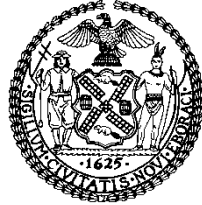


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**THE COUNCIL**  
**OF THE CITY OF NEW YORK**

**REPORT OF THE HUMAN SERVICES DIVISION**  
Robert Newman, Legislative Director

**COMMITTEE ON TRANSPORTATION**  
Council Member Ydanis Rodriguez, Chair

**May 29, 2014**

**PROPOSED INT. NO. 43-A:**

By Council Members Wills, Koo, Reynoso,  
Levin, Arroyo, Chin, and Van Bramer.

**TITLE:**

To amend the administrative code of the city  
of New York, in relation to a study on left  
turns.

**ADMINISTRATIVE CODE:**

Amends section 19-182 by adding a new  
subdivision c.

**PROPOSED INT. NO. 46-A:**

By Council Members Cabrera, Koo, Palma, Rose, Koslowitz, Levin, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to traffic control signals.

**ADMINISTRATIVE CODE:**

Amends section 19-128 by amending the heading and subdivisions a and b.

**PROPOSED INT. NO. 80-A:**

By Council Members Lancman, Koo, Rose, Rosenthal, Menchaca, Levin, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to work zone safety on bridges.

**ADMINISTRATIVE CODE:**

Adds a new section 19-156 to subchapter one of chapter one of title 19.

**PROPOSED INT. NO. 140-A:**

By Council Members Greenfield, Chin, Constantinides, Espinal, Gentile, Gibson, Johnson, Koo, Levine, Reynoso, Richards, Torres, Van Bramer, Mendez, Rosenthal, Kallos and Arroyo.

**TITLE:**

To amend the administrative code of the city of New York, in relation to reducing speed limits and establishing slow zones.

**ADMINISTRATIVE CODE:**

Amends section 19-177 by amending subdivision a and adds new subdivisions d, e, and f.

**PROPOSED INT. NO. 167-A:**

By Council Members Rodriguez, Chin, Koo, Levine, Treyger, Levin Arroyo, and Van Bramer.

**TITLE:**

To the administrative code of the city of New York, in relation to prohibiting certain stunt behavior with vehicles.

**ADMINISTRATIVE CODE:**

Amends section 10-163.

**PROPOSED INT. NO. 168-A:**

By Council Members Rodriguez, Koo, Levine, Mendez, Levin, Rosenthal, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to safer arterial streets.

**ADMINISTRATIVE CODE:**

Amends section 19-182 by adding a new subdivision d.

**PROPOSED INT. NO. 171-A:**

By Council Members Rosenthal, Chin, Crowley, Koo, Levine, Reynoso, Arroyo, Van Bramer, and Ulrich.

**TITLE:**

To amend the administrative code of the city of New York, in relation to traffic violations and serious crashes.

**ADMINISTRATIVE CODE:**

Amends chapter 5 of title 19 by adding a new section 19-541.

**PROPOSED INT. NO. 174-A:**

By Council Members Vacca, Mendez, Levin, Rosenthal, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to taxi and limousine commission review of crashes.

**ADMINISTRATIVE CODE:**

Amends chapter 5 of title 19 by adding a new section 19-540.

**PROPOSED INT. NO. 238-A:**

By Council Members Weprin, Rodriguez, Levine, Levin, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to the right of way of pedestrians and bicyclists.

**ADMINISTRATIVE CODE:**

Amends subchapter 3 of chapter one by adding a new section 19-190.

**PROPOSED INT. NO. 272-A:**

By Council Members Rodriguez, Gibson, Levine, Levin, Rosenthal, Arroyo, and Van Bramer (by request of the Mayor).

**TITLE:**

To amend the administrative code of the city of New York, in relation to the New York city taxi and limousine commission's critical drivers and persistent violators programs.

**ADMINISTRATIVE CODE:**

Amends section 19-507.1 by amending subdivisions a, b, c, and e and adding new subdivisions i and j. Also amends section 19-507.2.

**PROPOSED INT. NO. 277-A:**

By Council Members Vacca, Rodriguez, Gibson, Koo, Levine, Levin, Rosenthal, Arroyo, and Van Bramer.

**TITLE:**

To amend the administrative code of the city of New York, in relation to the reporting of crash data involving taxi and limousine commission licensed vehicles.

**ADMINISTRATIVE CODE:**

Amends chapter five of title 19 by adding a new section 19-542.

**RES. NO. 6:**

By Council Members Crowley, Constantinides, Gentile, King, Koo, Koslowitz, Palma, Williams, Vallone, Mendez, Levin, Rosenthal, Arroyo, Van Bramer and Ulrich.

**SUBJECT:**

Resolution calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

**RES. NO. 51:**

By Council Members Crowley, Constantinides, Koo, Palma, Vacca, Reynoso, Gibson, Menchaca, Rodriguez, Levin, Arroyo, and Van Bramer.

**SUBJECT:**

Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

**PROPOSED RES. NO. 68-A:**

By Council Members Weprin, Constantinides, Levine, Mendez, Rosenthal, Reynoso, Menchaca, Levin, Arroyo, and Van Bramer.

**SUBJECT:**

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk.

**PROPOSED RES. NO. 117-A:**

By Council Members Vacca, Levine, Van Bramer, Chin, Cohen, Ferreras, Lander, Reynoso, Torres, Rosenthal, Mendez, Koslowitz, Menchaca and Levin.

**SUBJECT:**

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program.

**RES. NO. 118:**

By Council Members Van Bramer, Chin, Cohen, Lander, Reynoso, Torres, Vallone, Rosenthal, Mendez, Koslowitz, Menchaca, Levin and Arroyo.

**SUBJECT:**

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program.

**RES. NO. 144:**

By Council Members Vacca, Mendez, Menchaca, Levin, Rosenthal, Arroyo, Chin, and Van Bramer.

**SUBJECT:**

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

## **INTRODUCTION**

On May 29, 2014, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a vote on the following legislation:

Proposed Int. No. 43-A, a Local Law to amend the Administrative Code of the City of New York (“the Code”), in relation to a study on left turns;

Proposed Int. No. 46-A, a Local Law to amend the Code, in relation to traffic control signals;

Proposed Int. No. 80-A, a Local Law to amend the Code, in relation to work zone safety on bridges;

Proposed Int. No. 140-A, a Local Law to amend the Code, in relation to reducing speed limits and establishing slow zones;

Proposed Int. No. 167-A, a Local Law to amend the Code, in relation to prohibiting certain stunt behavior with vehicles;

Proposed Int. No. 168-A, a Local Law to amend the Code, in relation to safer arterial streets;

Proposed Int. No. 171-A, a Local Law to amend the Code, in relation to traffic violations and serious crashes;

Proposed Int. No. 174-A, a Local Law to amend the Code, in relation to Taxi and Limousine Commission review of crashes;

Proposed Int. No. 238-A, a Local Law to amend the Code, in relation to the right of way of pedestrians and bicyclists;

Proposed Int. No. 272-A, a Local Law to amend the Code, in relation to the New York City Taxi and Limousine Commission's critical drivers and persistent violators programs;

Proposed Int. No. 277-A, a Local Law to amend the Code, in relation to the reporting of crash data involving Taxi and Limousine Commission licensed vehicles;

Res. No. 6, a Resolution calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving;

Res. No. 51, a Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident;

Proposed Res. No. 68-A, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk;

Proposed Res. No. 117-A, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program;

Res. No. 118, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program; and

Res. No. 144, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

This will be the second hearing on these bills and resolutions. The first hearing was held April 30, 2014. At that time, the Committee heard testimony from representatives of the New York City Department of Transportation (DOT), the Taxi and Limousine Commission (TLC), and the Police Department (NYPD), as well as other interested stakeholders and community members. Amendments were made as a result of that hearing.



## **BACKGROUND**

In 2013, 286 people, including 168 pedestrians and 11 cyclists, were killed in traffic crashes in New York City, a 24 percent increase in pedestrians killed compared to 2012.<sup>1</sup> There were over 16,000 pedestrian and cyclist injuries in 2013 among over 54,000 total traffic-related injuries.<sup>2</sup>

The beginning of 2014 brought a particularly tragic series of pedestrian and cyclist fatalities. On January 10, 2014, a 9-year-old boy walking with his father on West End Avenue at 97th Street in Manhattan was struck and killed by a taxi.<sup>3</sup> On the same day, a 73-year-old man was fatally struck by a tour bus at 96th Street and Broadway.<sup>4</sup> On January 18, 2014, Angela Hurtado was killed when she was struck by a vehicle as she crossed Grand Avenue at 69th Place in Queens; the driver of the vehicle, Abel Tinoco, 28, was charged with a misdemeanor for driving with a suspended license.<sup>5</sup> On the same day, a Ford Expedition fatally struck a man in Queens, near Cross Island Parkway and Union Turnpike.<sup>6</sup> On January 19, 2014, an ambulance clipped Samantha Lee as she was crossing midblock on West 96th Street between Broadway and West End Avenue in Manhattan, knocking her down and into the path of another car that struck and killed her.<sup>7</sup> On the same day, bicyclist Pedro Santiago was struck and killed by a

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<sup>1</sup> NYPD data via [http://www.nyc.gov/html/nypd/html/traffic\\_reports/motor\\_vehicle\\_collision\\_data.shtml](http://www.nyc.gov/html/nypd/html/traffic_reports/motor_vehicle_collision_data.shtml) and DMV data via <http://www.streetsblog.org/2014/01/31/nypd-16059-pedestrians-and-cyclists-injured-178-killed-in-traffic-in-2013/> accessed on 2/13/2014.

<sup>2</sup> *Id.*

<sup>3</sup> <http://www.nytimes.com/2014/01/20/nyregion/pedestrian-and-bicyclist-are-killed-in-separate-traffic-accidents.html>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

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

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

Metropolitan Transportation Authority bus on West 125th Street near Lenox Avenue in Manhattan.<sup>8</sup>

### Vision Zero Action Plan

On January 15, 2014, Mayor de Blasio announced the creation of the Vision Zero Working Group.<sup>9</sup> The Group included the NYPD, DOT, TLC, and Department of Health and Mental Hygiene (DOHMH), and it was tasked with “developing a comprehensive roadmap to eliminate deadly crashes, especially those involving pedestrians.”<sup>10</sup>

On February 18, 2014, the Working Group issued an Action Plan which included 63 recommendations for ways to reduce traffic fatalities on the City’s streets.<sup>11</sup> The proposals fell within the jurisdiction of various City agencies and included several State and City legislative suggestions.

In the past, traffic safety advocates have criticized the NYPD for appearing to focus on vehicle violations less directly related to preventing collisions, such as tinted windows and broken taillights, at the expense of other violations such as speeding and failure to yield. According to the Action Plan, “70% of pedestrian fatalities have causes outside of the pedestrian’s control, particularly drivers speeding or failing to yield.”<sup>12</sup> To combat the types of behavior that play a direct role in causing collisions, the Action Plan recommends that the NYPD “increase enforcement against dangerous moving violations, including speeding, failing to yield to pedestrians, signal violations, improper turns/disobeying signage, and phoning/texting while

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<sup>8</sup> *Id.*

<sup>9</sup> <http://www1.nyc.gov/office-of-the-mayor/news/023-14/mayor-de-blasio-launches-interagency-working-group-implement-vision-zero-prevent-pedestrian#/0>

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

<sup>11</sup> <http://www.capitalnewyork.com/article/city-hall/2014/02/8540472/de-blasio-unveils-definitional-vision-zero-plan?top-featured-2>

<sup>12</sup> Vision Zero Action Plan (“Action Plan”), pg. 16

driving.”<sup>13</sup> The Action Plan also reaffirms the NYPD’s commitment to expanding Collision Investigation Squad (“CIS”) investigations to “critical injury” cases and enhancing collision investigations with increased training and personnel.<sup>14</sup>

In the wake of the pedestrian deaths that have occurred this year, discussion has ensued regarding the appropriate role that the enforcement of pedestrian violations should play in the City’s efforts to increase traffic safety. Media reports revealed a jaywalking crackdown on the Upper West Side in January and a nearly eightfold increase in jaywalking tickets citywide as a result.<sup>15</sup> However, in his presentation of the Action Plan, Mayor de Blasio said that jaywalking enforcement is not a part of the overall Vision Zero priorities but that precinct commanders have discretion to direct pedestrian enforcement as they deem necessary.<sup>16</sup>

The Action Plan also lays out actions to be taken beyond police enforcement and investigations. DOT is tasked with making a wide variety of street design changes aimed at improving traffic safety, including intersection redesigns, new slow zones, more speed humps, programming more intersections with leading pedestrian intervals, and more pedestrian safety islands, among many others.<sup>17</sup> The Plan calls on TLC to create a safety enforcement squad, equipped with speed radar equipment, to enforce speed and safety regulations, in addition to exploring new technology and enhancing driver education to increase safety.<sup>18</sup>

Furthermore, the Plan calls for a series of State legislative actions, including granting New York City local control over speed camera and red light camera enforcement, giving the City the ability to lower its citywide speed limit to 25 miles per hour, and strengthening Hayley

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<sup>13</sup> <http://www.nyc.gov/html/visionzero/pages/home/actions.html>

<sup>14</sup> Action Plan, pg. 10

<sup>15</sup> <http://www.nytimes.com/2014/02/15/nyregion/vow-to-end-traffic-deaths-vs-reality-of-city-streets.html?hpw&rref=nyregion&r=1>

<sup>16</sup> <http://www.nytimes.com/2014/02/19/nyregion/de-blasio-unveils-plans-to-eliminate-traffic-deaths.html?hpw&rref=nyregion>

<sup>17</sup> Action Plan pgs. 11 and 28

<sup>18</sup> Action Plan pg. 12

and Diego's Law as discussed above.<sup>19</sup> The Plan also includes ideas for City legislative actions, particularly related to bolstering enforcement efforts against dangerous TLC-licensed drivers. Finally the plan calls for extensive public education and outreach efforts in order to both solicit the public's input regarding Vision Zero initiatives and to encourage all New Yorkers to take street safety into account as they go about their daily lives.

### *The Council & Vision Zero*

On February 24, 2014, the Committee on Transportation and the Committee on Public Safety held a joint oversight hearing examining the Vision Zero Action Plan, at which time the Committees heard testimony from the Administration regarding their plans and strategies related to Vision Zero. Safety advocates and victims' families, as well Manhattan Borough President Gale Brewer and representatives of the New York County District Attorney and the New York Taxi Workers Alliance also offered their views on the Plan and ideas for how to increase traffic safety in New York City.

The Council held Vision Zero town hall meetings in each borough in order to gather feedback from the public regarding Vision Zero, in particular new ideas for street safety-related legislative and policy proposals. The first town hall meeting was held in Manhattan on March 26, 2014, followed by one in Brooklyn on April 1, 2014 and one in Queens on April 23, 2014, Staten Island on May 7, 2014 and in the Bronx on May 22, 2014. Individual Council Members have also held their own Vision Zero-themed events in recent weeks.

### *Vision Zero Legislative Package*

The bills and resolutions the Committee will hold a hearing on today relate to the street safety goals of Vision Zero. The bills proposed would require the City to study factors found to be related to serious crashes, impose penalties for certain dangerous behaviors, regulate DOT's

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<sup>19</sup> Action Plan pg. 21

actions concerning work zones and traffic signal replacement, require safety equipment on trucks, lower the speed limit on certain streets, require the installation of “slow zones,” mandate more publicly available crash data, including crashes involving TLC-licensed vehicles, and strengthen penalties against TLC-licensed drivers involved in serious collisions and who exhibit dangerous driving behaviors. The specific provisions of each bill and resolution are discussed below.

## **ANALYSIS**

### **Proposed Int. No. 43-A**

Section 1 of Proposed Int. No. 43-A would amend section 19-182 of the Administrative Code by adding a new subdivision c. Currently, section 19-182 requires DOT to conduct a comprehensive pedestrian safety study and report on such study every five years, with the first study to be released and sent to the Mayor, City Council Speaker and posted on DOT’s website on or before November 30, 2015.

Paragraph 1 of new subdivision c would define three terms: “exclusive pedestrian phase” would be defined as a pedestrian control signal that allows pedestrians an exclusive interval of time to completely cross a street using any of the existing crosswalks within the intersection while traffic is stopped in all directions; “leading pedestrian signal” would be defined as a pedestrian control signal where the walk signal would be shown for an interval of time prior to a green light being shown for the corresponding or parallel direction of traffic; and “motor vehicle” would have the same meaning as in the New York State Vehicle and Traffic Law.

Paragraph 2 of new subdivision c would require that as part of the comprehensive studies and plans required pursuant to section 19-182, left turns be studied, with a goal of reducing crashes and the severity of crashes. Included in the study would be a consideration of the

removal of parking near left turn location, and the installation of leading pedestrian interval, the designation of lanes exclusive for left turn, and the installation of exclusive phase.

Section 2 of Proposed Int. 43-A would have the bill take effect immediately upon enactment into law.

**Proposed Int. No. 46-A**

Section 1 of Proposed Int. No. 46-A would amend section 19-128 of the Administrative Code by amending subdivisions a and b and by adding new subdivisions e and f. Subdivision a would be amended to add a paragraph 2, which would define “traffic control signal” with the same meaning as in the New York State Vehicle and Traffic Law. Subdivision b would be amended to require DOT to maintain a log of when DOT was notified of a traffic control signal having malfunctioned. The log would have to have the date and time the notice was received, the date and time of when it was repaired, or the date and time of when it was determined that repair was not necessary.

New subdivision e would require DOT to either repair a traffic control signal, implement alternative measures to control traffic, or determine that repair is not needed within 24 hours of the notice that the signal was in need of repair.

New subdivision f would specify that the requirements of the section will not apply as long as at least one other traffic signal facing the same direction as the broken or missing signal remains operational.

Section 2 of Proposed Int. 46-A would have the bill take effect ninety days following enactment into law.

### **Proposed Int. No. 80-A**

Section 1 of Proposed Int. No. 80-A would amend subchapter 1 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-156. Subdivision a of new section 19-156 would define the term “bridge” as a span that includes a roadway for vehicle use that is located above another surface. Work zone would be defined as a location where workers are engaged in a stationary operation for more than four hours and are not mostly separated from traffic by a temporary concrete or similar such barrier.

Subdivision b of new section 19-156 would require that on or before January 1, 2015, DOT would have to conduct a review of guidelines and best practices with regard to work zone safety on bridges under DOT’s jurisdiction. A written report detailing those guidelines and best practices would have to be submitted to the Speaker of the Council and posted on DOT’s website.

Section 2 of Proposed Int. 80-A would have the bill take effect immediately upon enactment into law.

### **Proposed Int. No. 140-A**

Section 1 of Proposed Int. No. 140-A would amend section 19-177 of the Administrative Code by adding subdivisions d, e, and f. The title of the section would be amended to read:

“Speed Limits; posting of signs; neighborhood slow zones; speed limits near schools.”

Paragraph 1 of new subdivision d of section 19-177 would require seven neighborhood slow zones established annually in 2014 and 2015, with each slow zone containing at least five blocks. The slow zones would have the speed limit reduced to 20 miles per hour in that area, with appropriate traffic calming measures implemented (traffic calming measures defined as “any physical engineering measure or measures that reduce the negative effects of motor vehicle

use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.”) Paragraph 2 of such new subdivision d would require DOT to produce annual reports listing the location of all neighborhood slow zones, reviewing whether such zones have minimized the risk of traffic crashes, critical injuries or death, and would include a determination as to whether DOT will continue to establish seven neighborhood slow zones annually.

New subdivision e of section 19-177 would have three paragraphs. Paragraph 1 would require DOT to establish speed limits between 15 and 20 mph at fifty school locations annually. Paragraph 2 of new subdivision e of such section would require the DOT Commissioner to inform the Mayor and the Speaker of the Council if such speed limits will be established at less than fifty schools within a year and the reason thereof. Paragraph 3 of new subdivision e, would allow DOT to determine, after evaluating every school in the City for the establishment of such speed limits, not to establish any further such speed limits. DOT would have to inform the Mayor and the Speaker of the Council in writing and continue to evaluate the need to establish such speed limits.

New subdivision f of such section would require the DOT Commissioner to annually, starting February 1, 2015, list on DOT’s website all locations established pursuant to new subdivision e of section 19-177.

Section 2 of Proposed Int. 140 would have the bill take effect immediately upon its enactment into law.

### **Proposed Int. No. 167-A**

Section 1 of Proposed Int. No. 167-A would amend section 10-163 of the Administrative Code. The title of the section would be amended to read “Speed contests and stunt behavior.”



Subdivision a would provide three definitions: “vehicle” would be as defined in the New York State Vehicle and Traffic Law; “engage” or “aid or abet” would mean “actions or circumstances that reasonably indicate that a race, exhibition or contest of speed or stunt behavior has occurred or is imminent, including, but not limited to: the presence of a canister appearing to hold nitrous oxide attached to a vehicle; an explicit invitation to race; the presence of a starting or ending point marked in some way; wagering on the race's outcome; the exhibiting of stunt behavior; acting as a starter or flagperson; pushing vehicles to a starting line; or directing traffic at such an event or gathering;” and “stunt behavior” would mean operating a motor vehicle in a manner that would unreasonably interfere with the public’s use of public streets or private streets that are held open to public use, and/or endang the health or safety of the public, the vehicle operator, or the passengers of the vehicle. This would occur through actions including but not limited to accelerating the vehicle rapidly, performing a “wheelie”, or spinning the vehicle into a circle (“a donut”), heating the rear tire (a “burnout”) or revving the engine.

Subdivision b of section 10-163 would make technical amendments, but would still make it illegal for an individual to participate in or aid or abet in a speed contest involving a vehicle. New subdivision c of section 10-163 would make it illegal for a person to participate in or aid or abet a stunt behavior involving a vehicle, except as provided in the Vehicle and Traffic Law. Subdivision d of such section would make it illegal to participate in a speed contest or stunt behavior by taking specific overt actions encouraging the individuals involved in the speed contest or stunt behavior or by wagering on the outcome of the contest. Subdivision e of section 10-163 would make it illegal for a person to operate, drive or park a motorcycle unless the license plate is easily readable and is not obstructed.

Subdivision f of such section would make violation of subdivisions b or c of section 10-163 misdemeanors punishable by a fine of not more than \$600, imprisonment of up to 6 months, or both, except that the imprisonment for a violation of such subdivision c could not be more than sixty days. A second or subsequent conviction of subdivision b or c within 10 years would increase the penalty to up to \$1000, 1 year in jail, or both, except that the imprisonment for a violation of such subdivision c could not be more than one hundred twenty days. A violation of subdivisions d or e of such section would be punishable by up to \$250, fifteen days in jail, or both.

Section 2 of Proposed Int. 167-A would have the bill take effect ninety days after its enactment into law.

#### **Proposed Int. No. 168-A**

Section 1 of Proposed Int. No. 168-A would amend section 19-182 of the Administrative Code by adding a new subdivision d. Currently, section 19-182 requires the DOT to conduct a comprehensive pedestrian safety study and report on such study every five years, with the first study to be released and sent to the Mayor, City Council Speaker and posted on DOT's website on or before November 30, 2015. Paragraph 1 of new subdivision d would define "arterial streets" as "high-capacity" streets. Paragraph 2 of new subdivision d would require that as part of the comprehensive studies and plans required pursuant to section 19-182, arterial streets be studied, with a goal of reducing crashes and the severity of crashes to minimize the risk of critical injury or death.

Section 2 of Proposed Int. 168-A would have the bill take effect immediately upon enactment into law.

#### **Proposed Int. No. 171-A**

Section 1 of Proposed Int. No. 171-A would amend chapter 5 of title 19 of the Administrative Code to add a new section 19-541 titled “serious crashes.” New section 19-541 would allow the summary suspension of a TLC driver when a crash has occurred involving that driver, critical injury or death occurred as a result of that crash and a summons was issued to the driver for a traffic infraction. Upon the conviction of such driver for a violation that caused the serious injury or death, the drivers, TLC-issued license of the driver would be revoked. Where the traffic violation was dismissed or where there was a not guilty finding, the summary suspension would be lifted. Critical injury would be defined for the purposes of section 19-541 as any injury determined to be critical by emergency services workers present at the scene of the crash. The proposed section would not limit the TLC’s authority to summarily suspend drivers for any other reasons.

Section 2 of Proposed Int. 171-A would have the bill take effect ninety days following enactment into law, except that the TLC would take all necessary actions, including the adoption of rules prior to the effective date.

**Proposed Int. No. 174-A**

Section 1 of Proposed Int. No. 174-A would amend chapter 5 of title 19 of the Administrative Code by adding a new section 19-540. New section 19-540 would be titled “Review of crashes” and subdivision a of this new section would require TLC to review the results of the Police Department’s investigation prior to or at the conclusion of the investigation where a crash occurred involving a TLC licensed vehicle and where critical injury or death resulted to one or more people. Furthermore, the TLC would be required to assess the fitness of the driver to continue to drive. The commission would have the authority to summarily suspend the TLC-licensed driver while any fitness review or enforcement action is pending. Critical

injury would be defined in the section as any injury determined to be critical by emergency services workers present at the scene of the crash.

Subdivision b of new section 19-540 would require TLC to provide a quarterly report beginning February, 1, 2015, to the Council Speaker detailing the number of crashes in the prior quarter that triggered the fitness review required by subdivision a of the new section, how many summary suspensions occurred, and in how many instances enforcement action was brought. The report would also need to be posted to TLC's website.

Section 2 of Proposed Int. 174-A would have the bill take effect ninety days following enactment into law.

**Proposed Int. No. 238-A**

Section 1 of Proposed Int. No. 238-A would amend subchapter 3 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-190 to be titled "right of way."

Subdivision a of new section 19-190 would make it a traffic infraction for a motorist to interfere with the right of way of a pedestrian or bicyclist by failing to yield to the pedestrian or bicyclist while the pedestrian is in the crosswalk or otherwise lawfully crossing the street, and while the bicyclist is lawfully riding the bicyclist. The penalty for such an infraction would be a fine of up to \$50 dollars, up to fifteen days in jail, or both. In addition, a civil penalty of up to \$100 could be assessed.

Subdivision b of new section 19-190 would make it a misdemeanor for a motorist to interfere with the right of way of a pedestrian by causing contact with a pedestrian on the sidewalk or while the pedestrian was in the crosswalk or otherwise lawfully crossing the street, and as a result of the contact physical injury to the pedestrian or bicyclist occurs. The punishment would be a fine of up to \$250, up to 30 days in jail, or both. In addition, a violator

could be assessed a civil penalty of up to \$250 as an alternative punishment or an additional punishment.

Subdivision c of new section 19-190 would provide a defense to a violation of the section that the occurrence was fully outside of the control of the motorist, including but not limited to when the contact was initiated by the pedestrian.

Subdivision d exempts persons, teams, or vehicles working on behalf of the City of New York, the state of New York, or the federal government. However, such persons, teams, or vehicles would still be required to exercise due care towards pedestrians or bicyclists.

Section 2 of Proposed Int. No. 238-A would have the bill take effect sixty days after its enactment into law.

#### **Proposed Int. No. 272-A**

Section 1 of Proposed Int. No. 272-A would amend subdivisions a, b, c and e of section 19-507.1 of the Administrative Code and would add new subdivisions i and j to this section. Subdivisions a, b, c, and e would remove now unnecessary language. Subdivision a would allow a driver to attend an approved remedial or refresher course in order to deduct 3 points from the number of points that they had accumulated under the persistent violators program, increased from the current 2 points. In the event that an approved course is not available the driver would be allowed to take a course approved by the New York State Department of Motor Vehicles. Upon completion of such a course the driver would be allowed to deduct 3 points from the point accumulated under the persistent violators program or the critical drivers program, but not from both. The driver would decide from which program the points should be deducted. In addition, subdivision b would be amended to provide that any suspensions for accruing up to 6, but fewer than 10 points on a TLC driver's license would lead to a suspension of up to 30 days (currently,

it is mandated that the suspension be 30 days.) Subdivision e would be amended to allow for points assessed pursuant to the section discussing the critical driver program to be added to the points assessed pursuant to the section discussing the persistent violator program, but would still not allow for there to be both program points assessed for the same occurrence.

New subdivision i of section 19-507.1 would allow a drivers TLC issued license to be suspended for up to 30 days if the driver accumulates 6 or more points, but fewer than 10, within a period of 15 months on his or her TLC license and Department of Motor Vehicle issued license. However, the points would have to be related to violations that threaten the safety or passengers or any other person. New subdivision j would allow a drivers TLC issued license to be revoked by the TLC if the driver accumulates 10 or more points within 15 month period on his or her TLC issued license and Department of Motor Vehicle license. However, the points would have to be related to violations that threaten the safety or passengers or any other person.

Section 2 of Proposed Int. 272-A would amend subdivisions a and b of section 19-507.2 of the Administrative Code. Subdivisions a and b would both have technical amendments. Subdivision c would allow a driver to attend a DMV approved course in order to deduct 3 points from the number of points that they had accumulated under the critical drivers program, increased from the current 2 points. In the event that a TLC approved course is not available the driver would be allowed to take a DMV approved course to deduct 3 points from the points accumulated under the persistent violators program or the critical drivers program, but not from both. The driver would decide from which program the points should be deducted.

Section 3 of Int. 272 would have the bill take effect one hundred twenty days after enactment into law. Newly added subdivision i and j of section 19-507.1 would only be applicable to points accumulated subsequent to the effective date of this section. The TLC would

be required to take all necessary action, including the promulgation of rules, prior to the effective date.

**Proposed Int. No. 277-A**

Section 1 of Proposed Int. No. 277-A would amend chapter 5 of title 19 of the Administrative Code by adding a new section 19-542. New section 19-542 would require that beginning February 1, 2015, and every quarter thereafter, the TLC provide a report to the Council and post on TLC's website regarding the number of crashes involving a TLC licensed vehicle. The report would be required to be disaggregated by the type of TLC vehicle involved and whether critical injury or death resulted. Critical injury would be defined in the section as any injury determined to be critical by emergency services workers present at the scene of the crash. Finally, TLC would have to maintain within its records the number of crashes involving a specific TLC licensed driver.

Section 2 of Proposed Int. 277-A would have the bill take effect immediately upon its enactment into law.

**Res. No. 6**

Res. No. 6 would state that New York State Vehicle and Traffic Law ("VTL") section 1212 defines reckless driving as driving or using any motor vehicle, motorcycle or any other vehicle in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. The Resolution would note that people found to have violated VTL section 1212 are guilty of a misdemeanor and may be imprisoned for up to 180 days, in addition to a \$300 fine and 5 points on their driver's license.

The Resolution would state that while those penalties may be appropriate where nobody was injured or killed as a result of the reckless driving, they are wholly inadequate punishment when the reckless driving results in serious injury or death. The Resolution would point out that additional charges such as vehicular assault, vehicular manslaughter, vehicular homicide or manslaughter may be brought against a person who drives recklessly and seriously injures or kills someone.

The Resolution would state that while those charges subject the guilty person to much more time in prison than a conviction of reckless driving, those charges are often hard to prove and require certain factors such as the driver having been previously convicted of driving recklessly, being intoxicated at the time of the accident or been driving on a revoked or suspended license. The Resolution would state that according to various reports, On June 4, 2013, Ariel Russo, a 4-year old girl, and her grandmother, were struck by an SUV at an intersection at West 97<sup>th</sup> Street and Amsterdam Avenue in Manhattan driven by a 17-year old unlicensed driver who was fleeing police who had pulled him over for driving recklessly.

The Resolution would state that Ariel Russo tragically died as the result of her injuries and her grandmother was hospitalized for several weeks as a result of hers.

The Resolution would state that the 17-year-old driver, Franklyn Reyes, was subsequently reportedly charged with manslaughter and vehicular manslaughter. The Resolution would further state that this in addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime.

The Resolution would state that reports indicate there was a 4 minute delay in dispatching an ambulance to assist Ariel and her grandmother. The Resolution would state that this delay



could potentially be a factor in any criminal case against the driver but particularly in a case for manslaughter or vehicular manslaughter.

The Resolution would state that had the criminal penalty for reckless driving been more significant, there would have been an additional opportunity for some modicum of justice beyond 180 days in prison.

The Resolution would state that while the law cannot be changed to impact the Russo case, it can be changed to act as a future deterrent to those that might drive recklessly and to exact a more appropriate punishment for those found guilty of driving recklessly and seriously injuring or killing someone. The Resolution would further state that the New York State Legislature should immediately determine more appropriate criminal penalties and change the law accordingly.

Finally, Res. No. 6 would call upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

#### **Res. No. 51**

Res. No. 51 would state that hit-and-run drivers not only endanger the lives of others, but also evade personal responsibility. The Resolution would note that according to the American Automobile Association Foundation for Traffic Safety, approximately 11 percent of all police reported crashes involve at least one driver who flees the scene and nearly 1,500 people die annually in hit and run crashes.

The Resolution would state that in order to hold drivers accountable for their actions, in May 2005, the New York State Legislature amended §600 of the New York State Vehicle and Traffic Law ("VTL"), entitled "leaving scene of an incident without reporting," to remedy gaps

in the law that gave intoxicated and reckless drivers an incentive to leave the scene of an accident when serious physical injury or death had occurred. The Resolution would point out that prior to the May 2005 revision, a driver who was intoxicated and caused a death could, depending on the circumstances, be charged with vehicular manslaughter in the second degree, a class D felony carrying a penalty of up to 7 years imprisonment, yet if the driver left the scene and was no longer intoxicated at the time he or she was apprehended, the most with which the driver could be charged was criminally negligent homicide, a class E felony, carrying a penalty of up to 4 years imprisonment.

The Resolution would state that the State Legislature closed this gap by making it a class D felony for a person to leave the scene of an accident when death results from the accident; the Legislature also increased the penalty for those who leave the scene of an accident when personal injury results, from a B misdemeanor to an A misdemeanor. The Resolution would argue that despite these changes to the law, the State Legislature failed to address the burden of proof problems in prosecuting these cases.

The Resolution would state that in order to secure a conviction, a prosecutor must still prove that the driver knew or had reason to know that personal injury, serious physical injury, or death resulted from the accident. The Resolution would also state prosecutors often face substantial difficulties attempting to prove that a driver fleeing the scene of an accident knew or should have known of an injury or death, particularly when the driver who is fleeing is intoxicated.

The Resolution would state that in cases where a serious physical injury or death results, a driver who leaves the scene of an accident should be strictly liable and charged with leaving the scene and causing the injury or death without the prosecutor being required to demonstrate

that the driver knew of or had cause to know of the injury or death. The Resolution would further state that this in addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime.

The Resolution would state that A.1533, sponsored by Assembly Member Steven Cymbrowitz and currently pending in the New York State Assembly, and companion bill S.2503, sponsored by State Senator Martin J. Golden and currently pending in the New York State Senate, seek to amend the VTL by increasing various penalties associated with the offense of leaving the scene of an accident without reporting it.

The Resolution would state that while A.1533/S.2503 would allow prosecutors to charge a driver who leaves the scene of an accident where personal injury results from the accident with a class E felony and subject them to a fine of between \$1,000 and \$1,500; any subsequent offense would constitute a class D felony and carry a fine of between \$1,500 and \$3,000. The Resolution would state that furthermore, under this legislation, a driver convicted of leaving the scene when serious physical injury resulted from the accident would be charged with a class D felony and subject to a fine of between \$1,500 and \$5,500; if the accident resulted in a death, the driver would be charged with a class C felony and subject to a fine of between \$2,500 and \$5,500.

The Resolution would state that drivers who are irresponsible and callous should be penalized appropriately, and drivers who seriously injure and kill others, then flee the scene, should be strictly liable for such actions

Finally, Res. No. 51 would call upon the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

### **Proposed Res. No. 68-A**

Proposed Res. No. 68-A would state that Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving “a motor vehicle on or across a sidewalk” with minor exceptions, such as to gain access to adjacent buildings or driveways. The Resolution would note that a violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to \$150 for a first offense.

The Resolution would state that driving on the sidewalk presents a grave risk to pedestrians. The Resolution would point out that during a 30-day period in February and March 2013, there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries.

The Resolution would state that on September 12, 2013, five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk. The Resolution would argue that in light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, the fine for violation of §1225-a of the Vehicle and Traffic Law should be increased to up to \$250 for a first offense and the infraction should also result in three points being added to the driver’s license.

Finally, Proposed Res. No. 68-A would call upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk.

### **Proposed Res. No. 117-A**

Proposed Res. No. 117-A would state that in 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department (NYPD) data. The Resolution would note that in 2013, “unsafe speed” was cited as a

contributing factor in over 3,000 collisions that resulted in injuries or fatalities in the City, also according to NYPD data.

The Resolution would state that many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases. The Resolution would point out that one such study by the United Kingdom Transportation Department determined that while a pedestrian has a 45 percent chance of dying if struck by a vehicle traveling at 30 miles per hour, the chance of death drops to 5 percent if the vehicle is traveling at 20 miles per hour.

The Resolution would state that slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place. The Resolution would highlight that according to Mayor de Blasio's Vision Zero Action Plan ("Action Plan"), since 1988, New York City's 190 red light cameras have issued over 4 million violations, and intersections where red light cameras were installed saw a 20 percent decline in all injuries, a 31 percent decrease in pedestrian injuries, and a 25 percent decrease in serious injuries in the three years after installation.

The Resolution would state that according to the Action Plan, evidence exists that the red light cameras have deterred dangerous driving behavior, as the number of violations issued by the cameras declined by 22% from 2010 to 2011. The Resolution would point out that in Washington D.C., at intersections where speed cameras are in use the number of crashes and injuries has gone down by 20%, according to the Action Plan.

The Resolution would state that in 2013, the State Legislature passed, and the Governor signed, legislation authorizing New York City to implement a demonstration program in which it can use cameras to automatically enforce speeding laws at no more than 20 locations near

schools, during school hours, for five years. The Resolution would note that in a four-month period at the beginning of 2014, the five speed cameras in operation in the City caught 14,500 drivers going at least 40 miles per hour. It would also point out that the State Legislature recently passed legislation which would increase to 140 the number of locations where speed cameras can operate under the demonstration program. The Resolution would state that in the interest of safety, the City should be able to control the number and placement of speed cameras within its borders as it sees fit.

Finally, Proposed Res. No. 117-A would call upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program.

#### **Res. No. 118**

Res. No. 118 would state that in 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department data. The Resolution would note that according to Mayor de Blasio's Vision Zero Action Plan ("Action Plan"), since 1988, New York City's red light cameras have issued over 4 million violations, and intersections where red light cameras were installed saw a 20 percent decline in all injuries, a 31 percent decrease in pedestrian injuries, and a 25 percent decrease in serious injuries in the three years after installation.

The Resolution would state that according to the Action Plan, evidence exists that the red light cameras have deterred dangerous driving behavior, as the number of violations issued by the cameras declined by 22% from 2010 to 2011. The Resolution would point out that current State law only allows the City to operate red light cameras at 150 intersections at any one time.

The Resolution would state that the authorization for the City's red light program will expire on December 1, 2014 unless State law is amended. The Resolution would highlight that in the interest of safety, the City should be able to control the number and placement of red light cameras within its borders as it sees fit.

Finally, Res. No. 118 would call upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program.

**Res. No. 144**

Res. No. 144 would state that in 2010, the New York State Legislature passed, and the Governor signed, Hayley and Diego's Law, which makes it a traffic infraction for a driver to injure a pedestrian or bicyclist while failing to "exercise due care". The Resolution would note that a violation of Hayley and Diego's Law is punishable by a fine of up to \$500 (or up to \$750 if the driver causes "serious physical injury") or by imprisonment for up to 15 days or by both such fine and imprisonment.

The Resolution would state that Hayley and Diego's Law is named after two children who were killed in 2009 in Chinatown in Manhattan when a delivery van that had been left idling and in reverse climbed the curb and hit them. The Resolution would point out that the driver in question was not charged with any infraction resulting from the children's deaths.

The Resolution would state that enforcement of Hayley and Diego's Law has been limited because a police officer needs to witness a traffic infraction in order to issue a summons or make an arrest. The Resolution would highlight that making violation of Hayley and Diego's Law a misdemeanor would increase the penalties associated with carelessly harming a pedestrian or bicyclist.

The Resolution would state that the change would also make enforcement easier by allowing a police officer to issue a summons for failing to exercise due care and injuring someone based upon probable cause, even if the officer was not present to witness the crash. The Resolution would further state that in the interest of enhancing pedestrian and bicyclist safety, a violation of Hayley and Diego's Law should be a misdemeanor.

Finally, Res. No. 144 would call upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.



Proposed Int. No. 43-A

By Council Members Wills, Koo, Reynoso, Levin, Arroyo, Chin, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a study on left turns.

Be it enacted by the Council as follows:

Section 1. Section 19-182 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. 1. For purposes of this section, the following terms shall have the following meanings:

(A) “Exclusive pedestrian phase” shall mean a pedestrian control signal that allows pedestrians an exclusive interval at which to completely cross using any of the existing crosswalks within the intersection while traffic is stopped in all directions;

(B) “Leading pedestrian interval” shall mean a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of traffic; and

(C) “Motor vehicle” shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

2. As part of the comprehensive study and plan required pursuant to this section, the department shall study means of enhancing the safety of pedestrians and bicyclists where motor vehicles make left turns. Such study and plan shall consider and make recommendations as to how streets and sidewalks may be designed to minimize the risk of traffic crashes and to minimize the risk of critical injury or death resulting from the making of such turns. Such study and plan shall include, but not be limited to, at or near left turn locations, consideration of removing motor vehicle parking, the installation of leading pedestrian intervals, the designation of lanes exclusively for left turns, and the installation of exclusive pedestrian phases.

§2. This local law shall take effect immediately upon enactment into law.

LF/gz  
5/20/14  
Int. No. 1149/2013  
LS 135/2014

Proposed Int. No. 46-A

By Council Members Cabrera, Koo, Palma, Rose, Koslowitz, Levin, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to traffic control signals.

Be it enacted by the Council as follows:

Section 1. The title and subdivisions a and b of section 19-128 of the administrative code of the city of New York, as added by local law number 49 for the year 2007, are amended to read as follows:

§ 19-128. Damaged or missing signs and signals. a. For the purposes of this section, the [phrase] following terms shall be defined as follows:

(i) "priority regulatory sign" shall mean a stop sign, yield sign, do not enter sign, or one way sign[.];

(ii) "traffic control signal" shall have the same meaning as set forth in section one hundred fifty-four of the vehicle and traffic law or any successor provision thereto.

b. The department shall maintain a log of notices regarding priority regulatory signs and traffic control signals that are missing or damaged to the extent that any such sign or signal is not operational, visible or legible to a motorist who must obey or rely upon such sign or signal. Such log shall include the date and time such notice was received and the date and time on which such priority regulatory sign [or one way sign] or traffic control signal was repaired or replaced, or the date on which a determination was made that repair or replacement was not warranted and the reason for such determination.

§ 2. Section 19-128 of the administrative code of the city of New York is amended by adding two new subdivisions e and f to read as follows:

e. Within twenty-four hours of receiving notice that a traffic control signal is missing or damaged to the extent that such signal is not operational or visible to a motorist who must obey or rely upon such signal the department shall:

(i) repair or replace such signal,

(ii) implement alternative measures to control traffic if such repair or replacement will take greater than twenty-four hours, or

(iii) make a determination that repair or replacement is not warranted.

f. This section shall not apply with regard to traffic control signals at a location where multiple traffic control signals are present and facing the same direction in the same intersection and one or more of such signals remains operational.

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

TM/lf  
Int No 873/2012  
LS 380/2014  
5/21/14

Proposed Int. No. 80-A

By Council Members By Council Members Lancman, Koo, Rose, Rosenthal, Menchaca, Levin, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to work zone safety on bridges.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-156 to read as follows:

§19-156 Work zone safety on bridges. a. For purposes of this section, the following terms shall have the following meanings:

1. “Bridge” shall mean a span that includes a roadway for use by motor vehicles, that is located above another surface.

2. “Work zone” shall mean a location where workers are engaged in a stationary operation that exceeds four hours in duration and which is not predominantly separated from traffic by a temporary concrete or other rigid barrier system.

b. On or before January 1, 2015, the commissioner shall conduct a review of guidelines and best practices with regard to work zone safety on bridges that are under the jurisdiction of the department. A written report detailing such guidelines and best practices shall be submitted to the speaker of the council and posted on the department’s website upon completion.

§ 2. This local law shall take effect immediately upon enactment into law.

LF  
LS 556/2014  
5/20/14 3:39pm

Proposed Int. No. 140-A

By Council Members Greenfield, Chin, Constantinides, Espinal, Gentile, Gibson, Johnson, Koo, Levine, Reynoso, Richards, Torres, Van Bramer, Mendez, Rosenthal, Kallos and Arroyo  
A LOCAL LAW

To amend the administrative code of the city of New York, in relation to establishing neighborhood slow zones and speed limits near schools.

Be it enacted by the Council as follows:

Section 1. Section 19-177 of the administrative code of the city of New York, as added by local law number 6 for the year 1996, is retitled and subdivisions d, e and f are added to read as follows:

§ 19-177 Speed Limits; posting of signs; neighborhood slow zones; speed limits near schools.

d. (1) The commissioner shall establish neighborhood slow zones in which speed limits of twenty miles per hour apply on or along designated highways for the purpose of implementing traffic calming measures. The commissioner shall establish not less than seven neighborhood slow zones, which shall contain not less than five blocks per zone, annually in the years 2014 and 2015. For purposes of this subdivision, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.

(2) Upon the establishment of neighborhood slow zones pursuant to paragraph 1 of this subdivision, commencing on or before February 1, 2015, and annually thereafter, the commissioner shall provide to the mayor and speaker of the council, and shall post on the department's website, a report listing the location of all neighborhood slow zones. This report shall include, but not be limited to, a review of whether such zones have minimized the risk of

traffic crashes, critical injuries or death, and a determination of whether the department shall continue to establish seven neighborhood slow zones annually.

e. (1) Except as provided in paragraph two of this subdivision, the commissioner shall establish speed limits of not less than fifteen nor more than twenty miles per hour at fifty school locations annually, for a distance not to exceed one thousand three hundred twenty feet, on highways passing any school building entrance or exit of a school abutting on the highway. For purposes of this subdivision, the term “school” shall have the same meaning as in section 19-189 of this title.

(2) Should the commissioner determine that such speed limits will be established at fewer than fifty school locations within a year, the commissioner shall inform the mayor and the speaker of the council in writing of such determination and the reason therefor.

(3) After evaluating every school in the city for the establishment of such speed limits, the commissioner may determine not to establish any further such speed limits and shall inform the mayor and the speaker of the council in writing and shall continue to evaluate the need to establish such speed limits after such notice is given.

f. Commencing on or before February 1, 2015, and annually thereafter, the commissioner shall provide to the mayor and speaker of the council, and shall post on the department’s website, a list of all locations established pursuant to subdivision e of this section.

§ 2. This local law shall take effect immediately upon its enactment into law.

LF  
LS#983/2014  
Int. No. 0535/2011  
5/21/14

Proposed Int. No. 167-A

By Council Members Rodriguez, Chin, Koo, Levine, Treyger, Levin, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting certain stunt behavior with vehicles.

Be it enacted by the Council as follows:

Section 1. Section 10-163 of the administrative code of the city of New York, as added by local law number 46 for the year 2004, is amended to read as follows:

§ 10-163[.] Speed contests, [and] races and stunt behavior.

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Vehicle" shall have the same meaning as such term is defined in article one of the vehicle and traffic law.

2. "Engage" or "aid or abet" shall mean actions or circumstances that reasonably indicate that a race, exhibition or contest of speed or stunt behavior has occurred or is imminent, including, but not limited to: the presence of a canister appearing to hold nitrous oxide attached to a vehicle; an explicit invitation to race; the presence of a starting or ending point marked in some way; wagering on the race's outcome; the exhibiting of stunt behavior; acting as a starter or flagperson; pushing vehicles to a starting line; or directing traffic at such an event or gathering.

3. "Stunt behavior" shall mean operating a vehicle in a public place, or on private property open to the public, in a manner which unreasonably interferes with other persons' use of public streets and/or endangers the health or safety of the public, the vehicle operator or its passengers, by accelerating a vehicle at a high rate of speed; raising a vehicle to the degree that one or more wheels lose contact with the ground, commonly referred to as a "wheelie"; spinning



a vehicle rapidly in a circle, commonly referred to as a “donut”; using the power of the engine and braking force to cause the rear wheel of a vehicle to spin; heating the rear tire and producing smoke; or increasing the revolutions per minute of a vehicle whether or not the vehicle is in motion, commonly referred to as “revving,” thereby causing unreasonable noise.

b. Except as provided in the vehicle and traffic law, no person shall engage in [or participate in] any race, exhibition or contest of speed involving a vehicle, or aid or abet in such race, exhibition or contest of speed, on any highway, street, alley, sidewalk, or any public or private parking lot or area. [Under this subdivision, "engage in" and "participate" shall mean actions or circumstances that reasonably indicate that a race, exhibition or contest of speed has occurred or is imminent, including, but not limited to, the presence of a canister appearing to hold nitrous oxide attached to a vehicle; an explicit invitation to race; a starting or ending point marked in some way; the wagering on the race's outcome; the operation of a motor vehicle in a manner where the operator, in competition, accelerates at a high rate of speed; the raising of a vehicle vertically; the spinning of the vehicle rapidly in a circle.]

[b. No] c. Except as provided in the vehicle and traffic law, no person shall engage in stunt behavior involving a vehicle, or aid or abet in such stunt behavior.

d. Except as provided in the vehicle and traffic law, no person shall participate [as a spectator] in any event or gathering held for the purpose of a race, exhibition or contest of speed [not authorized pursuant to the vehicle and traffic law] or stunt behavior involving a vehicle. [Under] For purposes of this subdivision, "participate" shall mean [acts at the scene of a race that reasonably appear to support such race] wagering on the outcome of the race, exhibition or contest of speed or stunt behavior or [actively] taking specific overt actions encouraging the [participants to] people engaging in the race, exhibition, contest of speed or stunt behavior.

[c.] e. Except as provided in the vehicle and traffic law, no person shall operate, drive or park a motorcycle, whether or not in motion, unless the number plate is easily readable and is not obstructed by any part of the motorcycle, its equipment, or anything carried thereon, including the operator or a passenger. For purposes of this subdivision, “motorcycle” shall have the same meaning as in section one hundred twenty three of the vehicle and traffic law.

f. A violation of subdivision [a] b or c shall constitute a misdemeanor and be punishable by imprisonment of not more than six months or a fine of not more than six hundred dollars, or both such fine and imprisonment, except that the imprisonment for a violation of subdivision c shall be not more than sixty days. A second or subsequent violation of subdivision [a] b or c of this section committed within ten years of a violation of subdivision [a] b or c of this section shall be punishable upon conviction by imprisonment of not more than one year or a fine of not more than one thousand dollars, or both such fine and imprisonment, except that the imprisonment for a violation of subdivision c shall be not more than one hundred twenty days. A violation of subdivision [b] d or e shall constitute a violation punishable by imprisonment of up to fifteen days or a fine of not more than two hundred fifty dollars, or both such fine and imprisonment.

§2. This local law shall become effective 90 days after its enactment into law.

PD + Law  
4-15-14  
LF  
Amended 5/21/14 6:42 pm

Proposed Int. No. 168-A

By Council Members Rodriguez, Koo, Levine, Mendez, Levin, Rosenthal, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to safer arterial streets.

Be it enacted by the Council as follows:

Section 1. Section 19-182 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. 1. For purposes of this subdivision, “arterial streets” shall mean high-capacity streets under the jurisdiction of the department serving as the principal network of through-traffic flow.

2. As part of the comprehensive study and plan required pursuant to this section, the department shall study arterial streets as defined herein and make recommendations as to how such streets may be designed to minimize the risk of traffic crashes and to minimize the risk of critical injury or death resulting from such crashes.

§2. This local law shall take effect immediately upon enactment into law.

LF  
LS#914  
5/19/14

Proposed Int. No. 171-A

By Council Members Rosenthal, Chin, Crowley, Koo, Levine, Reynoso, Arroyo, Van Bramer and Ulrich.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to traffic violations and serious crashes.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-541 to read as follows:

§19-541 Serious crashes. Where a driver licensed by the commission has been issued a summons for or charged with one or more traffic related violations or crimes in a crash in which any person has suffered critical injury or death, the license issued to such driver by the commission may be summarily suspended consistent with the rules of the commission regarding summary suspensions, and, upon conviction of such driver of one or more of the violations or crimes stated in the summons or such charges and upon a determination that one or more of such violations or crimes for which conviction occurred was a cause of such critical injury or death, such license shall be revoked. A summary suspension pursuant to this section may be lifted pursuant to the rules of the commission or upon dismissal of all such charges or upon a finding of not guilty of all of the stated traffic related violations and crimes, except that the commission may continue to suspend such license pursuant to section 19-540 of this chapter. For purposes of this section, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to such crash. This section shall not limit in any way the commission's authority to summarily suspend a driver licensed by the commission for other reasons.

§2. This local law shall take effect ninety days following enactment into law, except that the taxi and limousine commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

LF  
LS#789  
5/21/14

Proposed Int. No. 174-A

By Council Members Vacca, Mendez, Levin, Rosenthal, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to taxi and limousine commission review of crashes.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-540 to read as follows:

§19-540 Review of crashes. a. Following any crash involving a driver licensed by the commission while operating a vehicle licensed by the commission where critical injury or death resulted to one or more persons, the commission shall, upon notification of such crash, review the results of the police department's investigation at or before the conclusion of such department's investigation. The commission shall further review the fitness of such driver to operate a vehicle licensed by the commission and take any enforcement action that it determines appropriate, unless such driver's commission issued license has been suspended, in which case such review may occur prior to the lifting of such suspension. The commission may summarily suspend the commission issued license of such driver while any fitness review or enforcement action is pending, consistent with the rules of the commission regarding summary suspensions. For purposes of this section, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to any such incident. This section shall not limit in any way the commission's authority to summarily suspend a driver's commission issued license for other reasons.

b. On or before February 1, 2015 and quarterly thereafter, the commission shall provide to the speaker of the council and shall place on the commission's website, a written report detailing how many crashes the commission reviewed pursuant to subdivision a of this section in the prior quarter, how many summary suspensions occurred, and enforcement actions taken by the commission following such review.

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

LF  
LS#759  
5/20/14

Proposed Int. No. 238-A

By Council Members Weprin, Rodriguez, Levine, Levin, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the right of way of pedestrians and bicyclists.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§19-190 Right of way. a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, “motor vehicle” shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental



control board. For purposes of this section, “physical injury” shall have the same meaning as in section 10.00 of the penal law.

c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver’s failure to exercise due care.

d. This section shall not apply to persons, teams, motor vehicles, and other equipment working on behalf of the city of New York, the state of New York or the federal government while actively engaged in work requiring the presence of a motor vehicle in a location that interferes with the right of way of a pedestrian or person riding a bicycle. Such persons, teams, motor vehicles, and other equipment shall proceed at all times during all phases of such work exercising due regard for the safety of all persons and consistent with all applicable laws, rules, and regulations. Nothing in this section shall relieve such persons or teams or such operators of motor vehicles or other equipment from the consequences of failure to exercise due care or the consequences of their reckless disregard for the safety of others.

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

LF  
LS#859, 971  
5/21/14

Proposed Int. No. 272-A

By Council Members Rodriguez, Gibson, Levine, Levin, Rosenthal, Arroyo, and Van Bramer  
(by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the New York city taxi and limousine commission's critical drivers and persistent violators programs.

Be it enacted by the Council as follows:

Section 1. Section 19-507.1 of the administrative code of the city of New York, as added by local law number 20 for the year 1999, is amended by amending subdivisions a,b,c and e, and adding new subdivisions i and j, to read as follows:

§ 19-507.1 Persistent Violators of Rules Relating to Drivers of Taxicabs and For-Hire Vehicles. a. (1) [On or after September 1, 1999, any] Any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission. Upon presentation to the commission of proof of satisfactory completion of a commission-approved course by such driver, [two] three points shall be deducted from the number of points assessed under the persistent violators program against his or her taxicab or for-hire vehicle driver's license, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this subdivision only once within [the] a five-year period [commencing on or after September 1, 1999]. In the event no such approved course is available at the time such driver seeks to enroll, such driver may take a course provided for in paragraph one of subdivision c of section 19-507.2 of this chapter. In such instance, completion of a course taken pursuant to this paragraph or pursuant to paragraph one of subdivision c of section 19-507.2 shall result in the removal of three points from either the number of points accrued under the persistent violators program or from the number of points

accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course.

(2) [Notwithstanding the provisions of paragraph one of this subdivision, any taxicab or for-hire vehicle driver may attend one remedial or refresher course approved by the commission between the effective date of this local law and August 31, 1999. Upon satisfactory completion of a commission-approved course by such driver two points shall be deducted from the number of points assessed under the persistent violators program against his or her taxicab or for-hire vehicle driver's license.

(3) [Notwithstanding the provisions of [paragraphs] paragraph one [or two] of this subdivision, no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course and no taxicab or for-hire vehicle driver shall receive a point reduction unless attendance at the course is voluntary on the part of the driver. [If the commission has no approved remedial or refresher course on the effective date of this subdivision, then a department of motor vehicles-approved course shall be deemed acceptable until such time as the commission approves a course.

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that six or more points but fewer than ten points have been assessed against his or her taxicab or for-hire vehicle driver's license within any fifteen-month period and whose license has not been revoked shall have his or her taxicab or for-hire vehicle driver's license suspended for up to thirty days. [The provisions of this subdivision shall apply only to violations issued on or after July 26, 1998.]

c. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that ten or more points have been assessed against his or her taxicab or

for-hire vehicle driver's license within any fifteen-month period shall have his or her taxicab or for-hire vehicle driver's license revoked. [The provisions of this subdivision shall apply only to violations issued on or after July 26, 1998.]

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her taxicab or for-hire vehicle driver's license or the imposition of duplicate penalties where the same act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. Points assessed [by the department of motor vehicles by reason of violations under the vehicle and traffic law] pursuant to section 19-507.2 of this chapter may [not], pursuant to subdivisions i and j of this section, be added to points assessed by the commission under this section for violations of commission rules.

i. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points but fewer than ten points in total have been assessed within any fifteen-month period against his or her taxicab or for-hire vehicle driver's license pursuant to this section and against the driver license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter and whose taxicab or for-hire vehicle driver's license has not been revoked shall have his or her taxicab or for-hire vehicle driver's license suspended for up to thirty days; provided, however, that only points assessed against a taxicab or for-hire vehicle driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

j. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points in total have been assessed within any fifteen-month period against his or her taxicab or for-hire vehicle driver's license pursuant to this section and against the driver's license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter shall have his or her taxicab or for-hire vehicle driver's license revoked; provided, however, that only points assessed against a taxicab or for-hire vehicle driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§2. Section 19-507.2 of the administrative code of the city of New York, as added by local law number 20 for the year 1999, is amended to read as follows:

§19-507.2 Critical driver program a. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period and whose taxicab or for-hire vehicle driver's license has not been revoked shall have his or her taxicab or for-hire vehicle driver's license suspended for thirty days. [The provisions of this subdivision shall apply only to violations issued on or after February 15, 1999.]

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period shall have his or her taxicab or for-hire

vehicle driver's license revoked. [The provisions of this subdivision shall apply only to violations issued on or after February 15, 1999.]

c. (1) [On or after September 1, 1999, a] A taxicab or for-hire vehicle driver shall be eligible to receive a [two] three point reduction in the number of points assessed pursuant to the critical driver program upon the submission to the commission of proof of the satisfactory completion of a motor vehicle accident prevention course approved by the department of motor vehicles. Such point reduction shall be considered in computing the total number of points accumulated by such driver as a result of violations which occurred within fifteen months prior to the date of the completion of the course. In the event that no commission approved course is available pursuant to paragraph one of subdivision a of section 19-507.1 of this chapter, completion of a course taken pursuant to this paragraph shall result in the removal of three points from either the number of points accrued under the persistent violators program or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course.

(2) Notwithstanding the provisions of paragraph one of this subdivision no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course. No person shall receive a point reduction more than once in any eighteen month period and no person shall receive a point reduction unless attendance at the course is voluntary on the part of the driver.

[(3) Notwithstanding the provisions of paragraphs one and two of this subdivision, any taxicab or for-hire vehicle driver who voluntarily attends and satisfactorily completes one motor vehicle accident prevention course approved by the department of motor vehicles between the effective date of this local law and August 31, 1999, shall have two points deducted from the

total number of points assessed pursuant to the critical driver program against his or her taxicab or for-hire vehicle driver's license. No point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course.]

§3. This local law shall take effect one hundred twenty days following enactment; newly added subdivisions i and j of section 19-507.1 of the administrative code of the city of New York shall only be applicable to points accrued subsequent to the effective date of this local law. The commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

LF  
Amended 5/23/14 5:48pm

Proposed Int. No. 277-A

By Council Members Vacca, Rodriguez, Gibson, Koo, Levine, Levin, Rosenthal, Arroyo, and Van Bramer.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the reporting of crash data involving taxi and limousine commission licensed vehicles.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-542 to read as follows:

§19-542 Reporting of crash data on commission licensed vehicles. On or before February 1, 2015 and quarterly thereafter, the commission shall for the prior quarter provide a report to the council and shall post on its website, the number of crashes involving a vehicle licensed by the commission. Such report shall disaggregate such crashes by the type of commission licensed vehicle and by whether critical injury or death resulted from such crashes. The commission shall also maintain within its records the number of crashes each licensed driver has been involved in while operating a commission licensed vehicle. For purposes of this section, "critical injury" shall mean any injury determined to be critical by the emergency medical service personnel responding to any such incident.

§2. This local law shall take effect immediately upon enactment into law.

LF  
LS#729/2014  
LS#1129/2014  
5/20/14



Res. No. 6

Resolution calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

By Council Members Crowley, Constantinides, Gentile, King, Koo, Koslowitz, Palma, Williams, Vallone, Mendez, Levin, Rosenthal, Arroyo, Van Bramer and Ulrich

Whereas, New York State Vehicle and Traffic Law ("VTL") section 1212 defines reckless driving as driving or using any motor vehicle, motorcycle or any other vehicle in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway; and

Whereas, People found to have violated VTL section 1212 are guilty of a misdemeanor and may be imprisoned for up to 180 days, in addition to a \$300 fine and 5 points on their driver's license; and

Whereas, While those penalties may be appropriate where nobody was injured or killed as a result of the reckless driving, they are wholly inadequate punishment when the reckless driving results in serious injury or death; and

Whereas, Additional charges such as vehicular assault, vehicular manslaughter, vehicular homicide or manslaughter may be brought against a person who drives recklessly and seriously injures or kills someone; and

Whereas, While those charges subject the guilty person to much more time in prison than a conviction of reckless driving, those charges are often hard to prove and require certain factors such as the driver having been previously convicted of driving recklessly, being intoxicated at the time of the accident or been driving on a revoked or suspended license; and

Whereas, According to various reports, On June 4, 2013, Ariel Russo, a 4-year old girl, and her grandmother, were struck by an SUV at an intersection at West 97<sup>th</sup> Street and Amsterdam Avenue in Manhattan driven by a 17-year old unlicensed driver who was fleeing police who had pulled him over for driving recklessly; and

Whereas, Ariel Russo tragically died as the result of her injuries and her grandmother was hospitalized for several weeks as a result of hers; and

Whereas, The 17-year-old driver, Franklyn Reyes, was subsequently reportedly charged with manslaughter and vehicular manslaughter; and

Whereas, Reports indicate there was a 4 minute delay in dispatching an ambulance to assist Ariel and her grandmother; and

Whereas, This delay could potentially be a factor in any criminal case against the driver but particularly in a case for manslaughter or vehicular manslaughter; and

Whereas, Had the criminal penalty for reckless driving been more significant, there would have been an additional opportunity for some modicum of justice beyond 180 days in prison; and

Whereas, While the law cannot be changed to impact the Russo case, it can be changed to act as a future deterrent to those that might drive recklessly and to exact a more appropriate punishment for those found guilty of driving recklessly and seriously injuring or killing someone; and

Whereas, The New York State Legislature should immediately determine more appropriate criminal penalties and change the law accordingly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

WJH  
1/15/14  
LS 4903

Res. No. 51

Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

By Council Members Crowley, Constantinides, Koo, Palma, Vacca, Reynoso, Gibson, Menchaca, Rodriguez, Levin, Arroyo, and Van Bramer.

Whereas, Hit-and-run drivers not only endanger the lives of others, but also evade personal responsibility; and

Whereas, According to the American Automobile Association Foundation for Traffic Safety, approximately 11 percent of all police reported crashes involve at least one driver who flees the scene and nearly 1,500 people die annually in hit and run crashes; and

Whereas, In order to hold drivers accountable for their actions, in May 2005, the New York State Legislature amended §600 of the New York State Vehicle and Traffic Law ("VTL"), entitled "leaving scene of an incident without reporting," to remedy gaps in the law that gave intoxicated and reckless drivers an incentive to leave the scene of an accident when serious physical injury or death had occurred; and

Whereas, Prior to the May 2005 revision, a driver who was intoxicated and caused a death could, depending on the circumstances, be charged with vehicular manslaughter in the second degree, a class D felony carrying a penalty of up to 7 years imprisonment, yet if the driver left the scene and was no longer intoxicated at the time he or she was apprehended, the most with which the driver could be charged was criminally negligent homicide, a class E felony, carrying a penalty of up to 4 years imprisonment; and

Whereas, The State Legislature closed this gap by making it a class D felony for a person to leave the scene of an accident when death results from the accident; the Legislature also increased the penalty for those who leave the scene of an accident when personal injury results, from a B misdemeanor to an A misdemeanor; and

Whereas, Despite these changes to the law, the State Legislature failed to address the burden of proof problems in prosecuting these cases; and

Whereas, In order to secure a conviction, a prosecutor must still prove that the driver knew or had reason to know that personal injury, serious physical injury, or death resulted from the accident; and

Whereas, Prosecutors often face substantial difficulties attempting to prove that a driver fleeing the scene of an accident knew or should have known of an injury or death, particularly when the driver who is fleeing is intoxicated; and

Whereas, In cases where a serious physical injury or death results, a driver who leaves the scene of an accident should be strictly liable and charged with leaving the scene and causing the injury or death without the prosecutor being required to demonstrate that the driver knew of or had cause to know of the injury or death; and

Whereas, In addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime; and

Whereas, A.1533, sponsored by Assembly Member Steven Cymbrowitz and currently pending in the New York State Assembly, and companion bill S.2503, sponsored by State Senator Martin J. Golden and currently pending in the New York State Senate, seek to amend the VTL by increasing various penalties associated with the offense of leaving the scene of an accident without reporting it; and

Whereas, A.1533/S.2503 would allow prosecutors to charge a driver who leaves the scene of an accident where personal injury results from the accident with a class E felony and subject them to a fine of between \$1,000 and \$1,500; any subsequent offense would constitute a class D felony and carry a fine of between \$1,500 and \$3,000; and

Whereas, Furthermore, under this legislation, a driver convicted of leaving the scene when serious physical injury resulted from the accident would be charged with a class D felony and subject to a fine of between \$1,500 and \$5,500; if the accident resulted in a death, the driver would be charged with a class C felony and subject to a fine of between \$2,500 and \$5,500; and

Whereas, Drivers who are irresponsible and callous should be penalized appropriately, and drivers who seriously injure and kill others, then flee the scene, should be strictly liable for such actions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

WJH  
Res. 720/2011  
2/5/14  
LS 214/2014

Proposed Res. No. 68-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk.

By Council Members Weprin, Constantinides, Levine, Mendez, Rosenthal, Reynoso, Menchaca, Levin, Arroyo, and Van Bramer.

Whereas, Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving “a motor vehicle on or across a sidewalk” with minor exceptions, such as to gain access to adjacent buildings or driveways; and

Whereas, A violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to \$150 for a first offense; and

Whereas, Driving on the sidewalk presents a grave risk to pedestrians; and

Whereas, During a 30-day period in February and March 2013, there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries; and

Whereas, On September 12, 2013, five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk; and

Whereas, In light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, the fine for violation of §1225-a of the Vehicle and Traffic Law should be increased to up to \$250 for a first offense and the infraction should also result in three points being added to the driver’s license; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the penalty for driving on the sidewalk.

JM/lf  
Res2093/2013  
3/10/14

Proposed Res. No. 117-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program.

By Council Members Vacca, Levine, Van Bramer, Chin, Cohen, Ferreras, Lander, Reynoso, Torres, Rosenthal, Mendez, Koslowitz, Menchaca and Levin

Whereas, In 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department (NYPD) data; and

Whereas, In 2013, “unsafe speed” was cited as a contributing factor in over 3,000 collisions that resulted in injuries or fatalities in the City, also according to NYPD data; and

Whereas, Many studies have concluded that the chances of a pedestrian surviving a motor vehicle collision decrease dramatically as the speed of the vehicle increases; and

Whereas, One such study by the United Kingdom Transportation Department determined that while a pedestrian has a 45 percent chance of dying if struck by a vehicle traveling at 30 miles per hour, the chance of death drops to 5 percent if the vehicle is traveling at 20 miles per hour; and

Whereas, Slower speeds also decrease stopping distance, giving drivers a better chance to take action to prevent collisions from occurring in the first place; and

Whereas, According to Mayor de Blasio’s Vision Zero Action Plan (“Action Plan”), since 1988, New York City’s 190 red light cameras have issued over 4 million violations, and intersections where red light cameras were installed saw a 20 percent decline in all injuries, a 31 percent decrease in pedestrian injuries, and a 25 percent decrease in serious injuries in the three years after installation; and

Whereas, According to the Action Plan, evidence exists that the red light cameras have deterred dangerous driving behavior, as the number of violations issued by the cameras declined by 22 percent from 2010 to 2011; and

Whereas, In Washington D.C., at intersections where speed cameras are in use the number of crashes and injuries has gone down by 20 percent, according to the Action Plan; and

Whereas, In 2013, the New York State Legislature passed, and the Governor signed, legislation authorizing New York City to implement a demonstration program in which it can use cameras to automatically enforce speeding laws at no more than 20 locations near schools, during school hours, for five years; and

Whereas, In a four-month period at the beginning of 2014, the five speed cameras in operation in the City caught 14,500 drivers going at least 40 miles per hour; and

Whereas, The State Legislature recently passed legislation which would increase to 140 the number of locations where speed cameras can operate under the demonstration program; and

Whereas, In the interest of safety, the City should be able to control the number and placement of speed cameras within its borders as it sees fit; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own speed camera program.

LS# 687, 783  
5/21/2014  
JM



Res. No. 118

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program.

By Council Members Van Bramer, Chin, Cohen, Lander, Reynoso, Torres, Vallone, Rosenthal, Mendez, Koslowitz, Menchaca, Levin and Arroyo

Whereas, In 2013, 286 people, including 168 pedestrians, were killed in traffic crashes in New York City, according to New York City Police Department data; and

Whereas, According to Mayor de Blasio's Vision Zero Action Plan ("Action Plan"), since 1988, New York City's red light cameras have issued over 4 million violations, and intersections where red light cameras were installed saw a 20 percent decline in all injuries, a 31 percent decrease in pedestrian injuries, and a 25 percent decrease in serious injuries in the three years after installation; and

Whereas, According to the Action Plan, evidence exists that the red light cameras have deterred dangerous driving behavior, as the number of violations issued by the cameras declined by 22% from 2010 to 2011; and

Whereas, Current State law only allows the City to operate red light cameras at 150 intersections at any one time; and

Whereas, The authorization for the City's red light program will expire on December 1, 2014 unless State law is amended; and

Whereas, In the interest of safety, the City should be able to control the number and placement of red light cameras within its borders as it sees fit; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City control over its own red light camera program.

LS# 662  
3/7/2014  
JM

Res. No. 144

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

By Council Members Vacca, Mendez, Menchaca, Levin, Rosenthal, Arroyo, Chin, and Van Bramer.

Whereas, In 2010, the New York State Legislature passed, and the Governor signed, Hayley and Diego's Law, which makes it a traffic infraction for a driver to injure a pedestrian or bicyclist while failing to "exercise due care"; and

Whereas, A violation of Hayley and Diego's Law is punishable by a fine of up to \$500 (or up to \$750 if the driver causes "serious physical injury") or by imprisonment for up to 15 days or by both such fine and imprisonment; and

Whereas, Hayley and Diego's Law is named after two children who were killed in 2009 in Chinatown in Manhattan when a delivery van that had been left idling and in reverse climbed the curb and hit them; and

Whereas, The driver in question was not charged with any infraction resulting from the children's deaths; and

Whereas, Enforcement of Hayley and Diego's Law has been limited because a police officer needs to witness a traffic infraction in order to issue a summons or make an arrest; and

Whereas, Making violation of Hayley and Diego's Law a misdemeanor would increase the penalties associated with carelessly harming a pedestrian or bicyclist; and

Whereas, The change would also make enforcement easier by allowing a police officer to issue a summons for failing to exercise due care and injuring someone based upon probable cause, even if the officer was not present to witness the crash; and

Whereas, In the interest of enhancing pedestrian and bicyclist safety, a violation of Hayley and Diego's Law should be a misdemeanor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

LS# 960  
3/5/2014  
JM