

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
TESTIMONY BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION**

April 15, 2015

Good morning Chairman Rodriguez and members of the Transportation Committee. My name is Joshua Benson, Assistant Commissioner for Street Improvement Projects at the New York City Department of Transportation (DOT). I am also joined today by Jeff Lynch, Assistant Commissioner for Intergovernmental Affairs, John Frost, Executive Director of DOT's Bike Share Program, and Sue Petito Assistant Deputy Commissioner for Legislative Affairs at NYPD.

On behalf of DOT Commissioner Trottenberg, thank you for having us here to discuss today's package of legislation which addresses several topics relating to bicycling in New York City. In recent years, New York City has become a leader in cycling nationally and last year Bicycling Magazine named New York City as the best biking city in the U.S.

The City Council has been a tremendous partner in the expansion of both the bike lane network and of the Citi Bike program. The time and energy the Council has devoted to the issue, through the leadership of Speaker Mark-Viverito and Chairman Rodriguez has been invaluable to the work of DOT and the NYPD in making New York City a safer place for bicyclists and all users of our streets.

In recent years, we have seen tremendous growth in cycling in New York City - cycling has nearly tripled in the last 10 years and grew by four percent last year. Over 340,000 trips per day are made by bike in New York City and nearly 30,000 of those trips are using Citi Bikes. New Yorkers today can ride on over 960 miles of bike lanes, including 650 miles of on-street lanes, of which 50 miles are protected lanes, and the remaining 310 miles are from our greenways, parks, and bridges. Let me now turn to the bills being heard today.

Two of the bills deal with the issue of bicyclist safety. Intro 544 establishes a violation for using an electronic communications device while riding a bicycle. Intro 545 would require DOT to

create a bicycle safety course and work with the NYPD to conduct outreach on safe bicycling. Intro 545 also allows for hearing officers to waive civil penalties incurred for riding a scooter without a helmet or for riding a bicycle on a sidewalk, upon completion of the safety course.

A big part of the expansion of bicycling in New York City is our focus on safe riding practices. DOT developed Bike Smart, The Official Guide to Cycling in New York City. This handbook provides useful information on making cycling safer and easier, including NYC biking laws, tips on using newer bike facilities such as protected lanes and bike boxes and the importance of yielding to pedestrians. To date we have distributed over 600,000 Bike Smart guides during all of our bicycle helmet fitting and giveaways, to bike shops throughout the City and also with NYPD during our joint Vision Zero Street Teams operations.

In 2012 DOT launched its delivery cyclist education and enforcement program. As part of this program DOT conducted outreach and provided information about bicycling safety to local restaurants and businesses. We also created an online safety course, available in several languages, that all commercial cyclists are required to take by law.

DOT believes that driving a car or riding a bicycle while distracted does pose a danger to all users of the road. As part of Vision Zero, we launched a campaign to combat reckless driving, using billboard signs and on the radio, called "Your Choices Matter". These ads inform New Yorkers about how the choices they make when operating any type of vehicle can make a difference in preventing crashes.

While we share the Council's concerns about cyclist behavior we have concerns about a provision of Intro 545 that would permit waiving of penalties for children riding without a helmet. The requirement for children under 14 to ride a scooter or a bicycle with a helmet is an important part of how children learn to ride with due care. We want to make sure that any change in the enforcement of this law -- currently targeted at parents -- does not undermine the City's goal of protecting children and promoting the safe use of our streets.

Additionally, while cyclists would benefit from more safety education, drivers account for the overwhelming number of crashes that lead to fatalities or serious injuries on our streets. The Council may want to consider ways to promote expanded safety education for drivers, which will go much farther in making our streets safer. Nonetheless, as more New Yorkers ride on our growing bike network, DOT looks forward to continuing to work with the Council and the NYPD on developing ways to improve safety for all road users.

Next, Intro 716 would create a civil penalty of \$500 to \$1,000 for stealing bikes, and \$5,000 to \$7,500 for stealing motor vehicles. As the bike network grows across the City, it is important to have safe places to keep bicycles when they are not in use. To meet the growing demand for storage, we have been diligent about creating more capacity to keep up with the increased ridership. We now have over 22,000 sidewalk bike racks, including 46 multi-rack bike corrals. DOT also administers the Bikes in Buildings Program, which currently covers nearly 350 buildings and provides access for over 6,500 bicycles.

These amenities provide New Yorkers with safe, secure and convenient places to store their bicycles, which can reduce the amount of theft. As with the earlier bills discussed we are also happy to work with the NYPD and Chairman Rodriguez to develop solutions to improve the safety of New Yorkers' vehicles.

The final two bills before us deal with the successful Citi Bike Program. Intro 210 would require DOT to report quarterly on Citi Bike usage data, such as the start date and time, the end date and time, the start station, the end station, the bike number, and the membership type. Intro 225 would require DOT to annually report Citi Bike financial data.

Both Intro 210 and Intro 225 look to make the Bike Share program data available to all New Yorkers. Since the start of the program in 2013 the operator has made information about the program publicly available. Currently on Motivate's website, <https://www.citibikenyc.com/>, you can find historic monthly trip statistics going back to July 2013. Statistics in these datasets include: trip duration, start date/time and station, trip end date/time and station, the bicycle ID number, and membership type (annual or short-term), as well as data not required by Intro 210

including the gender and age of the rider.

Also available on the website are the program's monthly reports, which include information on membership and ridership, bicycle and station maintenance, the program's environmental impact, overall operator performance, and a summary of the program's revenues. While we believe that Motivate has done a lot to provide the public with access to data, we share the sponsors' goals of more transparency and will work together with the Council on enhancing Citi Bike's data sharing.

To summarize, cycling in New York City has never been safer, easier or more popular. At DOT and in the de Blasio Administration we pledge to continue to grow and improve cycling and make it safer for everyone in this city. Thank you, Chairman Rodriguez and members of the Committee.

**STATEMENT OF
SUSAN PETITO
ASSISTANT DEPUTY COMMISSIONER, LEGISLATIVE AFFAIRS
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
TRANSPORTATION COMMITTEE**

APRIL 15, 2015

Good morning, Chair Rodriguez and members of the Council. I am Susan Petito, Assistant Deputy Commissioner, Legislative Affairs of the New York City Police Department. On behalf of Police Commissioner William J. Bratton, I would like to thank you for this opportunity to speak to you about two of the bills before you today, Intros. 544 and 716.

First, Intro. 544 would prohibit the use of an electronic communications device while operating a bicycle. A key tenet of Vision Zero is the need to focus our efforts to reduce the most dangerous moving violations on our streets – particularly speeding and failure to yield – which remain the Administration’s enforcement priorities. That said, all users of our public thoroughfares must remain alert and must not be distracted. The bill represents an attempt to address the distraction to bicycle operators which may be caused by their using cellphones or other handheld electronic devices while navigating crowded City streets. We do have some concerns regarding how the bill would be implemented, however, since it sets forth a two-tiered system with a first violation not subjecting the offender to a civil penalty unless property damage or personal injury is caused. We interpret the bill’s language to authorize enforcement of the prohibition by the issuance of a summons returnable to the Traffic Violations Bureau, like other moving violations committed by bicycle operators, but we are unclear regarding whether that enforcement action is intended to be limited in some way. A police officer observing a violation would not know whether a bicycle operator has previously committed the same infraction. Therefore, we would suggest that the bill language be clarified to indicate that the summons is issued based upon the violation itself, thereby leaving to the Administrative Law Judge of the Traffic Violations Bureau the determination of whether the civil penalty should be imposed, based upon the circumstances.

A similar issue arises with the aggravated penalty for a second violation within 18 months; again, a police officer would not know of the operator’s history, and would only be able to issue a summons for the basic violation. There may also be a concern regarding the ability of the Traffic Violations Bureau to impose the aggravated penalty, since these violations are not necessarily associated with a driver’s license number and therefore may be difficult for the Traffic Violations Bureau to track. Notwithstanding the potential challenges, we welcome the opportunity to work together with you and with the Traffic Violations Bureau to design an appropriate implementation plan, should the bill be enacted.

With respect to Intro. 716, we understand the bill's intent to impose civil penalties on those who have been criminally convicted of theft of bicycles and motor vehicles. However, the mechanism by which the civil penalty would be enforced may require further exploration. The bill contemplates that an offender would be served with a notice of violation returnable to the Environmental Control Board, triggered in some way by a criminal conviction, but it is not yet clear how that would be accomplished. Again, the Administration is open to further discussion of the bill, to determine the best way that its intent may be realized.

Thank you for the opportunity to speak with you today, and we will be pleased to answer your questions.



Statement of Ken Podziba, CEO of Bike New York
To New York City Council Transportation Committee Hearing

Leading the Way for Bicycling in America: Where is New York City Now and
How Can We Improve?

Hello, my name is Ken Podziba. I'm the President and CEO of Bike New York. I want to thank the Transportation Committee for inviting Bike New York to testify at this hearing. I think it's a great opportunity to reflect on where New York City has been, to map out a route for the future to make New York City and even more bike friendly community.

Bike Education plays a critical role in building a bicycle friendly community. Bike New York has been New York City's bike education leader and has become the nation's largest urban bike education program.

In the past three years, Bike New York Education has offered more than 1000 free classes and programs attended by more than 41,000 young and adult New Yorkers. Bicycle Education is creating the next generation of cyclists through such programming as:

- 🚲 Learn to Ride: We've held 432 free youth and adult classes attended by more than 9200 people who learned to ride a bike for the first time. More than 75% of adult participants are women, a typically under-represented population among cyclists.
- 🚲 Basic Bike Skills and Street Skills: We've held over 150 adult classes that teach basic bike skills, traffic safety knowledge, and safe, legal traffic skills. In three years 2100 adults learned the rules of the road and gained confidence by learning how to stay safe in traffic. We are a leader in emphasizing the importance of following traffic law. Safe, legal, courteous cyclists are good for the city and good for cycling.
- 🚲 Citibike: We partnered with Citibike to run the first ever bike safety classes for an urban bike share program. In two years we've held more than 50 classes which reached almost 1000 Citibikers.
- 🚲 A lot of New York City kids rarely leave their neighborhood and many don't ride bikes at all. We're trying to change that with our summer and after school programs. For three years our summer program operating at 11 different locations have provided opportunities to learn how to ride a bike, practice traffic safety skills and take recreational bike rides to more 5000 New York City summer campers and almost 1,300 after-school participants—all provided at no cost to the kids, their families or participating organizations.

- ⌘ Every time a child is injured or killed while riding a bike, it increases fear that cycling is dangerous—a misperception that slows the growth of cycling. To prevent childhood bike crashes, Bike New York offers fun free bike safety assemblies to any school, public or private, in New York City. In three years our instructors have visited 87 schools and reached more than 18,000 students. We need to reach more New York City school kids with a positive safety message about cycling. Please encourage schools in your districts to contact us for a free bike safety assembly (Please call Zoe Cheswick, 212-870-2097 or zcheswick@bikenewyork.org).
- ⌘ Bike New York has invested in 11 New York City neighborhoods and Parks by setting up Community Bicycle Education Centers where we run our free youth summer and after school programs, where we teach people how to ride a bike for the first time, and where we hold free traffic skills classes. That's an investment in almost 400 bikes and almost 500 helmets for New Yorkers to use while they learn cycling skills.

Looking forward, there is much to do. We need to cultivate the next generation of cyclists—a generation of young people who will see the bicycle as their go-to transportation choice. But also, we need to cultivate a generation of cyclists who know how to share the streets safely and courteously with other traffic. To that end, ...

- ⌘ We encourage New York City Department of Education should work with Bike New York to establish a required middle school bike skills and safety curriculum. As cycling grows, we need to grow a new generation of safe, responsible, courteous cyclists.
- ⌘ New York City Courts and Traffic Violations Bureaus should offer ticketed cyclists and drivers the opportunity (or requirement) to take a traffic safety and laws class in addition (or in lieu) of a fine. Higher ranked Bicycle Friendly Communities like Portland, OR and Tucson, AZ have ticket diversion programs like this.



Transportation Committee Hearing

Testimony by Paul Steely White, Executive Director, T.A.
Wednesday, April 15, 2015

Thank you Chair Rodriguez and the members of the Transportation Committee for convening this hearing.

I am Paul Steely White, the Executive Director of Transportation Alternatives. We are a 40-year old non-profit, with more than 100,000 activists in our network, dedicated to improving the safety of New York City's streets. We appreciate the breadth of bills presented today, which tackle a wide range of important public safety issues on our streets. The numerous bills before the committee today are an indication of the continued focus on bicycle and street user safety in New York.

New York must continue to work toward Vision Zero, and the increased attention to bicycle and pedestrian safety is a step in the right direction. **We must be careful, however, to focus legislation and enforcement on the most dangerous infractions.** Legislating regulation of low-level, low-risk violations misdirects valuable funding and enforcement away from infractions that endanger the lives of New Yorkers every day.

I'm here today to voice our support for three bills: Intros 210 and 225 requiring compilation of Citibike usage data and Citibike financial reporting, and Intro 716 establishing civil penalties for bicycle theft. I am also voicing concern about two of the bills: Intro 544 prohibiting cell phone use while cycling and Intro 545 imposing penalties for cyclists who fail to wear a helmet or who bicycle on sidewalks.

Intro 210 and Intro 225: Citibike Data Compilation and Financial Reporting

While Citibike already collects and disseminates all of the data specified in Intro 210 and already reports the majority of the financial information specified in Intro 225, requiring these actions by law will ensure the continuity of Citibike's existing data and financial reporting and be beneficial for the expansion and success of New York's bike share program. It will maintain transparency and allow for continued tracking of the success of the program.

Intro 544: Prohibiting Cell Phone Use While Cycling

Regulating cyclist cell phone use is not inherently a bad idea and we encourage safe biking behavior. Across-the-board equality of enforcement for dangerous operating behaviors is laudable in intention, but it is not pragmatic. The danger that cyclists pose to other street users is astronomically lower than drivers. Focusing precious funding and enforcement capacity on behaviors that pose relatively little danger to New Yorkers takes away from regulation of far more dangerous behaviors and risks clogging the judicial system with very low-risk violations.

There is very little data suggesting a real danger behind cyclists using cell phones. We should not regulate street users' behaviors based on assumption or anecdotal evidence alone. In New York City, motor vehicles pose far greater danger to street users than bicycles do. The data shows that:

- 178 pedestrians and cyclists were killed or injured by motorists in 2013; by contrast, only 3 people have been killed by cyclists since 2009 (roughly one fatality every two years)
- While no data is available for crashes caused by cyclist distraction, more than 27,000 crashes in New York City in 2013 were attributed at least in part to driver distraction.

We favor regulating truly dangerous behaviors of both drivers and cyclists. But we cannot afford to divert valuable funding and enforcement capacity away from reckless driving behaviors to regulate cycling behaviors that pose little or no proven danger to street users. If we are ever to accomplish Vision Zero and eliminate traffic deaths and serious injuries, we must focus our resources on deterring those behaviors that we know to frequently *cause* death and serious injury.

Intro 545: Helmet Law and Sidewalk Cycling

We embrace the Council encouraging cyclists to wear proper safety equipment and to ride in appropriate locations. But as with Intro 544, in the era of Vision Zero, enforcement has to focus on behaviors that threaten the lives of New Yorkers. For drivers, who pose a far greater danger to street users than cyclists, there are no required safety courses for moving violations or equipment violations. In fact, **most drivers who kill or seriously injure pedestrians or cyclists are not required to take a safety course.** To impose safety course participation on cyclists who violate equipment or sidewalk riding regulations would be to skip several steps in the order of priorities for protecting the lives of New Yorkers.

Has the Council, for example, considered mandating a driving safety course for reckless drivers? Families for Safe Streets has been working tirelessly with the Department of Motor Vehicles and the New York Police Department to initiate driver safety education requirements for drivers who kill or seriously injure pedestrians to no avail. For the Council to then institute safety education requirements for cyclist behaviors that pose little danger is to send a very confusing message to New Yorkers. We suggest that before unilaterally instituting bicycle safety education requirements, the Council find ways to implement street safety education programs that will be most impactful in saving lives.

To truly protect cyclists, we must give them safe, dedicated space. Cyclists who ride on the sidewalk often do so because riding in the street is dangerous. To keep cyclists off the sidewalks, they need a safe alternative: protected, dedicated street space.

We fully support safety education and the encouraging of safe cyclist behavior. But the Council needs to prioritize its legislation according to *actual safety impact*. Required operator safety courses for reckless drivers who kill pedestrians, for example, would be of far greater impact in saving lives. As it stands, this bill is distracting from Vision Zero and misallocates limited resources.

Intro 716: Bicycle Theft

Bicycle theft is a major deterrent for people to ride bikes. Increasing enforcement of theft will benefit safe streets in New York by eliminating some of the disincentive and economic risk of bike ownership in the city. Thank you to Council Members Rodriguez and Koo for sponsoring this bill.

**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: 4/15/15

(PLEASE PRINT)

Name: Susan Petito
Address: Assistant Deputy Comm, Legislative Affairs
I represent: MYPD
Address: 1 Police Plaza NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. TRANS vacation's Res. No. _____

in favor in opposition

Date: 4/15/15

(PLEASE PRINT)

Name: PAUL STEELY WHITE
Address: 127 W. 26TH ST. # 1002, NYC, NY 10001
I represent: TRANSPORTATION ALTERNATIVES
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 544 Res. No. _____

in favor in opposition

Date: 4/15/2015

(PLEASE PRINT)

Name: CAROL WAASER
Address: 345 W. 58 ST., NYC 10019
I represent: NEW YORK CYCLE CLUB
Address: _____

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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: 04/15/15

(PLEASE PRINT)

Name: Jeffrey Lynch (DOT)

Address: Assistant Commissioner for Intergovernmental

I represent: Affairs

Address: 555 Water St NY NY

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Appearance Card

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in favor in opposition

Date: 04/15/15

(PLEASE PRINT)

Name: Johnnie Frost (DOT)

Address: Executive Director of Bike Share Programs

I represent: Programs

Address: 555 Water St NY NY

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Appearance Card

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

in favor in opposition

Date: 04/15/15

(PLEASE PRINT)

Name: Kathy Wiley-Schwartz (DOT)

Address: Asst. Commissioner for Education & Outcomes

I represent: Affairs

Address: 55 Water St NY NY

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 04/15/15

(PLEASE PRINT)

Name: Joshua Benson (DOT)

Address: Assistant Commissioner for Street Improvement
Projects.

I represent: _____

Address: 55 Water Street NY, NY

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Appearance Card

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in favor in opposition

Date: 04/15/15

(PLEASE PRINT)

Name: Rich Conroy

Address: _____

I represent: Bike NY

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 544 Res. No. _____

in favor in opposition

Date: 4/15/2015

(PLEASE PRINT)

Name: Nancy Weissman

Address: 309 East 5th Street (near)

I represent: New York Golf Club

Address: _____

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