutes, you know,
16 or defines a term where. So, can you--can you
17 elaborate on that?

18 ASSISTANT COMMISSIONER PETITO: I'm--I'm
19 sorry. I don't know what our spokesperson is
20 referring to. Distracted cycling could be reckless
21 endangerment.

22 COUNCIL MEMBER TREYGER: Right.

23 ASSISTANT COMMISSIONER PETITO: I mean it
24 could be other types of violations--[coughs] excuse

2 me--other types of violations not specifically cell
3 phone or the use--or texting.

4 COUNCIL MEMBER TREYGER: But to be clear
5 has the NYPD ever even kept or even looked for this
6 type of data to record a cyclist that was texting or
7 using a handheld device while biking. Or, have they
8 ever kept track of any of these incidents.

9 ASSISTANT COMMISSIONER PETITO:
10 [interposing] Well, I do have a couple of numbers.
11 Again, they're very low. For the cell phone
12 violations there were 60 issued against bicyclists.
13 And for the texting violation there were six issued
14 against bicyclists in 2014. Again, because the VTL
15 itself says motor vehicle rather than any vehicle,
16 we're not quite sure whether every administrative law
17 judge in the Traffic Violations Bureau would support-
18 -would sustain those violations, but those are the
19 numbers we have.

20 COUNCIL MEMBER TREYGER: I just want to
21 be clear. If our research showed that there was no
22 previous law banning the practice, they were being
23 stopped for a motor vehicle offense?

24 ASSISTANT COMMISSIONER PETITO: Well, no,
25 the Vehicle--the Vehicle and Traffic Law has a

2 general provision that says: Rules of the Road: Any
3 law applicable to the operation of a motor vehicle
4 also applies to the operation of a bicycle. There's a
5 separate provision of the Vehicle and Traffic Law
6 that says that. But, because the more specific
7 violation of using a cell phone while driving or
8 texting while driving in the VTL, specifically says
9 motor vehicle, we believe that the use of the state
10 VTL for the purpose of addressing this conduct by
11 bicyclists is pretty problematic. Because the
12 statutes themselves say motor vehicle.

13 COUNCIL MEMBER TREYGER: I--I will just
14 share that I am concerned that there might have been
15 a misapplication of the law here because-- And
16 obviously, where I'm proposing a city law, but the--
17 when the state passed their legislation banning
18 driving and texting, they left it open to
19 municipalities to deal with the issue of biking and
20 texting. So, obviously these things are happening.
21 Obviously, people are witnessing them happening, and
22 the DOT testified, which I'll get to in a moment,
23 that we have seen tremendous growth in cycling. And
24 I think that's a good sign. It's a healthy sign. So
25 obviously this is becoming, you know, an issue where

2 more people are turning to bikes in New York, which
3 is a good thing.

4 But, I am just concerned about what
5 people were issued a violation for if there was no
6 city law banning or state law banning such--such
7 practice. And the other raised by the NYPD was how
8 an officer keeps tabs on whether someone is
9 committing a first offense or a repeated offense.
10 The proposal states that if someone is caught--you
11 know caught texting while biking, and does not cause
12 injury or damage to property, that is noted. That
13 will be noted on the violation. And are you saying
14 that we can't--we don't have a system where you can
15 keep track of someone who has an offense? And you
16 can note whether there was injury, whether there was
17 damage to property? And if it happens repeatedly,
18 then at that point, that will trigger the financial
19 penalty. But if it's the first offense, which the
20 system can pick up, and there's no damage to property
21 or injury, we can't have a system that can keep tabs
22 on that? I'm just--I'm just unclear.

23 ASSISTANT COMMISSIONER PETITO: Well,
24 because these are adjudicated by the Traffic
25 Violations Bureau pursuant to a paper summons that's

2 issued by police department, a police officer, there
3 isn't a tracking mechanism within the police
4 department that would say that a police officer would
5 have access to in the field when they're about to
6 issue the summons. Which is not to say that the
7 Traffic Violations Bureau would not figure out a way
8 to keep track of these violations based on the name
9 and address of the violator. But we don't have
10 control of their recordkeeping. We know that they
11 certainly can keep track of prior violations by
12 drivers--by motor vehicles because it's all keyed to
13 the driver's license. But there's no driver's
14 license for bicyclists. So it would be a name and
15 address check. You know, date of birth and things
16 like that. That we--we believe that the Traffic
17 Violations Bureau would probably be able to track.
18 But we would work with them on that. We would work
19 with you and with them on that.

20 I think that an officer in the field as
21 part of writing up the summons would note whether or
22 not there is property damage or a personal injury.
23 And then, that would be taken into account by the
24 Traffic Violations Bureau administrative law judge in
25 assessing whether there should be a civil penalty.

2 But at the outset, a police officer would be writing
3 the violation for texting or, you know, using the
4 electronic device. They would write down the
5 circumstances, but they would not know whether or not
6 there had been a prior violation. So what we are
7 suggesting is that it just be made clear that the way
8 the statute would be written is that that would be a
9 determination made by the administrative law judge
10 rather than assuming the police officer's knowledge
11 of the history.

12 COUNCIL MEMBER TREYGER: Yeah, I mean
13 we're not asking the officers to ask the person how
14 many times have you done this? We're just basically
15 asking them to assess what had happened, and whether
16 there was injury or damage to property. That is key
17 information that should be collected by the officer.
18 But I agree that following that, the database should
19 keep track of them. And there's precedence of system
20 being able to do that. Do you anticipate any
21 enforcement issues or concerns if this bill were to
22 become law? Anything that--in addition to what you
23 just mentioned about, you know, tracking. But any
24 other issues and enforcement concerns that NYPD has?

2 ASSISTANT COMMISSIONER PETITO: Well,
3 it's generally difficult to enforce traffic
4 violations against bicyclists because you don't want
5 to further endanger the public by trying to chase
6 them necessarily. And bicycles are certainly much
7 more able to navigate than police cars. And so, you
8 know, it's always--it's always difficult to enforce a
9 traffic violation against a bicyclist unless a
10 bicyclist is stopped. And so, that might be it. You
11 know that's an enforcement challenge that we face in
12 many areas not just--not certainly, you know, limited
13 to this type of violation.

14 COUNCIL MEMBER TREYGER: Right. One of
15 the concerns raised by some residents was that, you
16 know, if there's a bicyclist that has a device on
17 their handlebar that would not be in violation of
18 this bill because they're not holding it while
19 they're cycling. So that was something I wanted to
20 make very clear. And if we need to, we will work on
21 the language to make that crystal clear should this
22 proceed. That someone who has a device holder on a
23 bicycle--on their handlebars that should not--that is
24 not a violation. That is not--and that's something
25 that I want to make crystal clear with NYPD and DOT

2 and my colleagues. That is someone has it on their
3 bike, it doesn't mean that they have it on their--on
4 their--similar to what cars have. They have these
5 holders in their vehicles. I want to just turn to
6 DOT for a moment. We had heard about--I think
7 someone had testified that there was a concern about
8 waiving the requirements or for children with helmets
9 that is not a part of the bill. What we're saying is
10 that for a first, it's still an offense. Someone, you
11 know, helmets are important. Obviously, there's
12 already a city law banning riding a bicycle on the
13 sidewalk. But, what we're saying is that for a first
14 offense that does not lead to injury or to damage to
15 property that we're trying to promote education
16 rather than revenue. So if you--can you speak to
17 that?

18 ASSISTANT COMMISSIONER BENSON: I think
19 in our reading of the bill there was one aspect that
20 actually targeted the--the provision that requires
21 children to wear helmets when they're operating a
22 scooter and not a bike. And that the waiver would
23 apply to that. You know, I think in general the idea
24 of education as a preventative measure is something
25 we embrace very deeply. we want to--we want to get

2 out. We want to encourage people to learn safe
3 riding practices and do it right the first time. So
4 they don't have to, you know, cause--have the
5 potential for cause and injury. You know, and that's
6 really our--our first approach. You know, the idea
7 of having, you know, some sort of way of alleviating
8 these fines for first time offenders is an appealing
9 idea.

10 COUNCIL MEMBER TREYGER: But, currently
11 you had mentioned you have Bike Smart, which you have
12 a brochure, right, a book, a handbook. You have some
13 sort of an online program. But to date, these are
14 not required of anyone.

15 ASSISTANT COMMISSIONER BENSON: The
16 online program right now is required for commercial
17 cyclists.

18 COUNCIL MEMBER TREYGER: Commercial
19 cyclists--

20 ASSISTANT COMMISSIONER BENSON:
21 [interposing] Right.

22 COUNCIL MEMBER TREYGER: --but not for
23 non-commercial cyclists?

24 ASSISTANT COMMISSIONER BENSON: Correct,
25 correct.

2 COUNCIL MEMBER TREYGER: So in order--if
3 I draw the analogy to drivers, in order to even go
4 for your license, you have to take a defensive
5 driver's course, right? So what we're saying here is
6 that if a cyclist commits a first time--commits a
7 violation, and does not injure--a city violation
8 because there are state violations. Red lights
9 that's a state law. But for a city violation, we're
10 saying that as opposed to just making them pay a
11 financial penalty let's require them. Let's push the
12 educational component. I mean to date is there an
13 official bike safety class that the DOT has or
14 conducts for people that even want to take it? Is
15 there a bike safety program that you have currently
16 right now? Not just a brochure, but an actual
17 program?

18 ASSISTANT COMMISSIONER BENSON: The
19 current program that we have is targeted to
20 commercial cyclists.

21 COUNCIL MEMBER TREYGER: But not for
22 everyday non-commercial cyclists?

23 ASSISTANT COMMISSIONER BENSON: We don't
24 have the equivalent program for that and, you know,
25 Kim spoke about the educational efforts that we do

2 have, which are very wide ranging and that are not--
3 They're not uniquely targeted to cyclists. They
4 really cut across all modes. We want, you know--
5 Most people who cycle are, you know, pedestrians,
6 number one, first and foremost, but often they are
7 drivers or passengers in cars. So we really try to
8 hit people across all of the different modes, and
9 make them aware of their responsibilities however
10 they choose to get around. So that's when we get out
11 and we have limited opportunities to interact with
12 people we don't want to only focus on one aspect. We
13 want to try to get across all of the safety
14 information that they need to be aware of however
15 they choose to navigate.

16 COUNCIL MEMBER TREYGER: Are you familiar
17 with the--with the Chicago ban on this, or have you--
18 I don't know if you've read that legislation. They
19 make pretty clear, and there's no option. There's no
20 --it's simply financial penalties. And I just think
21 that, you know, as you testified that we have seen
22 tremendous growth in cycling in New York. Over
23 340,000 trips per day, and Citi Bike expansion. This
24 is, you know, increasingly becoming more common in
25 New York City, and I think that's a good and healthy

2 sign. But I also think that that puts more onus on
3 the government--local government to promote and
4 encourage safe, responsible cycling. And I just
5 think that as opposed to just pushing financial
6 penalties first let's push education first. And
7 that's why I'm supporting and proposing the official-
8 -an official bike safety program for the City of New
9 York. If you could speak to that.

10 ASSISTANT COMMISSIONER LYNCH: Councilman,
11 I think, you know, we certainly share your--your goal
12 of increasing safe biking throughout the city. I
13 think in the testimony we really talked about
14 children under 14 getting effectively a waiver of
15 the--of the penalty because they take the class. And
16 I think we feel that, you know, this is a
17 particularly vulnerable population that is many times
18 learning to bike, learning the rules of the road.
19 That might not be the best place to raise it.
20 Already in law is a requirement--an option to waive
21 it if a parent shows a copy of a receipt of a helmet.
22 Now, that really shows that the parent has come to
23 the table, paid money, bought a helmet so that their
24 child can learn safely to bike on our streets.

2 So I think on the other piece of this you
3 talked about maybe on sidewalk violations and
4 potentially there could be other local laws that
5 apply to biking rules or the road. That could--could
6 allow this course to waive the penalty. I think we
7 would be open to a conversation on those. But we
8 feel that, you know, children wearing helmets while
9 learning to bike is a particularly important safety
10 piece of that process for them to learn how to bike.
11 I don't know that we should be giving them an option
12 that would--would not---the option to buy a helmet
13 seems to be the--the best waiving of that penalty as
14 opposed to maybe taking a course.

15 COUNCIL MEMBER TREYGER: Yeah.

16 ASSISTANT COMMISSIONER LYNCH: And then
17 there is also the bill also issues the bill also
18 refers to--to biking while riding a scooter, that I
19 think--I believe the biking law of wearing a helmet
20 is under the state VTL. So there are some--some
21 legal issues that we'd like to work through. But as
22 a whole, we support the bill.

23 COUNCIL MEMBER TREYGER: Yeah, and to be
24 clear, you know, children, of course, should be
25 absolutely wearing helmets. And that's still

2 obviously that's still an offense, we're not waiving
3 the offense. But the concern was just the revenue
4 aspect of that, but I'm willing to have that
5 conversation with DOT. And I think that bike helmets
6 if a parent shows the receipt I think that's
7 obviously educating already themselves making sure
8 they're promoting safe, responsible cycling and I
9 will just close and I'll turn it over to the chair.
10 In saying that I actually because there's been a lot
11 of discussion about data on this. And I think that
12 as a term I heard from one advocate, it's the canary
13 in the mine because in this situation, we see it.
14 I'm not convinced that there has been a city effort
15 to tabulate numbers on this. We're hearing different
16 reports from media here today.

17 But it's more New Yorkers are turning to
18 bikes. More New Yorkers are getting Smart Phones,
19 and now the next trend will be the iPhone--the Apple
20 watch. More people are turning to this mobile
21 devices. And I think that as we need to keep up with
22 this, and make sure that we are-- And by the way, I
23 repeat that the biggest stakeholder in this are
24 drivers, are motor vehicles, and that's--that's--it
25 goes without saying. But as more New Yorkers are now

2 turning to bikes, and that data shows we have a
3 responsibility to make sure that we're promoting
4 safety for all stakeholders. Vision Zero involves
5 everyone, drivers, bicyclists, pedestrians alike. So
6 I'll reserve my further comments and questions. I
7 thank the chair for his time.

8 CHAIRPERSON RODRIGUEZ: Thank you.
9 Before I continue my questions, I'd like to ask
10 Council Reynoso to vote on the previous bill.

11 COUNCIL MEMBER REYNOSO: Thank you,
12 Chair. I vote aye on all.

13 [pause]

14 CLERK: The current vote on Intro 211-A
15 is now 8 in the affirmative, 0 in the negative, and 1
16 abstention, and Intro 597-A is now 9 in the
17 affirmative, 0 in the negative, no abstentions.

18 CHAIRPERSON RODRIGUEZ: Thank you. [off
19 mic] I have one question on--

20 [pause]

21 CHAIRPERSON RODRIGUEZ: [on mic] So I
22 have a question on Citi Bike, but first I would just
23 like to say that, you know, without the leadership of
24 Mayor de Blasio and the DOT Commissioner Trottenberg,
25 I don't think that we will be able to save Citi Bike.

2 You know what the previous administration did to us
3 was unfair on structuring a program that didn't have
4 a future as it was run before it was renegotiated.
5 And I think that everyone knows that it took a great
6 partnership of the public and private with the Mayor
7 and the DOT Commissioner and later to come together
8 and save Citi Bike. And without that level of
9 commitment and participation and that formula in the
10 public and private, not only we will suffer, those
11 who rent a bike from Citi Bike. But we will lose a
12 lot from the investment that we make to put up in
13 the city together. So for me I think that there is a
14 lot that we have to learn from that experience. And
15 one of those was the lack of sharing information of
16 the previous administration in the Council.

17 We were not informed at all on data, on
18 how the project was structured, this initiative was
19 structured as a body. So my--I'm happy, you know, to
20 hear as you said that the data that the new private
21 institution that is running Citi Bike is collecting
22 is even more than what we ask. But I think probably
23 the difference is, you know, in this bill the
24 Administration will report to the Council. Because
25 that's not a structure as it is. It can be that Citi

2 Bike is collecting all the data. The question is how
3 do we use the data? And I think that that's for me
4 like one of the--one of the areas where I hope that
5 we can continue the conversation, and be able to work
6 with DOT. Again, based on the previous experience
7 because we recognize that they had to in the actual--
8 in the present administration there is a different
9 mechanism of how we share information. But we hope
10 that in whatever we are doing right now is the same
11 thing that the future administration also will
12 continue doing. So one of my questions that I have
13 on Citi Bike is in what way does Citi Bike and DOT
14 currently collect usage and financial data that will
15 have to be collected under these bills?

16 ASSISTANT COMMISSIONER BENSON: I'm going
17 to turn most of the Citi Bike Questions over to John
18 Frost, but I just wanted to say on the data piece,
19 the beautiful thing about the ridership data with
20 Citi Bike is it's being collected. It's being
21 archived, and it creates opportunities to analyze it
22 in all different ways. So we would be happy to work
23 with you on, you know, analyzing the data and looking
24 at different trends. However, we can use that data
25 to make more informed decisions. It's there, and we

2 have it and, you know, it's going to be a resources
3 going forward. So I'll turn it over to John for the
4 specifics.

5 JOHN FROST: The nature of the program
6 itself being run it is--it's an anchor program being
7 run by a giant software system, which is constantly
8 and always collecting it's usage data. So it's not
9 really a question of how you collect the data. It's
10 sort of part of the thing in itself. It's more of
11 how you make it available. So, right now as Josh
12 mentioned in his testimony what the new ownership is
13 doing is putting up month-by-month data sets of all
14 the usage data. Which means a separate record for
15 every trip that's taken in the system, and that tells
16 you the date and time that it starts, that it ends.
17 And you can see how long it--how long the trip was,
18 where it began, where it ends. So you cans see
19 geographically where people are riding to, and the
20 ability to even identify the individual bikes.

21 So you can track them within--throughout
22 the system, but obviously there--you can't rack them
23 to a users. It's all completely anonymized. This is
24 all downloadable in Excel format so that anyone in
25 the public can get it in a very sort of user-friendly

2 way that's easy to work with. And that is again
3 available month-by-month. In regards to financial
4 also available on the operator's website is copies of
5 their monthly reports to DOT. Which include a
6 variety of information about operational performance,
7 but also some revenue data that's in there, and those
8 are all available on their website as well.

9 CHAIRPERSON RODRIGUEZ: [off mic] I
10 would like to--and I know that we are moving into
11 different phases. Now we are extending to three in
12 the Barrio. Hopefully in phase three we will to go
13 other parts of the boroughs, Washington Heights. I
14 believe that bringing Jay Walter [sic] to be in
15 charge is a great acquisition. He come with a--with
16 the greatest experience when it comes to
17 transportation.

18 But again, we have to plan only for the
19 present, but also for the future, and learn from what
20 happened at the beginning of this process. You know
21 the way of how Citi Bike was structured did not work.
22 And thank God and all the players, now we have Citi
23 Bike stronger than before, and that's a different
24 approach. But again, my thing is moving forward, you
25 know, collecting the data, the transparency and how

2 can we use those information to plan for the future.
3 Before I go to a question, let me call--ask Council
4 Member Greenfield that he has to vote.

5 COUNCIL MEMBER GREENFIELD: I vote aye on
6 211-A and 597-A. Thank you.

7 CHAIRPERSON RODRIGUEZ: What are the--
8 what are the--what are Citi Bike's membership renewal
9 rates, and are they better or worse than projected?

10 JOHN FROST: The--the membership first
11 understand that it is a seasonal business where
12 generally speaking most of the action in terms of
13 sales and membership are going to come in the nice
14 riding months, and it will see a natural dip in the
15 winter. People are less interested in riding bikes
16 in the cold weather. The membership rates have
17 generally been trending down since they hit a peak of
18 about 105,000 in late 2013 or very early 2014. That
19 said, the new ownership just came in, in late
20 December of 2014. They've been very hard at work,
21 and I've seen this everyday improving the operation
22 and the performance of the system preparing
23 themselves for their first seasons in the really nice
24 riding weather.

2 And they're hopeful and I'm hopeful as
3 well, and very optimistic, in fact, that as we hit
4 the season and they make improvements that that
5 membership is going to start trending up again. And
6 really, this is why we changed operators was to get a
7 system that really stands on its own two feet and
8 functions well, and provides a really great
9 transportation--public transportation amenity for New
10 Yorkers. And I mean I'm seeing the changes every
11 day. Just a couple of weeks ago, they replaced the
12 entire backend software that runs the system. If you
13 are somebody who uses it, and uses the app or the
14 website that finds bikes or docs, you can already see
15 the improvements. And that data is now much more
16 accurate. Subsequent to their software change
17 they're--over the next--between April and May
18 physically overhauling the equipment of all the
19 stations. So that their docking and undocking
20 experience is much smoother, and provides a better
21 experience for users. And I do think as the system
22 improves performance wise, and is just operated in a
23 more stable and competent matter--manner that we're
24 going to see an upward trend in membership.

2 CHAIRPERSON RODRIGUEZ: Thanks. What did
3 DOT learn, what is DOT doing different today with the
4 current ownership on the way of coordinating the
5 collection of information. Of course, I--you have
6 also not only the Citi Bike had a new leadership, but
7 now DOT you have some of your staff, you know, who
8 were in this side of the business before. So they
9 also have a different role with the previous
10 administration. So they are very aware because they
11 like to have two of the great team of yours in
12 Transportation who used to be, you know, our member
13 of the Transportation Committee. What are you doing
14 different? What is DOT doing different today
15 collecting the data? When it comes to collecting the
16 data and using that information than what DOT was
17 doing with the previous owner?

18 JOHN FROST: Well, as I said, the data
19 collection is sort of a part of the thing in itself.
20 The system itself collects all its usage data as
21 trips occur.

22 CHAIRPERSON RODRIGUEZ: [interposing]
23 Before and today.

24 JOHN FROST: So--

2 CHAIRPERSON RODRIGUEZ: [interposing]
3 You know, we almost lost, and we--the city almost
4 lost a lot of money because the way how Citi Bike was
5 structured did not work. What is DOT doing now in
6 collecting data and using that information today that
7 is different that we can say New Yorkers we will not--
8 -We have a higher probability that we are going to go
9 through a crisis that we went through. How are we
10 doing? How are you doing things different collecting
11 that and using those information?

12 ASSISTANT COMMISSIONER BENSON: I'll just
13 jump in for a second. I think, you know, a lot of
14 the issues were not necessarily data related with the
15 first operator. So a lot of the focus has been on,
16 you know, the investment and do they have a business
17 plan that makes sense or are they going to invest in
18 the necessary pieces of the system, the software that
19 John just mentioned. You know, that's--that's a
20 financial commitment that the new operators have
21 stepped up, and have taken on. And, you know, is it
22 a data question? Not really, I mean we do--we do
23 have the anecdotal experience of users. They were
24 frustrated. They weren't getting the information
25 through the website accurately. They weren't seeing

2 that there were bikes available when there were bikes
3 available, and vice versa. So, you know, it's not
4 necessarily a data issue per se, but I think, you
5 know, the new operators have--are showing that they
6 have the actual business plan to--to make this
7 successful. Whereas, we didn't see that this last go
8 round.

9 CHAIRPERSON RODRIGUEZ: I disagree with
10 you. I don't think--I don't think unless you can
11 convince us today and make a case, I don't think that
12 there were collecting the data. I don't think that
13 up to recently Citi Bike knew in which site let's say
14 there were no more bicycles available.

15 ASSISTANT COMMISSIONER BENSON: I think
16 that's a good point. There's--that's an area that I
17 think we're seeing the new operator use the data
18 better is in the rebalancing effort and never die
19 stations and so forth. Whereas, you know, I think we
20 all agree that that wasn't happening properly under
21 the old contract.

22 JOHN FROST: And part of the issue with
23 the old operator was as, you are probably well aware,
24 there were many technical and software related issues
25 with the program in general. So that really affected

2 the quality of the data. While the system always
3 collects data on all trips that occur, the old
4 software was obviously problematic and didn't allow a
5 lot of visibility. And, you know, sometimes they
6 honestly just couldn't tell that there were no bikes
7 available or not docks available in a place. So part
8 of what the new contracts included was a \$30 million
9 investment by the new owners into upgrading the--the
10 performance and operation of the old system and
11 expanding it.

12 That--that upgrade includes a complete
13 software replacement, which was really just executed
14 a couple of weeks ago. And what we see out of this
15 already is immediately the--the accuracy of that data
16 is much improving. And it is now possible to see,
17 you know, where bikes are and aren't. Which, (a)
18 from a user's perspective gives them more faith that
19 when this app is telling you something that I know is
20 actually true. And also from the operator's
21 perspective let them actually see what's going on so
22 that they can, you know, use their--their personnel
23 and resources and allocate that more effectively.

24 CHAIRPERSON RODRIGUEZ: [off mic] And I'm
25 happy to hear that, but can you go over a little bit

2 more on detail on what is--what are all the
3 information that with the new software, the new
4 owners are able to collect for instance how many
5 bicycles are broker per day, per week. How many
6 bicycles are available at different site. You know,
7 how much cycles are used--rented from one locate to
8 the other.

9 JOHN FROST: Yes, all of that is capture.
10 And I'll say conceptually that's no different from
11 the original software, which was supposed to capture
12 all those same things. It just didn't do it very
13 well. So now, the--the new software does it
14 accurately, and yes it's--in every trip you see what
15 station it starts from. What station it comes from.
16 The time and date that it occurred. Which bicycle
17 took the trip. I mean they--at their back end they
18 can see which user it was with the publicly available
19 data. And the data that we see it was anonymized so
20 we don't see the actual users. But it does in an
21 anonymized format give is the self-reported gender
22 and year of both of those users so we can look for
23 trends in terms of, you know, demographically who's
24 riding, how and where. We can see the lengths of
25 trips. It's pretty comprehensive.

2 CHAIRPERSON RODRIGUEZ: Great. My next
3 question is then if the owner--you know, if you have
4 that information or if you do that you can share with
5 us, are the annual membership levels above or below
6 projections?

7 JOHN FROST: Honestly, I don't--I don't
8 know what their projections were. I think we saw a
9 lot more people sign up in the first year than we
10 even anticipated. So, it started out with a giant
11 bump above projections. It settled back down a
12 little more. But, that said, over the next year or
13 two, we're going to be doubling the system inside--in
14 size. It's going to cover a lot more ground, and
15 that's going to make it a lot more appealing to a lot
16 more people. And--and I mean I think that those
17 number are going to grow. That said, you know, the
18 new ownership has really had control of the system
19 for about four months. And they're just sort of
20 getting their feet under a lot of problems that they
21 are cleaning up from the previous ownership. And--
22 and, you know, it's going to--it's going to take them
23 a little bit to stabilize those things to really
24 invest in it and improve it, and--and then we'll see
25 it grow.

2 CHAIRPERSON RODRIGUEZ: Thanks. I just
3 hope that also when--when you worked together with
4 the new owners of Citi Bike, that also we continue
5 looking at how to expand the membership level. And--
6 and establishing like a one-day or a week pass level
7 so that not only someone can buy a year membership,
8 but also for them also for, you know, for anyone as
9 we have in the MTA that someone can buy like a week
10 or a day. So, how are you doing with that on
11 providing a week and a day?

12 JOHN FROST: Well, so the system has
13 always had a daily pass, and a weekly pass option. A
14 big problem with that, and this is related to the
15 technical and software difficulties of the old
16 software and the old hardware, was that you have to
17 purchase those at the kiosks, at the station. And
18 the--the screen flow was very poor and buggy. But
19 the screen was physically actually hard to press the
20 buttons, and it took a long time. And sometimes you
21 get all the way to the end and it would physically
22 reject your credit card. So people sort of realized
23 that while it was available, it didn't really work
24 very well. So with the new software, and part of the
25 hardware upgrades, they're in the process of making

2 every station in replacement with those screens and
3 the screen flow that powers it. The ability to buy
4 the short-term passes, the daily and the weekly ones
5 is going to be much simplified and improved. So, it
6 will create a much better user experience that in
7 itself should really drive those numbers up. In
8 addition, at a certain number of stations, they're
9 putting actual key file dispensers. So that you will
10 be able to buy a membership and get an actual key
11 immediately in hand rather than waiting for it to
12 come in the mail.

13 CHAIRPERSON RODRIGUEZ: Okay. But the
14 invitation is there to--from the ownership interest
15 to provide opportunities for anyone to buy a day or a
16 week?

17 JOHN FROST: Oh, certainly, and I think--
18 and I think that they-- I don't want to speak too
19 much for them. But I do think that they view the
20 sales of the week and monthly memberships under the
21 previous ownership as a real place that came in under
22 projections. And where there's a real opportunity
23 for more growth in usership with the system.

24 CHAIRPERSON RODRIGUEZ: Okay. So thank
25 you and now I will be calling the next panel, but

2 thank you. As you know, we're here to be working
3 together especially when it comes to quality of life
4 issues and improving transportation. I know that we
5 are in a good place. So thank you and we will
6 continue conversation on those bills. Thanks.

7 [background comments, pause]

8 CHAIRPERSON RODRIGUEZ: Sorry for that.

9 We have another committee next door, and some of my
10 colleagues they were called to make a quorum. So, I
11 apologize, but I didn't know. I was not informed.
12 So, I thought that they had left. So, the other
13 council members is Council Member Miller and Council
14 Member Reynoso. If Council Member Reynoso can come
15 here, I am going to go there and vote, and then come
16 back. Are they voting now?

17 SERGEANT-A-ARMS: [off mic] Yes, they
18 are.

19 CHAIRPERSON RODRIGUEZ: Okay. Council
20 Member Miller.

21 COUNCIL MEMBER MILLER: Thank you, Mr.
22 Chair. So, first with--I'd like to thank Council
23 Member Treyger for the introduction of the Bike
24 Safety Bill. Obviously, that's a precedent here
25 under this particular council here considering what--

2 the work that has been done around Vision Zero and
3 that that is an area that has not been broached as of
4 yet. In fact, it has been conspicuously absent. So,
5 there's been a lot of talk about data, and data,
6 which has been--has or has not been delivered around
7 bicycle safety. In 2011, Local Law 13 was enacted,
8 which required the DOT to present data to the
9 Council. In my 16 months, I have yet to see any.
10 Has--has any reports been generated and according to
11 Local Law 13?

12 ASSISTANT COMMISSIONER BENSON: So if
13 you're referring to the bike fatality and the bike
14 related crash data, yes. We post a report yearly on
15 the DOT website, and we can make it available
16 directly to you if you--if you don't have access to
17 copies of that.

18 COUNCIL MEMBER MILLER: What is that
19 data?

20 ASSISTANT COMMISSIONER BENSON: So it's--
21 we analyze data that NYPD collects, and for every
22 fatality and serious injury that involved a
23 bicyclist, whether they were the person--the victim,
24 or whether they were, you know, a part--a part of--a
25 party to the--the crash that led to someone else's

2 fatality. So, yeah, and it's just aggravated by
3 precinct. And I forget the--all the different ways
4 it's sliced and diced, but there's a few different
5 analyses.

6 COUNCIL MEMBER MILLER: That is good that
7 was done. Do you have them--do you have that
8 information available? What are the numbers of folks
9 that have had hospital visits by virtue of bicycle
10 incidents?

11 ASSISTANT COMMISSIONER BENSON: So I
12 don't have those numbers with me today. It's--it
13 does occur. You know, there are people who are
14 injured in crashes with bicyclists. There's no
15 doubt. So, we can--we can get you that after the
16 hearing for sure.

17 COUNCIL MEMBER MILLER: Okay. There was
18 a recent study that said there were over 500 New
19 Yorkers that went to the hospital. Would you say
20 that was an accurate number?

21 ASSISTANT COMMISSIONER BENSON: I
22 wouldn't say that it's accurate or inaccurate right
23 now, but I'll get back to you and check it.

24 COUNCIL MEMBER MILLER: Okay, so it's--

2 ASSISTANT COMMISSIONER BENSON:

3 [interposing] It's--that seems conceivable that
4 that's around the number, but I don't--I don't have
5 it memorized.

6 COUNCIL MEMBER MILLER: So, when--when
7 exactly would that information be available for--So,
8 you do have 2014 information available?

9 ASSISTANT COMMISSIONER BENSON: You know,
10 I--I don't think we have 2014 because there's a part
11 of the analysis that we--we use the New York State
12 DMV data, which it is the same reporting that NYPD
13 does. But the state DMV actually does the first
14 portion of the analysis for us. So there's a little
15 bit of a lag time. We definitely have 2013 and prior
16 available. I will check on 2014. I don't think it's
17 available yet.

18 COUNCIL MEMBER MILLER: Okay. Thank you.
19 Additionally from--from NYPD, last summer there was
20 Operation Safe Cycle, and we requested that data
21 recently on three or four different occasions. And
22 we have yet to receive any data pertaining to that.
23 Do you have anything available from that operation
24 that occurred this summer?

25

2 ASSISTANT COMMISSIONER PETITO: Council
3 Member, I'm sorry. I'm unaware of your request.
4 I'll certainly follow up on it. I don't have any
5 data with me on Operation Safe Cycle.

6 COUNCIL MEMBER MILLER: Is there a reason
7 why it would take six months to get that information?

8 ASSISTANT COMMISSIONER PETITO: I don't
9 know who was handing your request. Certainly, it
10 should not take six months. I will be happy to
11 follow up.

12 COUNCIL MEMBER MILLER: Okay, I
13 appreciate that. So I heard you mention during your
14 testimony in terms of enforcement of the texting in
15 general. And, I think you were generalizing when you
16 said it was a little more difficult to enforce
17 cyclists for the police officers. Could you
18 elaborate on that?

19 ASSISTANT COMMISSIONER PETITO: Well,
20 only because generally a bicycle operator has a lot
21 more flexibility and can move into place quickly
22 where they cannot easily be followed by a police car
23 without creating a public safety risk. And so it's--
24 it's difficult if a--if a bicycle operator is moving,
25

2 is not stopped for a police officer to literally
3 chase them down in order to issue a summons.

4 COUNCIL MEMBER MILLER: Well, what do
5 they do when it's a passenger car?

6 ASSISTANT COMMISSIONER PETITO: Well, it
7 they stop--they're stopped, you know, hopefully.
8 But, I can--

9 COUNCIL MEMBER MILLER: How do they stop
10 them?

11 ASSISTANT COMMISSIONER PETITO: Well,
12 they stop them as a regular traffic stop. Generally
13 speaking, a police car can block the path of a car.

14 COUNCIL MEMBER MILLER: Whoa, I'm sorry.
15 I just mean in terms of being pulled over. How does
16 that occur?

17 ASSISTANT COMMISSIONER PETITO: Well, it
18 can be several ways, but generally, a traffic stop is
19 usually a police car will put on their lights and
20 siren and order a car to pull over to the side. And
21 then, the officer will approach the car from the
22 rear. And forgive me, I'm not a tactical person.

23 COUNCIL MEMBER MILLER: So, I'm just
24 saying is that possible on a--with a bicycle or a
25 cyclist?

2 ASSISTANT COMMISSIONER PETITO: It's
3 certainly possible with a cyclist, but the cyclist
4 would have to obey that rule. And, if they obey that
5 request to pull over and if--if they don't then it
6 is, you know, often difficult to--for the officer--

7 COUNCIL MEMBER MILLER: [interposing]
8 Right.

9 ASSISTANT COMMISSIONER PETITO: --to then
10 follow them.

11 COUNCIL MEMBER MILLER: And I agree, but
12 it would be more difficult and more of a public
13 safety issue if a passenger car refused the order
14 took off, and the--

15 ASSISTANT COMMISSIONER PETITO:
16 [interposing] Absolutely.

17 COUNCIL MEMBER MILLER: --and I don't
18 expect them to chase them down or whatever. I was
19 just trying to get to--

20 ASSISTANT COMMISSIONER PETITO:
21 [interposing] Well, that the--

22 COUNCIL MEMBER MILLER: --the fact that I
23 think that that is equally important that the law is
24 enforced equitably throughout the city to everyone.

2 ASSISTANT COMMISSIONER PETITO: Yes, and-
3 -but I think that part of the problem is that a motor
4 vehicle that is stopped and then decides to flee is
5 often hampered by the fact that they're big, and they
6 encounter other traffic. And so--but a bicycle is
7 more easily maneuverable that they can--they can
8 weave among the traffic so-- But, again, we totally
9 agree that the laws of the state should be enforced,
10 and the city should be enforced.

11 COUNCIL MEMBER MILLER: Okay. Thank you.
12 But I--so, again with the data and that--I'm pretty
13 much finished. But, I do have a statement that I
14 want to make, and I'm glad that we're having this
15 conversation about bicycle safety. In particular,
16 I'm glad to hear you talk about education. I think
17 that all we do should really be precipitated by
18 education here, and that we often get up in--in
19 policy and legislating and things like that. And
20 folks really need to be educated about safety and
21 other issues that we address here today, and I
22 commend you for doing so. I commend certainly this
23 committee for its efforts in bringing this to the
24 floor. But I certainly--I think that there's a lot
25 that can be done, that should be done.

2 And on Citi Bank, I am a little concerned
3 that we are promoting a privately run operation,
4 which already utilizes out streets with citizens and-
5 -and vendors and that other motorists have to pay
6 for. And that we are considering subsidizing--
7 further subsidizing in any way considering that they
8 are a private operation. I think that that's a
9 little different, to say the least. And with all due
10 respect, I'd like to disagree with my chair about the
11 Executive Director having spent a few years with him
12 in the MTA before he abandoned riders and workers for
13 China. That wasn't a reputation that--that came back
14 to New York with big reverence. So, we will be paying
15 attention--close attention to how we deal with this
16 operation further, and the services that are being
17 delivered. A subsequent assistance that they are
18 giving subsidies whether it's being able to occupy
19 space or otherwise for them and any other operation--
20 similar operation that may occur.

21 And so that is my 15 minutes, and I thank
22 you all for your time. We are looking forward for
23 that report from the Police Department on cycle
24 operations, Safe Cycle from the summer. And, of
25 course, I'm looking forward to that BRT data, which

2 we have yet to see. Obviously, someone has seen it
3 because the report is they are moving forward with
4 that. Now that we have it, do you care to elaborate
5 on that for the record?

6 ASSISTANT COMMISSIONER LYNCH: I'm sorry.
7 On BRT data related to--?

8 COUNCIL MEMBER MILLER: Jamaica to
9 Flushing.

10 ASSISTANT COMMISSIONER LYNCH: I don't
11 think--Jamaica to Flushing at this point is not, you
12 know, we haven't decided on what the next step is.
13 We haven't finished the traffic analysis. I think
14 we're getting close to deciding what, you know, how
15 we want to move forward, and we'll be re-engaging
16 soon.

17 COUNCIL MEMBER MILLER: So I really
18 appreciate that, hearing that but-- So, I can say
19 that in the Mayor's plan for Jamaica that's going to
20 be introduced in about 20 minutes, BRT from Jamaica
21 to Flushing is in there. I also looked at the
22 schedules from the MTA for the 244 for September,
23 fall, and they also were in that schedule. So
24 irregardless of what conversation we're having here
25 today, irregardless of how we engage the public,

2 there seems to be a determination that this is going
3 to move forward anyway.

4 ASSISTANT COMMISSIONER LYNCH: Well, and
5 I think the--we're still doing the analysis about
6 which, you know, sections will have different pieces
7 of--elements of BRT along the route. We haven't made
8 those determinations yet, but we--we're planning to
9 continue to move forward with the program on that
10 route. We haven't finalized exactly where the bus
11 lanes and other pieces of this will go along that
12 route yet, which will--

13 COUNCIL MEMBER MILLER: [interposing] We
14 have--enjoyed a really grand relationship for a
15 number of years. I find this whole process to be
16 disingenuous at best. And the fact of the matter
17 that we were just told that it was still being
18 reviewed and now portions of it is being reviewed,
19 only highlights what I just said. And if you're
20 going to spend \$15 million in implementation, I think
21 that we have a great idea on how to improve
22 transportation in Jamaica with \$15 million, and I'll
23 leave it at that. Thank you.

24 [pause]

25

2 CHAIRPERSON RODRIGUEZ: Council Member
3 Reynoso.

4 COUNCIL MEMBER REYNOSO: Thank you. We
5 had to go next door to another hearing. We're all
6 members of the Land Use Committee as well. You know,
7 if we all came back and you all were gone, we would
8 all be disappointed. But thank you for staying and
9 coming back. I just want to say that it's extremely
10 concerning to me when after a crash, if an MTA bus
11 crashes or hits someone that the City Council will
12 come back and consider lowering the standard in which
13 we criminalize for--for crashes. But when we see
14 very few to almost no accidents happening or no
15 crashes happening through--by bikes by pedestrians,
16 we have a hearing in regards to improving that
17 standard, right? Or, making it--making more tighter
18 constraints for bicyclists instead of encouraging it.
19 It's very--it's very concerning to me. I just wanted
20 to ask how many--how many people have died because of
21 a bike crash, or how many pedestrians have died
22 because of a bike crash? We know about the
23 bicyclists that die when they get hit by vehicles,
24 but how many pedestrians die when they get hit by
25 bikes or how many of those crashes have happened?

2 ASSISTANT COMMISSIONER BENSON: You're
3 correct. It is very rare?

4 COUNCIL MEMBER REYNOSO: Very rare? What
5 does very rare mean, though?

6 ASSISTANT COMMISSIONER BENSON: We did
7 have--I didn't--I didn't bring the numbers with me
8 today, but we did have under five every year and, you
9 know, since records--I don't have the year-by-year
10 numbers with me, but it's typically zero per year.
11 It's the most--

12 COUNCIL MEMBER REYNOSO: [interposing]
13 It's typically it's zero per year?

14 ASSISTANT COMMISSIONER BENSON: Typically
15 zero but there have been years with multiple, yeah
16 two or three.

17 COUNCIL MEMBER REYNOSO: Okay, so it's
18 typically zero per year, and we're talking fining
19 bicyclists for something that never happens and you
20 said rarely happens. Now, I want to ask of those
21 times that it did happen, how many times were because
22 they were holding onto cell phones or some type of
23 electronic device?

24 ASSISTANT COMMISSIONER BENSON: We did--
25 we looked back through all the fatality reports, and

2 we did not find any reports where texting was a
3 factor in bike related crashes.

4 COUNCIL MEMBER REYNOSO: So zero--so we
5 have zero fatalities and of those zero fatalities
6 that happened, zero of them happen because of
7 texting? So I just want to be very mindful of that,
8 and that we're here talking about improving safety
9 when the real problem and the real concern are the
10 extremely dangerous vehicles that we have in our
11 streets that cause deaths at-- How many deaths were
12 caused by vehicles last year?

13 ASSISTANT COMMISSIONER BENSON: To
14 pedestrians specifically, 138.

15 COUNCIL MEMBER REYNOSO: 138 and we're
16 talking about making those standards lower when
17 bicyclists are doing no damage, no harm to the world
18 or to our streets. They're the ones that are going
19 to be punished by this piece of legislation. I just
20 want to say it makes no sense to me that we're
21 looking to enforce something that doesn't exist and
22 ignore something that is absolutely a problem like
23 when bus drivers or when buses, which are the largest
24 vehicles we have on our streets, can't make right-of-
25 way turns without hitting folks. I jus think that it

2 makes no sense. It's a piece of legislation that is
3 bringing attention to an issue that doesn't even
4 exist. And what it does that's very dangerous. It's
5 very dangerous to do that. We should start asking
6 pedestrians to start wearing reflectors when they
7 cross the street just in case because they might be
8 the problem next. The problems are not pedestrians.
9 They're no bicyclists. They are vehicles, and I just
10 think that we are fooling ourselves with these pieces
11 of legislation. I'm very concerned about it. And,
12 again, zero fatalities and zero of them occurred
13 because of texting. Naturally, right, because no one
14 died. I just want to make sure that that statement
15 is heard by the DOT. Thank you very much.

16 CHAIRPERSON RODRIGUEZ: Thank you. We
17 will continue conversation okay? Thank you. Now,
18 Council Member Jimmy Van Bramer to vote.

19 COUNCIL MEMBER VAN BRAMER: I vote aye.

20 CLERK: Levin.

21 COUNCIL MEMBER LEVIN: I vote aye.

22 CLERK: Intro 211-A the vote stands at 11
23 in the affirmative, 1 in the--0 in the negative and 1
24 abstention. Intro 597-A stands at 12 in the
25 affirmative, 0 in the negative and no abstentions.

2 CHAIRPERSON RODRIGUEZ: So, let's--let's
3 call our next panel. Nellie Weisman, Paul White,
4 Carol Waaser, and Rich Cumber. [sp?].

5 [background comments, pause]

6 CAROL WAASER: Good morning, Mr.
7 Chairperson and members of the hearing. My name is
8 Carol Waaser. I'm a recreational cyclist and a past
9 president of the New York Cycle Club. I've been
10 cycling in New York City for over 20 years. I will
11 start by saying I am totally in favor of safe
12 cycling. In fact, I teach safe cycling. I made some
13 written remarks, but I'm going to ditch them for now
14 based on some comments that Council Member Treyger
15 made a few minutes ago. We are very concerned that
16 this bill is very broadly written, and can be
17 construed to ban the electronic devices that we use
18 on our bicycles such as GPS units. And many cyclists
19 even use their cell phone attached to the stem or
20 handlebar of their bikes as monitoring and recording
21 devices for their rides. So while these devices are
22 not handheld while we're riding, they are also not
23 hands-free. And hands-free is the language that you
24 use in the bill. So the bill can easily be
25 misconstrued that if I am on my bike with this

2 attached to the stem, and I tap a button or I swipe a
3 screen, I am in violation of this law and that would
4 be a travesty.

5 As Council Member Reynoso said, the real
6 concern is drivers who feel protected in their 2,000-
7 pounds of steel who text and phone with impunity.
8 Cyclists, on the other hand, understand our
9 vulnerabilities. And we know that a moment's
10 inattention can cause our own demise. So, I'm very
11 concerned that the broad wording of this language is
12 still going to be punitive to cyclists and not--it
13 may accomplish a few people who now do text or phone.
14 Which I think is a very rare occurrence, but it may
15 punish cyclists who are using standard equipment on
16 bicycles. You know, it would be as if you were
17 banning speedometers and GPS devices in an
18 automobile. So, I would urge you to correct the
19 language or vote no on this bill. Thank you.

20 MALE SPEAKER: Good afternoon, Chairman
21 Rodriguez. Thank you for the opportunity to speak.
22 Council Member Treyger, I appreciate your--I
23 appreciate your concern and the general tone that
24 you're trying to increase safety for all users. I
25 don't have prepared remarks, but I'm trying to--it's

2 a matter of it feels selective. We're not going to
3 ask every commercial vehicle to stop and pull over in
4 the middle of the street, you know, when they get or
5 receive a call. Or, maybe we are, but I'm just
6 saying that the traffic implications if that were
7 really enforced would be--would be huge. It also is
8 who is this going to be enforced upon? If I am--if I
9 am--if I have a--an iPhone, and I wish to either give
10 or receive a call, I can do so wirelessly just a
11 series of call. You know, call the pizza place or
12 call my mother. This will impact people who have
13 older phones. So there will be an economic strata of
14 the people who are actually being forced upon this
15 one. And then it's just a question of scale. It
16 would be great if no--anyone who went to the road was
17 not distracted. But, you know, you're not going to
18 enforce this on pedestrians. It seems that it's not
19 going to be enforced on commercial vehicles. Yet, we
20 have the cyclists here. Let's--we can do it with
21 them. It feels selective. It also feels punitive,
22 and will--it will discourage people from cycling, and
23 provide an opportunity for random enforcement. It's--
24 -it's--thank you.

25 [pause]

2 PAUL WHITE: I think we're on now. Thank
3 you. I appreciate you inviting Bike New York to
4 speak about bicycle safety in New York City. Over
5 the past three years, our bicycle education programs
6 has reached more than 41,000 people including a lot
7 of people who had just learned to ride a bike or
8 learned a bike for the first time at one of our
9 classes. We offer a pretty regular class called
10 Street Skills Class where we go through how to ride a
11 bike in traffic safely and how--whether you're on a
12 separated bike lane, a bike path like the West Side
13 Hudson River Greenway or whether you're just in a
14 regular traffic lane. One of the things we emphasize
15 early on is being alert, paying attention, eyes on
16 what's going on around--around you. And also keeping
17 control of your bike. I have seen cyclists riding
18 down the street at a pretty good clip hands off the
19 handlebars looking at the cell phone whether they're
20 texting or changing music or whatever.

21 I do share New York Cycle Club's concern
22 that the language may be overly broad in terms of
23 including wireless electronic devices that are
24 handlebar mounted and have been used long before
25 cellular technology came along. I use wireless

2 computers that track my speed, my every speed, my
3 distance. They're not really communications devices,
4 but there is a center on the wheel that communicates
5 to the computer on my handlebar. I also use my
6 iPhone sometimes handlebar mounted because of the GPS
7 and mapping and tracking technologies that it has.
8 However, I am one that when I do get a text, I save
9 it for later, or if I get a phone call, I pull off
10 and stop and take it. I don't like to ride and deal
11 with that--those other distractions at the same time.
12 There is not much data.

13 I don't think it's been studied a whole
14 lot in terms of, you know, is cell phone use or
15 texting cyclists causing fatalities. I'm not sure
16 you need a study to show that this is a bad idea. I
17 also don't necessarily think that asking cyclists not
18 to do this is singling us out when we've asked
19 motorists to not do it as well. And our state law as
20 well as the state law of all 50 states gives cyclists
21 the rights and the responsibilities of vehicle
22 drivers. So, you know, I don't see that as a
23 horrible burden that's going to cause cycling rates
24 to crash. That said, I would like with New York
25 Cycle Club the language refined a little bit more. I

2 do think it's, you know, best practices to minimize
3 the distractions while cycling or driving. And it
4 makes the streets safer for everyone. Thank you.

5 MALE SPEAKER: Thank you, Chair Rodriguez
6 and the members of the Transportation Committee for
7 convening this hearing. I'm here today to testify in
8 support of three of the bills, Intro 210 and 225
9 requiring compilation of Citi Bike usage data and
10 Citi Bike financial reporting, and also Intro 716,
11 establishing civil penalties for bicycle theft.
12 These are common sense bills, and we applaud you, the
13 Chair and the Council for pushing these forward. I'm
14 here also to voice concern about Intro 544, prohibit
15 cell phone use while cycling, Intro 545 and imposing
16 penalties for cyclists who fail to wear a helmet or
17 who bicycle on sidewalks. As the NYPD testified
18 earlier, it's very clear what's killing and injuring
19 New Yorkers on our streets. It's vehicular speeding,
20 motorists not yielding to pedestrians. We know that
21 our time is extremely limited. Our legislative
22 bandwidth, your legislative bandwidth is extremely
23 limited. We know that our enforcement resources are
24 extremely limited. When I look into the eyes of
25 mothers and fathers who have lost loved ones to

2 speeding motorists or motorists not yielding the
3 right of way, like you do, I feel a sense that I have
4 to take action. I have to use my limited time, my
5 limited power to address the problem. There's no
6 evidence that texting cyclists even rank at all as a
7 problem worthy of our limited resources. Of course,
8 it makes common sense not to apply makeup or ride
9 while texting or any, you know, any of these
10 behaviors. It doesn't make sense for us to spend our
11 limited legislative power addressing them when we
12 know virtually every day New Yorkers are dying within
13 impunity from speeding and reckless driving. So I
14 think it's incumbent upon us as intelligent public
15 policy professionals to focus our limited resources
16 accordingly. Thank you very much.

17 CHAIRPERSON RODRIGUEZ: I have a lot of
18 respect for the work that all of you have done in the
19 city. I believe that, you know, especially when it
20 comes to Vision Zero as we all agree it's about
21 changing the culture on how drivers, cyclists and
22 pedestrians interact. I'm raising two little ones.
23 I want them to be raised using the green area getting
24 to the bike. We've been doing it. I believe on what
25 you have said that we have to look at the language,

2 and this is something that I hope we can look at.
3 But I think that it's a different approach, as you
4 say of using that technology to--as a way of knowing
5 where you're going through the GPS, all those type of
6 things. Then, we need to find a way how we can work
7 it out. But when it comes to let's say someone who
8 is using a bike and texting at the same time, I don't
9 think that none of us will agree that that is the
10 right decision to make.

11 So I just hope that we can continue the
12 conversation and polish on this bill, and see how can
13 we work it out. Because I just wanted to focus on
14 the intention. And I agree with you that probably
15 when we look at the data, you know, we don't have--we
16 cannot say that accidents are produced by cyclists
17 who are using the social alternative right now. But
18 everything that we're doing is planning for now and
19 for the future. And using the technology as you have
20 to describe I would say I would support what you're
21 saying 100%. However, can we have cases of dealing
22 with some cyclists who can be texting at the same
23 time that they're using the bike. I don't think that
24 that's safe for the majority of the cyclists. So
25 again, what I hope is to continue the conversation,

2 and your input are very important. Because you are
3 the ones only that has your bike, use your bike that
4 you work 24/7.

5 You cannot model through all the world,
6 through all the cities, all the nations and see how
7 we can improve transportation including for cyclists.
8 For me, I am committed to support. I know that's
9 important to cyclists. It's as important as
10 supporting pedestrians, too. But I think that we
11 have to think about something--some initiative that
12 we have some area to address. I do believe that a
13 pedestrian who is texting and crossing an
14 intersection is not safe. It's not safe for the
15 pedestrians. It's not safe for the drivers. So, of
16 course, that's not a state law. You know, that's not
17 a city law, but I-- Again, I support the intention,
18 and I am a co-sponsor with my colleague with the
19 bill, but I am hoping to continue the conversation
20 and getting your input on that bill. Council Member
21 Treyger.

22 COUNCIL MEMBER TREYGER: I thank you,
23 Chair, and I just want to address a couple of points
24 and some valid concerns I'm hearing. I want to just
25 begin by saying I absolutely believe we should and

2 will work on the language to specific as--as clear as
3 possible that if a device is on a handlebar that is
4 not a violation. And if the language--and we're
5 going to work with the Council and the attorneys to
6 make sure should this proceed and move forward that
7 that language will be as clear as possible. Because
8 we certainly do not want to-- You know, if people--
9 if people obviously have it on the handlebar, that's
10 not--that's not the intent of the bill. I want to
11 make the intent very clear. But I want to speak a
12 little bit about some of the other things we've
13 heard. So, some--some advocates have said to me and
14 they've said that, you know, what I saw in my
15 district was just an anecdote. Let me go further
16 than that to say that what I witnessed will never be
17 recorded in history in the sense it never will be
18 tabulated in any type of database. I'm going to
19 continue on this data piece because I want to into
20 NYPD tabulating data. So a bicyclist veering into
21 incoming traffic on the phone almost causing a car
22 crash. Thank goodness it didn't happen, but I know
23 sometimes the way the media reports things it would
24 be a motorist hits a bicyclist. But witnesses would
25 be saying obviously the bicyclist was really

2 responsible for what happened. But it didn't happen
3 so there was no data on that.

4 Now, the NYPD, let me tell you why I have
5 concerns and issues about some of their
6 discrepancies. So I don't know if you're aware how
7 they tabulate shooting in New York City. So in
8 order--in order for the NYPD to come to a shooting if
9 they have a shooting, someone has to be hit. So, if
10 there are four bullet holes in someone's window, that
11 does not count as an NYPD shooting. So you're going
12 to tell the person that no shootings occurred in your
13 neighborhood. So I take issue with sometimes the way
14 they tabulate data. And I share Bike New York's
15 sentiment that what I witnessed and what more of us
16 are seeing happen on the roads I don't need a, you
17 know, broad number of comprehensive studies to know
18 that it's just common sense wrong. Now, the question
19 is you're saying it just doesn't happen. Well, we're
20 hearing that more and more New Yorkers are turning to
21 bikes, which I think is a good thing. I think that's
22 a good thing that we should be welcoming of that.
23 But what we're doing to address the issue that we
24 need to promote safe and responsible bicycling? That
25 is an obligation that we have.

2 Just like, for example, the state has
3 passed laws, the city has passed laws with regards to
4 drivers who are texting or distracted, and there is
5 still a ways to go. The concern I hear is that we're
6 taking resources away. So I used to--I used to teach
7 government. Should the federal government stop
8 passing food inspection laws because there is a
9 shorting of FDA inspectors? Should we--I mean are we
10 going to stop--should we suspend passage of all bills
11 because each agency will cry that they have limited
12 resources? That's our job in government is to make
13 sure that--and by the way, we must provide more
14 enforcement for Vision Zero. I actually agree that
15 we need to do more to step up enforcement of the
16 biggest stakeholders, which are motorists. I agree
17 with that sentiment. But, you know, after what I've
18 seen, and after now this some--varied data on what's
19 going on, I don't believe--I'm not convinced that the
20 city has had a concerted effort to even tabulate
21 this.

22 But I see that they're tabulating how
23 many trips bicyclists are taking. But they're not
24 tabulating how many of them are using their handheld
25 devices. So I'm not convinced of that. But the

2 other piece of this--but I'm not hearing from--from
3 some advocates is the educational component that the
4 City of Chicago felt compelled to act, and they
5 banned it outright. The State of California, which
6 is larger than New York, feels compelled to act where
7 they're considering a more punitive measure. We are
8 an advancing education measure, if it doesn't lead to
9 an injury or damage to property. So, I think that,
10 you know, we have an obligation to make sure that we
11 keep all stakeholders safe. I again repeat that
12 drivers have to bear the brunt of the responsibility.
13 But if the goal is, in fact, advancing and trying to
14 preserve Vision Zero, then it's not vision few or
15 vision some, it's Vision Zero. And so all of us have
16 a role to play. But I just want to just echo one
17 more time the remarks of the bicycle club that I
18 share your concern, and I vow to work with the
19 attorneys to make sure that the intent is very clear
20 that handheld devices, not necessarily on a
21 handlebar. That is what is the intention, and I will
22 work very hard with the chair and the Council should
23 this proceed forward to make sure that that language
24 is crystal clear. And I thank the chair for his--for
25 his time.

2 CHAIRPERSON RODRIGUEZ: Thank you. I
3 would like to ask Council Member Chin to vote on the
4 two bills.

5 COUNCIL MEMBER CHIN: Thank you, Chair.
6 I vote aye.

7 CHAIRPERSON RODRIGUEZ: Okay.

8 CLERK: [off mic] I need to give the
9 final vote on the vote.

10 CHAIRPERSON RODRIGUEZ: Okay.

11 CLERK: The final vote on Introduction
12 211-A is now 12 in the affirmative, 0 in the negative
13 and 1 abstention. And the final vote on Introduction
14 597-A is now 13 in the affirmative, 0 in the negative
15 and no abstentions. Thank you.

16 CHAIRPERSON RODRIGUEZ: [off mic] Do you
17 have a position on [sic] [on mic] on Intro 716, the
18 one on putting the penalty?

19 MALE SPEAKER: We support it.

20 CHAIRPERSON RODRIGUEZ: You support it.
21 Thank you. Good. So with that, again thank you for
22 your testimony. And one thing that I want to say
23 before you leave is that as I have said before, you
24 heard when I started the hearing I want to be clear
25 about drivers behind the wheels how they have

2 responsibility for their actions leading to this
3 committee to place greater responsibilities on
4 drivers. Vision Zero is about improving the behavior
5 of all who use our streets, which is the intention of
6 this bill. I want to be clear that drivers are the
7 ones that have the biggest responsibility. And
8 someone has to know what the responsibility they take
9 when they are behind the wheel. Thank you, and with
10 that, this hearing is adjourned.

11 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 26, 2015