



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Pump the Brakes on Racing in the Street: Senators Robert Jackson, Brad Hoylman, Andrew Gounardes and Community Leaders Held Press Conference in Support of FURIOUS Act and Other Legislation To Combat Illegal Street Racing

BRAD HOYLMAN-SIGAL May 27, 2021

| ISSUE: **FURIOUS ACT, SLEEP ACT, ILLEGAL STREET RACING, SD 27, SENATOR BRAD HOYLMAN**

NEW YORK — Today, State Senators Robert Jackson, Brad Hoylman, Andrew Gounardes and Community Leaders held a press conference in Inwood in support of the FURIOUS Act ([S.77/A.579](#)). That legislation would authorize New York City to operate its speed camera program overnight and on weekends in areas that have been shown to be hot spots for illegal street racing. The bill would also change New York's laws on races and speed contests to address prior case law that makes it difficult to hold racers accountable for violating those laws if they did not pre-plan a race course. Additionally, they advocated for the SLEEP Act, [S.784A](#), which would set a 95 decibel limit for motorcycle exhaust and mufflers or 60 decibels for car mufflers and exhaust systems. The SLEEP Act also would require any police vehicle to be equipped with a decibel reader and increase the maximum fine for loud exhaust from \$125 to \$1,000.

**Senator Jackson said:** "I am proud to champion the FURIOUS and SLEEP Acts in Albany alongside the bill sponsors and my colleagues, Senators Hoylman and Gounardes. I was so glad to host them in my district in Northern Manhattan today, a hotspot for excessive noise

since the pandemic began. The partnership between community groups like the WaHI-Inwood Noise Task Force and Washington Heights and Inwood for Respectful Decibel Levels and our state legislators will get these bills across the finish line. We all must do everything we can in both state and local government to ensure that this summer is a safer and more peaceful one than last."

**Senator Hoylman said:** "New York needs to turn its speed cameras on 24/7. Illegal street racing puts lives at risk and keeps us up at night. While there's been less traffic and new patterns during the pandemic, some drivers have used this as an opportunity to treat our streets like a NASCAR speedway. The FURIOUS Act will turn our existing speed cameras on 24/7, give the City more tools to catch drivers in the act and make it easier to enforce state laws on speed contests and races. I'm proud to stand with my colleagues Senators Jackson and Gounardes in this drag racing hotspot and declare it's time to pump the brakes on racing in the streets."

**Senator Gounardes said:** "Neighborhoods across the five boroughs have seen a disproportionate amount of street racing and reckless driving. For far too long, we've been inundated with the sounds of souped-up cars with exhaust modifications barreling down our avenues. This culture of driving is dangerous, and has not only increased complaints, but it's taken lives and impeded the safety of our community members. This behavior makes pedestrians, cyclists, and fellow drivers afraid to use our streets and sidewalks, and the incessant noise is particularly disturbing for seniors and families with young children. It's time to pass laws that put an end to these illegal practices."

**City Council Candidate Johanna Garcia said:** "Noise has become a public health issue. Non-confrontational solutions are what we need to get our neighborhoods back on track. The FURIOUS and SLEEP Acts need to pass this session to curtail the nuisance noise that interrupts our sleep, makes families afraid to walk the streets, and impacts our mental

health. Summer is around the corner; let's honor people's rights to a good night's sleep and safety."

**Marco Conner DiAquo, Deputy Director of Transportation Alternatives said:** "Vision Zero is in crisis and we need the best tools available to prevent reckless driving and make our streets safe. We urge the state legislature to pass the FURIOUS Act along with all eight bills in the Crash Victim Rights & Safety Act this legislative session."

**Claudia Schaer, Founder of Washington Heights and Inwood for Respectful Decibel Levels said:** "Unfortunately, loud revving engines, ear-splitting altered mufflers that sound like gunshots, and drag racing, are all noise sources linked to the safety effects of speeding and reckless driving. In this past year, community members have shared countless incidents of being nearly run-over by all types of vehicles. Intersections are routinely unsafe for drivers and pedestrians alike, and of course, there have been crashes. We included the FURIOUS Act in our solution strategy survey. 230 people responded, and ranked it among the top solutions: 96% of respondents gave it strong support, with over 85% rating it with 5/5 or complete support. It will come as a relief that the burden of reporting speeding and reckless driving in hotspot intersections can be left to speed cameras, rather than leaving residents scrambling for evidence while trying to make it safely across a dangerous intersection."

New York City's speed camera program is currently limited by law to operating between 6:00 AM and 10:00 PM on weekdays. The FURIOUS Act would authorize the City to operate speed cameras at any time in neighborhoods where the community has identified illegal street racing as a problem.

On April 26, this bill passed the Senate Transportation Committee after months of complaints from residents all over New York City about near-constant illegal street racing on streets emptied by the pandemic. [City data](#) shows that 191 complaints were made to 311 about

“drag racing” in March 2021, compared to just 13 complaints in March 2019. A total of 2,344 complaints were made between April 1, 2020 and March 31, 2021 – more than five times the 429 calls made during the same period a year prior.

The FURIOUS Act would amend Section 1180-b of the Vehicle and Traffic Law to allow the City of New York to operate speed cameras at any time in a school speed zone which the City has identified as an area of special concern for illegal street racing, with input from the local community.

It would also amend section 1182 of the Vehicle and Traffic Law to provide that a person shall be deemed to have held a race, exhibition or contest of speed if such person, while speeding, (a) engages in conduct with another person involving a challenge and an acceptance of that challenge, regardless of whether such person or persons intended to engage in such conduct before initiating or accepting such challenge or pre-planned a race course, or (b) races against a clock or other timing device.

This is intended to address precedent created by *People v. Grund*, a 1964 Court of Appeals decision which found that a violation of Section 1182 of the Vehicle and Traffic Law means that “some race course must have been planned by the competitors along a street.” A 2009 case involving a fatal automobile crash caused by two racing drivers cited *Grund* and found that “merely speeding down the street, even in tandem with another vehicle, does not constitute a “speed contest” within the meaning of that statute” (Section 1182 of the VTL). Cases as recently as 2017 have resulted in similar rulings.