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## Statement of AAA New York State before the Joint Legislative Public Hearing on the 2019-2020 Executive Budget Proposal for Transportation

Albany, NY – January 30, 2019

Good afternoon. AAA New York State, an association of the five independent, not-for-profit AAA clubs in New York which collectively serve a membership of 2.7 million drivers, is pleased to testify at this Joint Budget Hearing on Transportation for the 2019-2020 Executive Budget. We would like to thank the members and staff of the Assembly and Senate Transportation Committees, the Assembly Ways and Means Committee, and the Senate Finance Committee for their work in organizing and holding this hearing.

### **Congestion Pricing**

The Governor's proposed congestion pricing plan for Manhattan roadways as a mechanism to raise revenue for the Metropolitan Transportation Authority (MTA) offers almost no benefit for drivers and we oppose the congestion-charging proposals as presented for the following reasons:

**No Outer-borough Toll Reductions:** Drivers on MTA outer-boroughs bridges have subsidized transit expenses for fifty years, despite having few feasible transit alternatives. In 2017, 12% of the MTA's revenue came from tolls, but only 3% of spending went towards Bridges & Tunnels operating expenses. Any congestion pricing proposal must provide toll relief for outer-borough residents living in transportation deserts.

**No Investment in Roads and Bridges:** The governor's proposed budget does not propose allocating any revenue into road and bridge infrastructure. In a region where more than 60% of roads are in mediocre or poor condition and are costing drivers an additional \$719 in vehicle operating costs, none of the money generated from drivers in the congestion pricing plan will be earmarked for road improvements. In our view, if drivers are asked to pay more, they should get more in return.

**No Opportunity for Public Review:** The proposal also allows the congestion tolling program to bypass the state environmental review and land-use processes. Accordingly, the public will have no opportunity to review the promised congestion pricing benefits. As the projected vehicle speed improvement is a meager 1-2 mph, such reviews are particularly important.

### **Limousine, Bus, and Livery Safety & Seat Belts**

We greatly appreciate the Governor's initiative to implement further safety measures for limousines, busses and liveries. We believe removing the seatbelt exemption for these vehicles is vital to saving lives on our roadways. We ask that the Governor and Legislature consider including a provision

requiring rear vehicle passengers aged 16 and up to wear seat belts as it was included in the proposed executive budget for the last two years. Proper restraints improve safety outcomes for all vehicle occupants, regardless of seating position or age. Compared with belted rear seat passengers, **unbelted rear seat passengers are 3 times more likely to be killed in a crash, 8 times more likely to be seriously injured in a crash, and twice as likely to kill a front seat passenger by becoming a projectile** (a “back seat bullet”).<sup>1</sup> Education and enforcement campaigns have helped raise New York’s front seat belt usage rate to a record 93% in 2018. But since New York’s rear seat belt law only applies to children younger than 16, belt use in the back lags below this rate.

## **Automated Enforcement Programs**

### **Bus Lane Cameras & New Enforcement Program**

Part GG of the TED bill would expand automated enforcement of bus lanes, as well as establish a new automated enforcement program to enforce parking, standing, stopping and turning violations within the central business district during designated hours. Automated enforcement programs have the potential to prevent deadly crashes and injuries. AAA supports automated enforcement programs, which can prevent egregious safety violations, provided the programs operate fairly, the number of collisions and injuries declines as a result, and a thorough evaluation is regularly conducted and disclosed to the public. Unfortunately, this proposed enforcement program makes congestion, not safety its main priority. Additionally, this proposed program leaves little information available to the public and provides an unknown number of cameras to be installed throughout the central business district.

AAA respectfully recommends the following amendments:

**Pilot Program:** The new parking and turning enforcement program is highly expansive and would allow for a variety of infractions to be issued by means of camera enforcement. Without a pilot, it will be difficult to determine the effectiveness and quality of such a program. It is important that new automated enforcement programs have the opportunity for evaluation and recommendations for improvement. Currently, part GG of the TED bill does not include a sunset date. We recommend any new automated enforcement require reauthorization.

**Reporting Requirements:** Part GG in its current form would require reporting every two years. AAA believes it is important to enhance accountability by requiring reports to be available online on an annual basis. It is also vital for the report to include the type, locations and time of each violation issued.

### **School Bus Stop Arm Cameras**

Part C of the ELFA bill authorizes school districts to establish photo enforcement programs that ticket drivers who illegally pass school buses based on evidence obtained from school bus stop arm

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<sup>1</sup> Governor’s Highway Safety Association; Insurance Institute for Highway Safety; National Institutes of Health

cameras, as well as increases the penalty for such an act. This infraction is especially dangerous and is assigned 5 points in the DMV's point schedule, the highest of any moving violation besides egregious speeding violations. Unfortunately, too many drivers continue to break this law. In April 2018, during Operation Safe Stop, officers issued over 850 tickets for illegal passes of a stopped school bus. The state estimates that over 150,000 drivers violate this law each day. Accordingly, AAA New York State supports the authorization of both school bus stop arm camera programs. We respectfully suggest the following amendments to enhance the effectiveness of the programs:

**Amend reporting requirement:**

- The number of crashes involving illegal passes of a school bus, both before and after the program. The school bus camera report does not include any crash data, which should be added.
- (For school bus cameras only) A breakdown of whether violations were issued for passes from behind or from the front, which would be helpful to revise public education campaigns

**Add defenses:** (For school bus cameras only) The language currently explicitly allows a defense to a school bus camera ticket if the camera was malfunctioning at the time. Defenses based on the bus driver or police officer signaling a driver to proceed should be added as well, mirroring language in VTL 1174(a).

**Pilot Program:** The state legislature should still retain oversight over these programs. Accordingly, the school bus camera legislation should be introduced as a five-year pilot program, to give enough time to gather results for evaluation.

AAA continues to support school speed some cameras as well with appropriate improvements. AAA recommends the following for school speed zone programs and all automated enforcement programs:

**Require revenue directed to traffic safety:** Automated enforcement programs can end if not managed appropriately: Nassau County's school zone speed camera program was ended in 2014 after public outcry over revenue-raising motivations and Rochester's red-light camera program ceased in 2016 based on concerns about its impact on low-income drivers. To ensure the success of a photo enforcement program, the responsible entity must convince the public that safety is the first, and only, priority. The best way to do so is to dedicate net revenue raised from school bus camera and railroad crossing camera programs to traffic safety measures, such as traffic safety educational programs, impaired driving simulators, or public education campaigns.

**Institute a warning period:** Warning notices allow school districts and camera providers to rectify any glitches before tickets are issued and allow drivers to change their behavior without being penalized. New York City's bus lane cameras have 60-day warning periods legislatively mandated, and a similar provision could be applied to school bus cameras and new speed zone cameras as well.

**Require videotape:** Requiring video should also be applied to speed zone cameras and other automated enforcement programs, to convince potentially skeptical motorists of the veracity of their violations and increase public confidence in the cameras' accuracy.

**Amend reporting requirements:** The annual reports could be improved to enhance accountability by including:

- The number of violations broken down by specific location (street w/ cross streets, route) to allow law enforcement agencies to allocate resources to particularly dangerous areas.
- Reports should also be required to be posted on the website of the entity required to prepare the report. Additionally, compliance with reporting requirements for existing red light and speed camera programs varies. Financial consequences should be added for entities that fail to adhere to the Vehicle and Traffic Law's requirements, such as allocating a portion of the fine to the statewide STOP-DWI program if the report is not submitted in a timely manner or is incomplete.

### **Legalization of Recreational Marijuana**

Although not included in the TED bill, it is important to note that the legalization of recreational marijuana will have a significant impact on our roadways. The legalization of marijuana is very concerning as the science to discern impairment roadside is not yet available. Although many oral fluid testing pilots are in development, there is not yet any reliable technology to distinguish impairment. The IIHS recent study found that states with recent legalization of recreational marijuana had a 6% increase in collision claims, compared with neighboring states that have yet to legalize.

We commend the Governor for directing funds to a variety of programs that will mitigate challenges associated with marijuana legalization. However, AAA believes additional safeguards are necessary to ensure protections to our roadways.

AAA respectfully recommends the following:

**Establish an Impaired Driving Task Force:** Massachusetts legalized marijuana by a ballot decision in 2016. Accordingly, the state legislature authorized a Special Commission on Operating under the Influence and Impaired Driving. This committee brought together a spectrum of stakeholders including police, prosecutors, the criminal defense bar, medical and toxicology professionals and the civil liberty communities. AAA Northeast was fortunate to have the opportunity to sit on the commission and provide recommendations, along with other parties. Earlier this month, Massachusetts's Governor, introduced legislation including many of the committee's recommendations. We urge the legislature to create a similar task force to study impaired driving and provide recommendations regarding best practices for our roadways.

**Funding to Drug Recognition Experts (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training:** Additional funding to support Drug Recognition Expert and

ARIDE training for officers throughout the state is necessary to keep those under the influence of the drugs off the road. These two advanced police trainings are paramount in the absence of any device akin to a breathalyzer. DRE certification is approved by NHTSA and provides highly specialized training to observe and detect impairment. ARIDE training was developed by NHTSA intended to bridge the gap between DRE certification and general knowledge of field sobriety testing.

AAA greatly appreciates the opportunity to testify today. Thank you.