

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
JOINT HEARING BEFORE THE CITY COUNCIL
COMMITTEES ON TRANSPORTATION AND PUBLIC SAFETY
May 2, 2017**

Good morning Chair Rodriguez, Chair Gibson, and members of the Transportation and Public Safety Committees. My name is Juan Martinez, and I am Director of Strategic Initiatives at the New York City Department of Transportation. I am joined by Rebecca Zack, Acting Assistant Commissioner of Intergovernmental and Community Affairs.

The central premise of Vision Zero is that we can prevent fatal traffic crashes, and that it is therefore our responsibility to do so. Each fatal crash which has been averted means that there is another family which does not have to cope with the trauma and profound grief of a loved one's abrupt absence. Drivers who are involved in a fatal crash, and then choose to flee, are committing an illegal act which is especially heinous because it can intensify that family's anguish by denying them closure.

In my testimony I will focus on DOT's Vision Zero work to prevent the crashes most associated with drivers leaving the scene. In addition, I will provide some background on the factors that may influence the decision to leave the scene once a collision has occurred and some steps that could be taken to change those factors. I defer to Inspector Fulton and my colleagues at NYPD on how to apprehend those drivers that do decide to leave the scene of a serious or fatal crash and the Council's proposals for the establishment of an alert system in Intro 1463 and a reward fund in Intro 1418.

Traffic fatalities have declined 23 percent since Vision Zero was launched in 2014. Fatal hit-and-run crashes have declined at the same rate, from an annual average of 42 in the three years before Vision Zero to an average of 32 in the three years of the initiative thus far.

A review of crash data indicates that fatal hit and runs are highly correlated with drivers who are speeding at night and drivers who are operating under the influence of alcohol or other drugs. One-third of fatal hit-and-runs occur during just 14 percent of the week from 9:00 p.m. to 4:00 a.m. on Thursday, Friday, and Saturday nights into the early hours of the following morning. These 24 hours also account for one-third of fatal DWI crashes and for one-fifth of speeding fatalities. Accordingly I would like to testify on DOT's efforts to improve safety during the

overnight period, our work to reduce overnight speeding, and our outreach aimed at reducing drinking and driving.

Under Vision Zero DOT has undertaken a number of initiatives to prevent nighttime crashes. The conversion from high pressure sodium streetlights to LED is underway. LED street lights improve visibility for drivers, by providing better contrast. Additionally, this past year we completed the installation of additional street lighting at 1,000 intersections with high numbers of nighttime pedestrian injuries- and as part of this year's Preliminary Budget announced a plan to address *an additional* 1,000 intersections.

DOT has also been retiming the traffic signals on high-crash corridors in order to discourage speeding during off-peak hours. We have successfully refined the signal timing on over 400 miles of corridors, including three-quarters of the priority corridor miles identified in the Vision Zero Pedestrian Safety Action Plans.

However, we are prohibited by state law from using one of the most effective tools we have for combatting speeding, the speed camera program, at night. We are only allowed to use speed cameras during school hours on school days – but we know that the rate of speeding, and also speeding deaths, spikes at night, and on weekend nights in particular. The rate of speeding starts to climb as soon as we deactivate the speed cameras.

The Council has been supportive of efforts to expand the program so that we can deter speeding during the most dangerous hours of the day and in the most dangerous places. We are grateful for that support, and ask that you redouble it in the weeks ahead.

In addition, DOT convenes the STOP-DWI Task Force of District Attorneys, the NYPD, and other criminal justice agencies and is responsible for administering the NYC STOP-DWI program. The program is funded with fines collected from offenders under state law and develops the City's comprehensive DWI strategy. DOT's focus as a member of the task force is public education and outreach.

DOT's DWI campaign is "Choices," examples of which you can see behind me. This campaign presents the viewer with two options: a safe trip home or a consequence of drinking and driving. Testing of this campaign indicates that it is effective due to the personal accountability it places on the driver.

The campaign can be found on billboards, LinkNYC kiosks, bus shelters, radio spots, online banner advertising, sponsorships at the City's sports arenas and ballparks, and media placements in bars – including drink coasters. The goal is to target the campaign to the hours of the week and the places where we may be able to reach a driver making that “Choice” to drive home.

Additionally, we undertake an array of street level outreach efforts, again designed to reach New Yorkers when they may be making that consequential decision to drive after drinking. For instance, we have a program where we partner with members of the Council to distribute Metrocards outside nightspots in order to encourage someone who drove to the bar to take transit home. And last year we initiated an on-street outreach project with NYPD to administer voluntary breathalyzer tests to show people whether they would actually be over the legal limit before they get behind the wheel.

The driver's decision to flee

In addition to working to prevent hit and run crashes by attacking the factors aligned with the causes of those crashes, I would like to discuss the factors associated with a driver's decision to flee.

State law actually provides an incentive for a driver who is under the influence of alcohol or drugs to flee the scene. A driver who is not sober and remains at the scene of a fatal crash can expect to be charged with a Class D, C or B felony, depending on the motorist's record and the circumstances of the crash. However, if the driver leaves the scene and is arrested hours or days later, there may not be enough evidence to charge him or her for driving while intoxicated. Accordingly, the decision to flee may mean that motorist has avoided arrest altogether- and if apprehended, would only face a Class D felony, meaning that the decision to "hit and run" would have drastically reduced the severity of the driver's punishment.

In 2012 a defense attorney was quoted in the Staten Island Advance as saying that while he would not "advise anybody to leave the scene of a fatal crash . . . as a defense attorney, you love it when they leave the scene, because it helps your case."

Every year the State Legislature comes close to aligning the penalty for fleeing the scene of a crash and the penalty for causing an injury or death while driving while intoxicated. Hopefully this is the year they eliminate the incentive for motorists to leave the scene, and enact legislation supported by New York City's District Attorneys, advocacy groups like MADD and Transportation Alternatives, and this Council to close that loophole.

Finally, it bears noting that of the hit-and-run drivers involved in fatal crashes who are ultimately apprehended, 15 percent are unlicensed and an additional 13 percent have suspended licenses, both of which are substantially higher than the rates we see for fatal crashes overall.

Thank you for the opportunity to testify before you today on the factors which cause hit and run crashes, as well as the factors associated with drivers' decision to flee the scene of a fatal crash. After you hear from my colleagues I look forward to answering any questions from the Committee.

**STATEMENT OF INSPECTOR DENNIS FULTON
TRANSPORTATION BUREAU
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL TRANSPORTATION AND PUBLIC SAFETY COMMITTEES
COMMITTEE ROOM, CITY HALL
TUESDAY, MAY 2, 2017**

Good Morning Chair Rodriguez, Chair Gibson, and Members of the Council. I am Inspector Dennis Fulton of the New York City Police Department's (NYPD) Transportation Bureau. I am joined here today by Oleg Chernyavsky, the NYPD's Director of Legislative Affairs. On behalf of Police Commissioner James P. O'Neill, I wish to thank the City Council for the opportunity to speak with you today about engaging New Yorkers to help hold leaving the scene perpetrators accountable.

A few months ago, Chief of Transportation Thomas Chan came before your committees and discussed the progress the Police Department has made with respect to the City's Vision Zero Initiative. Since its launch in 2014, the Police Department, in collaboration with the Department of Transportation (DOT), other fellow city agencies and the Council, has been committed to Vision Zero and the goal of reducing fatalities on our City's streets. After three years, the City has made significant progress – as Chief Chan noted, 2016 was the safest year in New York City's history with the fewest traffic fatalities ever recorded: 230, improving on the record of 234 set in 2015. It is the third consecutive year where traffic fatalities in our City declined – in sharp contrast to increasing traffic fatalities nationwide.

It is also important to note something else that Chief Chan stated to your committees a few months ago – that despite the successes the City has had under Vision Zero, the Police Department is not resting on its laurels. The Police Department remains steadfastly committed to driving down fatalities and injuries because each life lost on our streets is also an occasion to reflect on the urgency of the Vision Zero goal.

With respect to leaving the scene incidents, I want to unequivocally state that one of the basic responsibilities of motorists on our streets is to stop and provide their identifying information if they have cause to believe that they hit someone or something causing property damage, personal injury, or death. It is a basic decency that one should expect from those operating on our busy streets.

Investigations of leaving the scene incidents are unique because an element of the crime is that the perpetrator fled. Often, these incidents occur on non-major highways and roads, at night, without street cameras, and with few, if any, witnesses. As part of Vision Zero, in order to prevent and combat leaving the scene incidents, the NYPD has focused its enforcement on those motorists who are likely to leave the scene. Notably, these are drunk drivers and drivers who are operating with a suspended or revoked license – these are individuals who have absolutely no right to be behind the wheel. In addition, the Department's Collision Investigation Squad (CIS) have also conducted outreach with local body shops and window repair locations to share information with the Department when these businesses suspect that a vehicle in their shop has been involved in a leaving the scene incident.

Moreover, under this Administration, the Department has increased the number of officers assigned to the Collision Investigation Squad. Most officers who become investigators in CIS come from within the NYPD's Highway Unit. They have often shown exemplary ability in the field as well as an interest in joining CIS. CIS officers are trained rigorously in investigations and discovery techniques. CIS responds

to investigate collisions involving critical injury, as determined by Emergency Medical Services Personnel, and collisions where death or serious injury and likely to die occur.

Turning now to the legislation, each of the bills under consideration today touch upon a theme often echoed by Police Commissioner O'Neill and that is that public safety is a shared responsibility. In order for the NYPD to fulfill its public mission, we need the public's cooperation and trust. It plays a significant factor in how the NYPD furthers investigations and closes cases.

Intro. 1418 would amend the Administrative Code to provide for a reward not exceeding \$1,000 for individuals who provide information leading to the apprehension, prosecution, or conviction of an individual who is responsible for a leaving the scene collision that resulted in the serious physical injury or death of another.

I want to express our appreciation to the Council for introducing this measure. We are supportive of efforts that will assist our ability to investigate and, ultimately, arrest those who have committed this very serious crime. While the bill requires additional clarification on the appropriate funding stream, the Department welcomes the proposal. We look forward to further discussions on this legislation.

Intro. 1463 would amend the Administrative Code to establish a leaving the scene alert system, similar to the Amber Alert System, to provide rapid notification to the public when a leaving the scene collision occurs involving serious injury and death.

The Department is conceptually supportive of this idea but believes this bill requires more discussion and exploration. As you know, the Department has significantly increased its presence on social media and has been sending "Wanted" notifications to the public through these various outlets when very serious crimes occur – including leaving the scene incidents.

As I mentioned earlier in my testimony, a significant number of leaving the scene incidents occur on non-major highways and roads, at night, without street cameras, and with few, if any, witnesses. Amber Alerts are generally tied to incidents involving abducted children. Usually, the perpetrator is known or the suspected perpetrator's vehicle information, such as their license plate and the make/model of the car, is known. This is not always the case with leaving the scene incidents. Sometimes the witness may only know that they were struck by a "black SUV," but they do not know the license plate, the make, the model of the car or the perpetrator. The effectiveness of an alert is ultimately dependent on the amount of information available. Notwithstanding these potential challenges, we welcome the opportunity to work together on this legislation.

Thank you for the opportunity to speak with you today, and I am pleased to answer any questions you may have.



Statement of AAA Northeast, Inc. before the New York City Council Committees on Transportation and Public Safety

New York, NY – May 2, 2017

Good afternoon. AAA Northeast, which serves over 570,000 members in the five boroughs of New York City and over 5.2 million drivers regionwide, is pleased to submit this testimony, and we would like to thank the Committees on Transportation and Public Safety for holding this hearing.

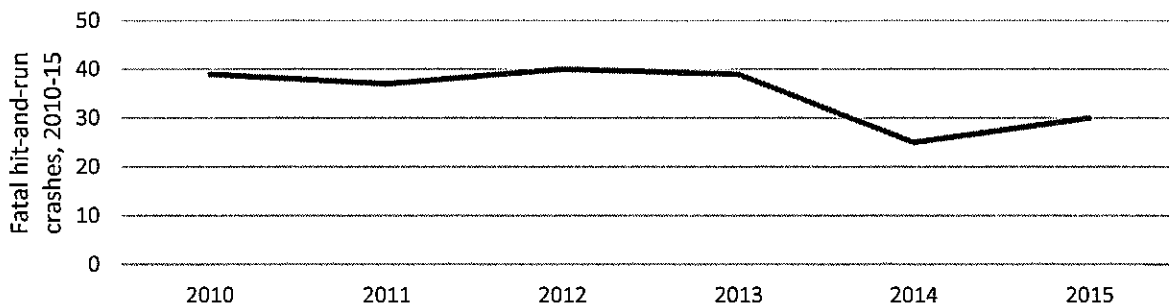
Section 600 of the Vehicle and Traffic Law prohibits drivers from fleeing the scene of a collision, with penalties ranging from a traffic infraction if the crash involved property damage to a class D felony if the crash resulted in death.

Crash level	Penalty	Fine	Maximum jail time
Property damage	Traffic infraction	≤\$250	15 days
Injury – can't produce license/insurance	Class B misdemeanor	\$250-500	3 months
--Second offense	Class A misdemeanor	\$500-1000	1 years
Injury	Class A misdemeanor	\$500-1000	1 years
--Second offense	Class E felony	\$1000-2500	4 years
Serious physical injury	Class E felony	\$1000-2500	4 years
Death	Class D felony	\$2000-5000	7 years

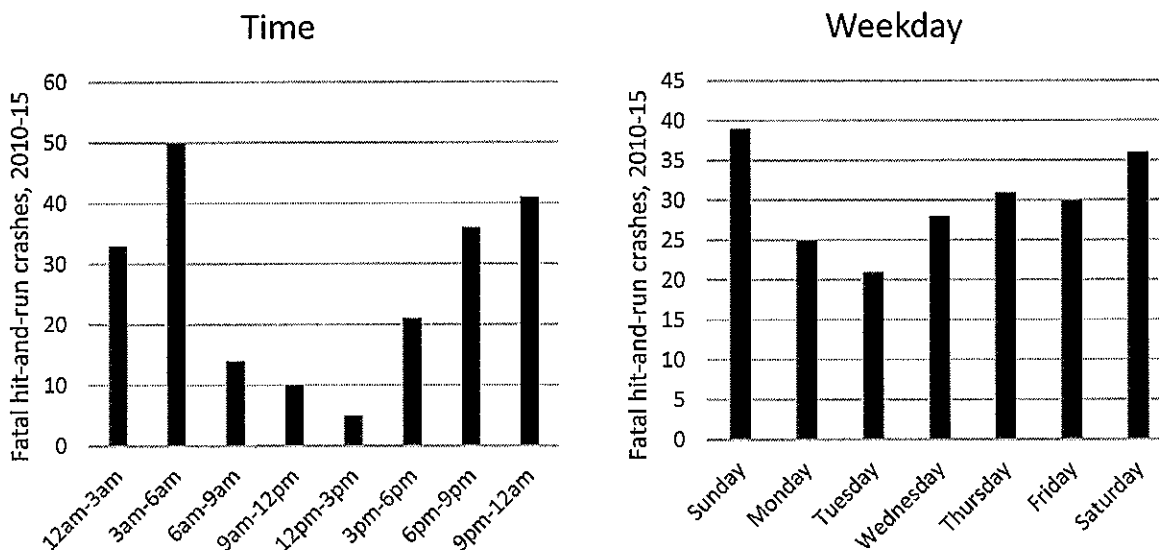
New York City has also enacted civil penalties for drivers who leave the scene, ranging from \$500-1000 for crashes resulting in property damage to \$10,000-15,000 for crashes resulting in death.

Despite these penalties, many drivers continue to flee the scene of incidents in New York City. In FY 2016, according to NYPD statistics, over 5000 drivers left the scene of a personal injury collision and nearly 40,000 left the scene of a collision resulting in property damage.

Fatal hit-and-run crashes in New York City have broadly declined in the last few years, aligning with the overall decline in fatalities (all data from NHTSA's Fatality Analysis Reporting System):



Hit-and-run crashes are more likely to occur at night and on the weekend. Half of all fatal hit-and-run crashes in New York City occur between 9pm-5am and half occur on Friday, Saturday, and Sunday.



Based on previous research, drivers who flee the scene are more likely to be impaired or unlicensed or otherwise have some reason to avoid interaction with the authorities.

There are differences in how many hit-and-run drivers are caught throughout the state. NHTSA reports that a driver was charged with fleeing the scene after only 16% of the 210 fatal hit-and-run crashes in New York City between 2010 and 2015, compared with 31% of the 214 such crashes elsewhere in the Empire State.

Additionally, of the 10,023 tickets issued statewide in 2015 for fleeing the scene of an incident causing property damage, only 506 such summonses were issued by the NYPD.

AAA supports the goals of Intro. 1418, which would create a reward for individuals who provide information leading to the apprehension of a driver who flees the scene of a collision resulting in serious injury or death, and Intro. 1463, which would create an alert system for hit-and-run collisions.

The latter system has been implemented in places such as Colorado and California, with few objective, academic analyses of the program. Accordingly, AAA recommends that Intro. 1463 be amended to include a reporting requirement that would allow advocates and researchers to examine how well the alert system is working to catch perpetrators. A reporting requirement could include such information as:

- The number of crashes where a hit-and-run alert is issued, and the methods of such alerts
- The dates and times of hit-and-run alerts
- The number of alerts per crash
- The number of crashes where a hit-and-run alert was issued and an arrest was made
- The type of tip that led to an arrest, if applicable

AAA continues to support state efforts to increase hit-and-run penalties to match drunk driving penalties and to crack down on impaired driving, which accounts for a disproportionate number of hit-and-run deaths.



Transportation Alternatives' Testimony to the Committees on Transportation and Public Safety

Julia Kite, Policy and Research Director
May 2nd, 2017

SUPPORT

Intros 1418 and 1463 - with recommendations

Thank you, Committee Chairs Rodriguez and Gibson for calling this hearing. My name is Julia Kite, and I am the Policy and Research Director of Transportation Alternatives, New York City's 44-year-old membership organization dedicated to walking, biking, and safer streets.

Hit-and-runs have long been an epidemic in New York City - one that is only becoming worse. While traffic deaths decreased in 2016, the number of people killed in hit-and-runs actually increased by approximately one-third over 2015's totals. In the first nine days of 2017 alone, four New Yorkers lost their lives in hit-and-run crashes.

What fuels hit-and-runs is a culture of reckless driving. We thank the Council, and Committee Chairs Rodriguez and Gibson for their leadership regarding Vision Zero initiatives, including passing previous legislation regarding hit-and-run reporting and increased penalties for re-offenders. **We support both Intro 1418, which establishes a reward for information leading to the apprehension, prosecution, or conviction of hit-and-run drivers who kill or seriously injure their victims; and Intro 1463, which establishes a public notification system for hit-and-run incidents.** This legislation is desperately needed: According to the most recent publicly available NYPD data, in fiscal year 2016, over 5,000 people were injured in hit-and-run crashes, but less than 10% of drivers in these cases were arrested.¹ If measures can be taken to facilitate and incentivize the identification of these drivers, then they absolutely should be taken. **This legislation will help establish public deterrence against hit-and-runs and create the awareness that, as a driver, you must never leave a victim behind.**

However, we have concerns that **the definition of hit-and-runs and injuries in this legislation may limit the City's ability to issue alerts and rewards** following suspected hit-and-runs.

- Intro 1463, which would create a public notification system, refers to leaving the scene "when any driver who, knowing or having cause to know that *serious physical injury* has been caused to a person due to an incident involving the driver's motor vehicle."
- Similarly, Intro 1418 currently allows for a reward to be established in crashes involving *serious physical injury or death*.
- Serious physical injury, as defined in Section 10.00 of the New York Penal Law, is "physical injury which creates a substantial risk of death, or which causes death or serious and

¹ Available at http://www.nyc.gov/html/nypd/downloads/pdf/traffic_data/leaving_scene-fy-2016nycc.pdf



protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.”

- This limited definition is problematic because drivers who leave the scene of a crash rarely stop long enough to assess the severity of injuries to their victims, nor are most drivers equipped to make a diagnosis. Additionally, first responders often require a significant amount of time to determine injury severity.
- Finally, we believe the NYPD and City should have the ability to issue alerts and establish rewards in hit-and-run crashes even when a victim’s injuries are less than life-threatening, reflecting that leaving the scene is egregious in and of itself, regardless of injury severity.
- **Therefore, we suggest adding “personal injury” (as defined in the NY Penal Law) to Intros 1418 and 1463, so that alerts and rewards can be initiated for crashes involving both “personal injury” and “serious physical injury” or death.**

The NYPD must also expand and reform its Collision Investigation Squad to conduct more thorough hit-and-run investigations, especially with regard to the thousands of cases where the victims survive. We also urge the City to continue to work closely with Albany lawmakers to align the penalty for hit-and-runs with that of certain DWI offenses, so that drivers who may have consumed drugs or alcohol will no longer have a perverse incentive to flee crash scenes, which undermines investigations and prevents devastated families from getting their day in court.

Thank you for your continued leadership on this matter.

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www.bikenyork.org

Good morning.

I would like to thank the Transportation Committee for holding this hearing, and considering stronger measures to hold hit and run drivers accountable.

In the past 5 months, I've had 2 encounters with drivers who failed to yield the right of way while they were making a left turn. The first driver ran me off the road as I swerved to avoid him. Since he caught a red light immediately, I caught up with him, and he falsely claimed I was not using a light at night. The 2nd driver actually struck my bicycle while turning left into a parking lot. He claimed that I had run into him. Neither driver seemed to understand that they must yield to traffic—including cyclists—going straight through an intersection, and neither seemed to think that cyclists have any rights on the road that they should recognize. It seemed that neither driver felt they should be accountable for nearly causing a bad crash.

Bike New York supports the City Council's efforts to strengthen the City's Hit and Run laws.

Grab life by the handlebars.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1418, 1463 Res. No. _____

in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Julia Kite

Address: _____

I represent: Transportation Alternatives

Address: 11 John St NY NY 10023

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Juan Martinez

Address: Dir. of Strategic Initiatives

I represent: NYC DOT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Celine Zarsate

Address: 615 W 143 St

I represent: DT Jinx Paul - Jean Paul Guerrero

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1541 Res. No. _____
 in favor in opposition

Date: 5-2-17

(PLEASE PRINT)

Name: Peter Goldberg
Address: 145 Montague St, Brooklyn, NY 11201
I represent: Brooklyn Community Bail Fund
Address: 145 Mont

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Appearance Card

I intend to appear and speak on Int. No. 1463 Res. No. _____
 in favor in opposition

Date: 5-2-17

(PLEASE PRINT)

Name: Alec Slattery
Address: _____
I represent: AAA Northeast
Address: 1415 Kellum Place, Garden City, NY

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Appearance Card

I intend to appear and speak on Int. No. 1418, 1463 Res. No. _____
 in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Rob (Benny) Kopp
Address: _____
I represent: For the S.O.S. Support
Address: _____

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Appearance Card

I intend to appear and speak on Int. No. 1418 & 1463 Res. No. _____

in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Richard Conroy

Address: 2630 Kingsbridge Terr. #4W Bronx

I represent: Bike New York

Address: 475 Riverside Dr. Rm 1300 NY NY

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Appearance Card

I intend to appear and speak on Int. No. 1418, 1463 Res. No. _____

in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Dolce Carter

Address: 329 Wescovitz St #2F

I represent: Transportation Alternatives

Address: 111 John St, 10030

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rebecca Zack

Address: DOT

I represent: Acting Ass. Comm Intergov't

Address: Community Affairs

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Director Oleg Chernyarsky

Address: 1 Police Plaza

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/2/17

(PLEASE PRINT)

Name: Inspector Dennis Fulton

Address: 1 Police Plaza

I represent: NYPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms