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**Statement of AAA New York State before the Joint Legislative Public Hearing on the 2018-2019 Executive Budget Proposal for Transportation**

**Albany, NY – January 25, 2018**

Good afternoon. AAA New York State, an association of the four 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 2018-2019 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.

**Summary of Testimony**

*Congestion pricing:* Congestion pricing for Manhattan, as a means to raise revenue for the MTA, does not yet have budgetary language. We oppose the recommendation of the Fix NYC panel to institute an additional toll to enter the Manhattan Central Business District without investing any revenue into road and bridge infrastructure or reducing any tolls on outer-borough MTA bridges whose drivers subsidize transit despite having limited transit options.

*Rear seat belts:* The budget requires rear-seat automobile passengers age 16 and older to wear seat belts (Part G, section 7 of the Transportation, Economic Development and Environmental Conservation Article VII bill). We strongly support this proposal, which will prevent injuries and save lives across New York.

*School bus/railroad crossing photo enforcement:* The budget authorizes school districts to establish photo enforcement programs designed to ticket drivers who illegally pass stopped school buses (Part C of the Education, Labor and Family Assistance Article VII bill). The budget also authorizes the MTA's commuter railroads and political subdivisions in the Metropolitan Commuter Transportation District to establish photo enforcement programs designed to ticket drivers who fail to stop at railroad crossings (Part G, sections 9-13 of the TED bill). We support both school bus cameras and railroad crossing cameras but suggest amendments to enhance the effectiveness and integrity of both such programs.

*Distracted driving efforts:* The budget prohibits drivers under 18 years old from engaging in a call on a hands-free phone while driving (Part G, section 3 of the TED bill). Hands-free is not risk-free for drivers of any age, but young drivers are particularly impaired by the effects of distraction. Accordingly, we support this provision, which will encourage teenagers to begin their driving careers with healthy habits. The budget also modifies the texting-and-driving law to prohibit portable electronic device use even if the driver is not physically holding the phone (Part G, section 4-6 of the TED bill). We also support this provision.

*Online pre-licensing course:* The budget establishes an online pre-licensing course as an alternative to the in-class pre-licensing course currently required for new drivers who have not taken a driver education course (Part J of the TED bill). We support this proposal, which will enhance the accessibility of driver training courses and foster innovation in the industry.

## Congestion Pricing

Congestion pricing for Manhattan roadways is not yet included in the budget proposal, but is likely to be discussed over the next few months as a mechanism to raise revenue for the Metropolitan Transportation Authority (MTA). The Fix NYC panel, convened by the Governor, recently released its congestion pricing report. It presents several congestion-charging options, all of which institute a new toll for driving into Manhattan's central business district (CBD) via the East River bridges or from north of 60<sup>th</sup> Street.

We believe these recommendations offer almost no benefit for drivers and we oppose the congestion-charging proposals as presented for the following reasons:

*Burden on working- and middle-class commuters:* The Fix NYC report implies that most drivers traveling into Manhattan can easily afford an additional toll. The data belies this assumption. **Of the 115,000 outer-borough drivers commuting to work in Manhattan by personal car, 25% (28,000 drivers) earn under \$30,000/year, and 49% (57,000 drivers) earn under \$50,000/year.**<sup>1</sup> Thousands with similar income levels drive to Manhattan for work from Long Island and the Hudson Valley. **These working- and middle-class commuters can ill-afford to add potentially \$2700 in new tolls to their annual commuting costs.**

*No outerborough bridge toll reductions:* Drivers on MTA bridges between outer boroughs have subsidized transit expenses for fifty years, despite having few feasible transit alternatives. **Since 2010, drivers have sent over \$8.1 billion in toll revenue to fund the MTA's transit expenses.** In 2017, 12% of the MTA's revenue came from tolls, but only 3% of spending went towards Bridges & Tunnels operating expenses.

Partially due to this subsidy, tolls on outerborough bridges have risen rapidly. Ten years ago, tolls on major crossings were \$4.00 (with E-ZPass). If that cost had kept pace with inflation, the toll would be only \$4.73 today, rather than \$5.76. While legislators are thinking about tolls in the New York City area, we'd urge them to consider reducing toll rates on these facilities to reflect the costs associated with these facilities.

*No investment in roads and bridges:* The Fix NYC does not propose allocating any revenue into road and bridge infrastructure. In our view, if drivers are asked to pay more, they should get more in return.

*No accommodation for diversion of traffic:* The report suggests that new automobile tolls could increase travel speeds in the CBD by approximately 9% – a barely perceptible increase when the current speed is 6.8 mph. Meanwhile, some traffic will undoubtedly divert to routes surrounding the CBD, such as the Verrazano or RFK Bridge; the report does not appear to address such impacts. Moreover, travelers from Rockland, Orange, and other areas west of the Hudson who travel across the George Washington Bridge will be charged a new \$11.52 toll in addition to the \$12.50 they already pay.

*Only focuses on revenue side of the MTA's ledger:* The Fix NYC panel rightly states that the transit system should be significantly upgraded before asking drivers to switch modes. However, the cost to upgrade the transit system is far higher in New York than in peer world cities. According to the Regional Plan Association, the Second Avenue Subway cost \$5.5 billion for four track miles and three new stations, while London's Northern Line extension cost \$1.1 billion for four track miles and two new stations. The MTA must prove that drivers' dollars will be used efficiently and economically before it asks them to pay more.

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<sup>1</sup> U.S. Census, American Community Survey, 2011-15 5-year estimates, accessed from IPUMS.

## Seat Belts for Adult Rear Seat Passengers

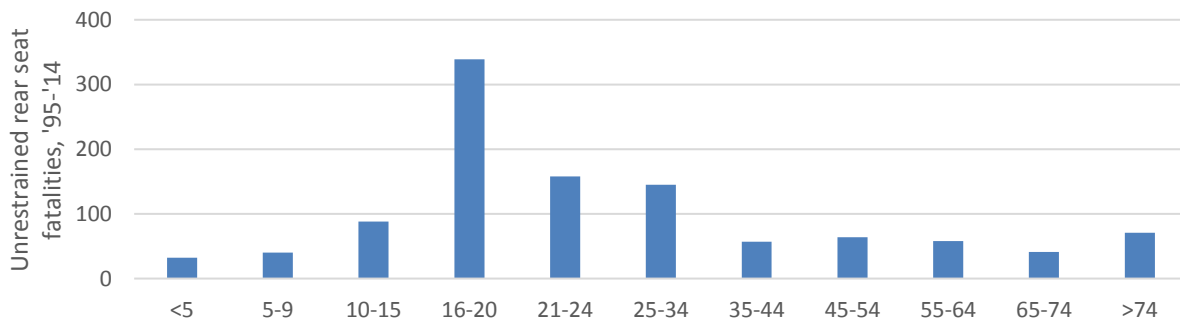
Section 7 of Part G of the TED bill would require rear seat motor vehicle passengers age 16+ to wear seat belts. A rear seat belt law would prevent numerous injuries and fatalities and we strongly support its enactment.

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>2</sup>

Education and enforcement campaigns have helped raise New York’s front seat belt usage rate to a record 93% in 2017. 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 – with tragic consequences.

A 2016 report by AAA New York State found that from 1995-2014, 886 unbelted rear seat occupants age 16 and older were killed in crashes in New York, including at least one in each of New York’s 62 counties. 44% of these fatalities involved either full or partial ejections.

Seat belt use declines significantly once belt use is no longer required, putting older teenagers particularly at risk: during that period, 16-18 year olds suffered nearly four times as many unbelted rear seat fatalities as 13-15 year olds and accounted for a quarter of all such fatalities among passengers age 16 and over.



In our view, the seat belt requirement should not expire when children are most vulnerable.

In 2016, the most recent year of full data, 26 unbelted rear seat occupants age 16+ were killed in crashes in New York, compared with only 4 belted rear seat passengers. Preliminary data indicates at least as many unbelted adult rear seat fatalities in 2017.

Passing a rear seat belt law will increase usage rates, save lives, and prevent injuries. States with rear seat belt laws consistently have significantly higher rates of belt usage than states with no rear seat belt law. In AAA’s December 2016 survey of New York drivers, over two-thirds (68%) of respondents supported requiring belt use for adults in the rear seat, while only 15% opposed such a provision. AAA New York State strongly urges legislators to join their constituents and support this provision.

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<sup>2</sup> Governor’s Highway Safety Association; Insurance Institute for Highway Safety; National Institutes of Health

## **School Bus Stop Arm Cameras / Railroad Crossing 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 cameras. 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. On April 27, 2017, during Operation Safe Stop, officers issued over 1000 tickets for illegal passes of a stopped school bus. Extrapolating these results throughout the state and the school year reveals an unacceptable frequency of such behavior.

Sections 9-13 of Part G of the TED bill authorizes the MTA's commuter railroads (the Long Island Railroad and Metro-North) and political subdivisions within the Metropolitan Transportation Commuter District to establish photo enforcement programs that ticket drivers who commit railroad crossing violations. This infraction is also quite dangerous and has contributed to numerous high-profile crashes in the New York City region.

Accordingly, AAA New York State supports the authorization of both school bus stop arm camera programs and railroad crossing camera programs, and respectfully suggests the following amendments to enhance the effectiveness of the programs:

*Require that revenue be spent on traffic safety measures:* 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 railroad crossing cameras as well.

*Institute a statute of limitations:* Notices of liability should be mailed to vehicle owners within 14 days if the vehicle is registered in New York State and within 45 days if the vehicle is registered elsewhere. Such a statute of limitations exists in the speed camera legislation and helps ensure that drivers have an opportunity to respond to a charge while they still recall the incident.

*Require videotape:* The school bus camera language requires that videotape be used in determining whether a violation was committed, which we support. Such a requirement should also be applied to railroad crossing cameras, to convince potentially skeptical motorists of the veracity of their violations and increase public confidence in the cameras' accuracy.

*Require a public education campaign:* Automated enforcement works best when the public is aware of the program. Entities instituting such programs should be required to conduct outreach, such as to parent-teacher associations, community organizations, or local media.

*Amend notice of liability requirements:* Images identifying the violation should be added to the notice of liability, similar to language in the school zone speed camera and bus lane camera legislation. The images should demonstrate the violation and display the school bus's flashing red light and extended stop arm, in the case of school bus cameras, or the lowered crossing gate, in the case of railroad crossing cameras.

*Amend reporting requirements:* The current bill requires school districts, political subdivisions, and commuter railroads to complete annual reports on the camera programs, but these 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 (the railroad crossing report already includes such a requirement)
- The number of crashes involving illegal passes of a school bus or a railroad crossing, both before and after the program. The school bus camera report does not include any crash data, which should be added. The railroad crossing camera report includes crash data, but only a single year of data prior to the program, which is insufficient for a rigorous engineering analysis; five years would be superior
- (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
- An open data portal accompanying the report, with regularly updated statistics about the date, time, and location of violations, to help allocate police resources effectively in close to real time

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 is uneven. 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 STOP-DWI program if the report is not submitted in a timely manner or is incomplete.

*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:* While both school bus camera programs and railroad crossing camera programs are worthy initiatives, the state legislature should still retain oversight over these programs while they are in their infancy. Accordingly, both should be introduced to the state as a five-year pilot program, to give enough time to gather results for evaluation.

## **Distracted Driving Amendments**

Part G of the TED bill makes two changes to New York’s distracted driving law, both of which we support.

Section 3 prohibits hands-free cell phone use by drivers under 18. Young drivers have the highest crash rates of any age group. And though distracted driving is risky for everyone, it is especially dangerous for novice drivers, whose inexperience already makes it difficult for them to manage the many tasks inherent to operating a motor vehicle.

Unfortunately, young drivers are engaging in distracting behaviors at alarming rates. In a 2016 study conducted by the AAA Foundation for Traffic Safety, which analyzed videos from in-vehicle cameras, 59% of teen driver crashes involved distractions behind the wheel – including 12% that involved cell phone use. AAA’s 2016 Traffic Safety Culture Index similarly found that more than 60% of 16-18 year olds admitted to talking on a cell phone behind the wheel at least once within the past thirty days.

Using a hands-free cell phone while driving causes cognitive distraction, which can impair anyone’s ability to drive. AAA’s mantra is that hands-free is not risk-free. Multiple studies have identified young drivers as especially susceptible to the deleterious effects of cell phone use behind the wheel. Accordingly, AAA supports this provision, which will encourage 16- and 17-year olds to begin their driving career with healthy habits.

Section 4-6 modifies the definition of “using” for the purposes of the texting-and-driving law. In particular, current law only makes it unlawful to *hold* a portable electronic device while engaging in specified behaviors, including texting, accessing the internet, and playing games. These sections would modify the law to prohibit similar behaviors even if a driver is not holding the phone. Distracting behavior does not become less dangerous when a phone is mounted in the car or sitting in the driver’s lap rather than being held. Accordingly, we support this change.

## **Online Pre-Licensing Course Pilot Program**

Part J of the TED bill authorizes the Department of Motor Vehicles to establish a pilot program for online pre-licensing courses. Learner permit holders who wish to get a driver license currently must either complete a driver education course or a 5-hour pre-licensing course. We support allowing the pre-licensing course to be completed online, which will increase the accessibility of the course at a time when many drivers are delaying getting licenses. Online delivery of the course will also foster innovation within the driver training industry.