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

**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

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**COMMITTEE ON TRANSPORTATON**

Hon. Ydanis Rodriguez, Chair

**March 25, 2021**

**PROPOSED INT. NO. 2224-A:** By Council Members Rodriguez, Lander, the Speaker (Council Member Johnson), Levin, Van Bramer, Constantinides, Kallos, Louis, Chin, Rosenthal and Rivera

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a crash investigation and analysis unit within the department of transportation

**ADMINISTRATIVE CODE:** Adds section 19-182.3 to subchapter 3 of chapter 1 of title 19

**INTRODUCTION**

 On March 25, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing to vote on Proposed Int. No. 2224-A. Proposed Int. No. 2224-A, introduced by Council Members Rodriguez, Lander, the Speaker, and Council Member Levin, is in relation to the establishment of a crash investigation and analysis unit within the New York City (NYC or City) Department of Transportation (DOT). This is the second hearing that the Committee has held on this legislation. The first hearing on Int. No. 2224 was held on February 24, 2021. At that hearing, the Committee heard testimony from representatives of the DOT, the NYC Police Department (NYPD), transportation advocates, and other interested parties.

**BACKGROUND**

*DOT*

DOT’s goal is to provide for the safe, efficient, and environmentally responsible movement of people and goods in NYC.[[1]](#footnote-1) In addition, DOT is tasked with maintaining and enhancing the transportation infrastructure that is important to ensuring the economic vitality and quality of life in the City.[[2]](#footnote-2) The steps that the agency takes to ensure this include: facilitating safe, efficient and environmentally responsible movement of pedestrians, goods and vehicular traffic on streets, highways, bridges and waterways in NYC; improving traffic mobility throughout NYC; maintaining NYC’s transportation infrastructure; encouraging mass transit use and other modes of transportation; and holding traffic safety educational programs.[[3]](#footnote-3) DOT has over 5,000 employees, and manages an annual operating budget of $900 million and a five-year $10.1 billion capital program, while also overseeing 6,000 miles of streets and highways, 12,000 miles of sidewalks, and 794 bridges and tunnels.[[4]](#footnote-4)

*NYPD*

 The NYPD was established in 1845, and is the largest and one of the oldest municipal police departments in the United States, with approximately 36,000 officers and 19,000 civilian employees.[[5]](#footnote-5) The NYPD is responsible for policing an 8.5-million-person city, and for performing a wide variety of public safety, law enforcement, traffic management, counterterror, and emergency response roles throughout the city.[[6]](#footnote-6) To manage these roles, the NYPD is divided into major bureaus for enforcement, investigations, and administration, with: 77 patrol precincts with patrol officers and detectives; 12 transit districts to police the subway system; nine police service areas to patrol the city’s public housing developments; and uniformed civilians serving as traffic safety agents and school safety agents.[[7]](#footnote-7)

 The Transportation Bureau, which was established in 1997, oversees pedestrian, cyclist and motorist safety on the city’s highways and local streets and manages traffic control.[[8]](#footnote-8) The bureau oversees, among other units, the:

* Traffic Management Center, which monitors traffic conditions using closed-circuit televisions, radios, and other advanced technologies, and coordinates responses to traffic incidents, often working with City and other agencies;[[9]](#footnote-9)
* Highway District, which has officers patrolling the City’s highways and maintaining traffic safety, responding to vehicular accidents on the highways and conducting investigations involving collisions that result in a death, among other things;[[10]](#footnote-10)
* Traffic Operations District, which designs, develops and implements strategies to improve the flow of traffic, removes obstacles impeding traffic flow, expedites vehicular traffic, and develops traffic control plans for special events and other unusual conditions;[[11]](#footnote-11) and
* Traffic Enforcement District, which enforces laws and regulations involving moving and parked vehicles, including expediting the flow of traffic.[[12]](#footnote-12)

Under the jurisdiction of the Highway District is the NYPD’s Collision Investigation Squad (CIS). The CIS is the unit that responds to every fatal and likely to be fatal crash in NYC, determining what, how, where and why a crash occurred.[[13]](#footnote-13) The unit is staffed with NYPD officers that are trained in collision forensics, but it has faced recent criticism as to how effective it truly is.[[14]](#footnote-14) According to Charles Komanoff, a transportation researcher, the majority of crash reports that detail crash geometries, vehicle speeds inferred from skid marks and such, are not made publicly available.[[15]](#footnote-15) In addition, the Highway District does not produce an annual report providing aggregated data and distilling the individual analyses of the CIS, thus preventing the public from understanding the extent to which traffic fatalities and injuries are happening, how they are occurring, and how policies can be implemented to reduce them.[[16]](#footnote-16) Street-safety advocates have offered suggestions to reform the CIS for years, with the NYPD providing little public insight into how the squad operates or performs its duties.[[17]](#footnote-17) This has caused many to call for the replacement of the CIS with a civilian unit outside of the NYPD.[[18]](#footnote-18)

**Vision Zero**

Since 2014, NYC, under the de Blasio Administration, has instituted Vision Zero, a citywide initiative that operates to improve the safety of its streets throughout every neighborhood and in every borough.[[19]](#footnote-19) The initiative includes: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and a sweeping legislative agenda to increase penalties for dangerous drivers.[[20]](#footnote-20) The main premise behind Vision Zero is the belief that deaths and serious injuries in traffic incidents are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement and education.[[21]](#footnote-21) Through a collaborative effort, a number of agencies have worked together to show encouraging results, including, among other things, utilizing the City’s expanded speed camera program to reduce speeding by over 60% in locations near schools where the cameras operate; increased enforcement by the NYPD Traffic Bureau to penalize offenders who are driving dangerously; and ensuring that drivers of for-hire vehicles, MTA buses and the City fleet vehicles receive increased, state-of-the-art training and safety education.[[22]](#footnote-22) Traffic fatalities in NYC have fallen significantly since 1990, from 701 in 1990 to 381 in 2000, to an all-time low of 202 in 2018, with traffic deaths in NYC having fallen by a third since the year before Vision Zero began.[[23]](#footnote-23)

Although the data is encouraging when looking at fatalities from 1990 to 2018, the citywide initiative has received a number of criticisms, mainly with the rapid increase in deaths occurring on City streets in the past two years. During a media availability on December 22, 2020, the Mayor stated that 2020 had been one of the safest years for pedestrians, but not for motorists and cyclists.[[24]](#footnote-24) According to stats from Vision Zero View, a data dashboard relaying data regarding Vision Zero, including data about traffic crashes, street design, speed limits, and outreach, as of December 30, 2020, there were 244 traffic fatalities and 43,866 traffic injuries in 2020.[[25]](#footnote-25) A recent New York Times article indicated that the total number of traffic fatalities in 2020 makes it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.[[26]](#footnote-26) Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in NYC, largely attributed to the lack of congestion and lack of commuters in the city at that time.[[27]](#footnote-27) However, this period did not last long, as the trend quickly reversed, with increases in overnight motorist and motorcyclist deaths, and a nationwide increase in speeding that began when streets emptied due to the pandemic and subsequent lockdowns.[[28]](#footnote-28) Although unprecedented external factors in recent times, namely the pandemic, have impacted transit systems, safe streets advocates contradict the Mayor’s assertion that Vision Zero is currently effective, by contending that a lack of targeted action by the Administration is to blame for the increase in fatalities. They note that reducing the budgets for Vision Zero and the Green Wave program; delaying implementation of reckless driver legislation passed by the City Council; and ignoring advice from his own expert transportation panel, has resulted in these preventable increases.[[29]](#footnote-29)

**ANALYSIS OF PROPOSED INT. NO. 2224-A**

 Proposed Int. No. 2224-A, introduced by Council Members Ydanis Rodriguez, Brad Lander, Speaker Corey Johnson and Council Member Steven Levin would require the DOT to create a crash investigation and analysis unit tasked with analyzing and reporting on all vehicle crashes involving significant injury.

The proposed legislation would increase the number of crashes that are analyzed beyond the several hundred that currently take place each year by broadening the unit’s mandate to include all crashes that result in significant injury. In addition to its crash analysis functions, the unit created by this legislation would be responsible for public statements regarding serious vehicular crashes, and would be required to make recommendations for safety-improving changes to street design and infrastructure and to post quarterly reports regarding its crash reviews on the department of transportation website. The legislation also makes clear that nothing in the bill inhibits or interferes with the ability of the police department to pursue criminal investigations or to fulfill their State law obligations with regard to investigating certain crashes.

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Proposed Int. No. 2224-A

By Council Members Rodriguez, Lander, the Speaker (Council Member Johnson), Levin and Van Bramer

A LOCAL LAW

..Title

To amend the administrative code of the city of New York, in relation to the establishment of a crash investigation and analysis unit within the department of transportation

..Body

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 19-182.3 to read as follows:

§ 19-182.3 Crash investigation and analysis unit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Serious vehicular crash. The term “serious vehicular crash” means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person.

Significant injury. The term “significant injury” means any injury categorized as an “A” injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.

b. Powers and duties. No later than January 1, 2022, the department shall establish a crash investigation and analysis unit, which shall have the duty to analyze and report on serious vehicular crashes. In coordination with the police department, such unit shall have all powers necessary to investigate serious vehicular crashes or any other crash, including but not limited to, inspecting crash sites, documenting vehicle and party positions, measuring and collecting data, interviewing witnesses, and conducting collision reconstructions. The unit shall also have the primary responsibility for all public statements, press releases or any other public communications regarding serious vehicular crashes and related investigations. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes.

c. Review of street design. As part of any investigation undertaken pursuant to subdivision b of this section in which the department determines that street design or infrastructure contributed to a serious vehicular crash, the crash investigation and analysis unit shall review the existing street design, infrastructure and driver behavior at the location of each such crash, and as part of each such review, any available crash data or reports on locations with similar street design or infrastructure. In conducting the review, the unit may coordinate with the police department, the department of health and mental hygiene, the office of the chief medical examiner, or any other agency, office or organization deemed relevant by the department. Following each such review, the unit shall determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes and make recommendations, if any, for safety maximizing changes to street design or infrastructure at the location of such crash, or citywide.

d. Reporting. No later than April 30, 2022, and every three months thereafter, the department shall post on its website a report with information on each investigation completed during the preceding three month period ending thirty days prior. Nothing contained in this subdivision shall be construed to inhibit or interfere with the ability of the police department to pursue criminal investigations, or as otherwise conflicting with any obligation under the vehicle and traffic law regarding the investigation of vehicle crashes. Furthermore, nothing required to be reported by this subdivision shall be reported in a manner that would reveal the identity of a person or persons involved in a serious vehicular crash. Each such report shall include, but need not be limited to, the following:

1. The total number of investigations completed;

2. All evidence and data collected pursuant to each investigation;

3. Determinations as to fault, including any potential criminal wrongdoing;

4. Any factors that may have contributed to each crash, or increased or mitigated the severity of each such crash; and

5. Whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes, at each crash location or other similar locations, and a recommendation as to any such changes or improvements that should be made.

§ 2. This local law takes effect immediately.

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1. NYC, Department of Transportation, *About DOT*, available at: <https://www1.nyc.gov/html/dot/html/about/about.shtml>. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. *Id.* [↑](#footnote-ref-4)
5. NYPD, *About NYPD*, Available at: <https://www1.nyc.gov/site/nypd/about/about-nypd/about-nypd-landing.page>. [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *Id.*  [↑](#footnote-ref-7)
8. NYPD, Bureaus, *Transit and Housing*. Available at: <https://www1.nyc.gov/site/nypd/bureaus/transit-housing/transit-housing-landing.page>. [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. NYC Streetsblog, Charles Komanoff, “Komanoff: Disband NYPD’s Collision Investigation Squad,” Available at: <https://nyc.streetsblog.org/2020/04/16/komanoff-disband-nypds-collision-investigation-squad/>. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. *Id.* [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. NYC, Vision Zero, available at: <https://www1.nyc.gov/content/visionzero/pages/> [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Id.* [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. NYC, Transcript: “Mayor de Blasio Holds Media Availability,” December 22, 2020, available at <https://www1.nyc.gov/office-of-the-mayor/news/884-20/transcript-mayor-de-blasio-holds-media-availability>. [↑](#footnote-ref-24)
25. NYC, Vision Zero View, Traffic Crashes, Available at: <https://vzv.nyc/>. [↑](#footnote-ref-25)
26. New York Times, Christina Goldbaum, “Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths,” Updated on January 1, 2021, available at: <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>. [↑](#footnote-ref-26)
27. The Gothamist, Jake Offenhartz, “Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era,” Updated October 23, 2020, available at: <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>. [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)