



## NEW YORK BILL TO CLOSE BACKSEAT PASSENGER SEAT BELT GAP STALLS IN SENATE

Current NY state law requires that all back seat passengers under 16 wear seatbelts. Senator Dilan (D-Brooklyn) has proposed a bill (S389) that amends the current law to further require all passengers over 16 to wear a seatbelt while riding in the back seat of a motor vehicle. New York state once led the nation in seat belt legislation but is not currently among the 25 states with legislation

requiring that all rear seat occupants wear seat belts. The rationale is supported by the research of safety experts who believe that the use of a back seat safety restraints could prevent over two-thirds of backseat passenger fatalities and serious injuries resulting from motor vehicle crashes. Additionally, there is some evidence that a gap in backseat passenger coverage can yield poorer compliance with the backseat seatbelt usage by those less than 16 years old who are covered under current law. While this bill was passed by the New York State Assembly and the Senate Transportation Committee, the full Senate did not allow the bill to come to a vote before the adjournment of this year's regular legislative session. The sponsors of this bill have expressed their intent to keep this issue on

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the agenda in the coming legislative session next year.

## ATTEMPT TO STRENGTHEN NEW YORK RECKLESS DRIVING PENALTIES ARRESTED IN ASSEMBLY

Senator Fuschillo (R-Merrick) has proposed a bill (S752) that establishes the new crime of "aggravated reckless" driving, as a Class E felony punishable by a prison sentence of up to four years. Presently, reckless driving stands as an unclassified misdemeanor. Under the proposed bill, violators would be engaging in aggravated reckless driving should they be found operating in a manner that creates a grave risk of death, knowingly or through intoxication driving against the flow of traffic; or driving 30mph or more above the speed limit while intoxicated or impaired, racing another vehicle, or weaving in traffic. Fuschillo's stated rationale is that the increased penalties act as a deterrent, and that the bill will more appropriately penalize those who choose to continue to engage in reckless behavior. The bill also increases the penalty for reckless driving from an un-

classified misdemeanor with a maximum sentence of one month to a Class A misdemeanor, which is punishable by up to a year in prison. A focus on the dangers of

County history occurred when a 36-year old woman, intoxicated on marijuana and with a BAC of .19 percent, drove the wrong way on the Tacomac State Park-

iors such as excessive speeding, racing, and weaving in and out of traffic. The bill passed the New York State Senate on March 13, 2013 and was delivered to the assembly where it is sponsored by Assemblyman Cusick (D-Staten Island) but no further action was taken before the end of this legislative session. Senator Fuschillo's office expressed their intent to continue to work towards the enactment of this bill in the 2014 legislative session.



wrong way driving made it onto the agenda after at least 18 wrong way incidents involving drugs or alcohol occurred on Long Island in the 3 months prior to the bills introduction. Additionally, in 2009, one of the worst crashes in Westchester

way causing a collision, which led to the deaths of 8 individuals, including 5 children. Though it is unclear how the new law could deter intoxicated drivers from wrong way driving, it does create an opportunity to crack down on risky behav-

SENATOR'S OFFICE SAYS RECKLESS DRIVING LEGISLATION IS VITALLY IMPORTANT AND WORK WILL CONTINUE.

## NEW JERSEY PROPOSAL TO STRENGTHEN ENFORCEMENT ON CHILD PASSENGER RESTRAINTS HAS YET TO GAIN TRACTION IN SENATE

New Jersey law penalizes motor vehicle operators who fail to secure a child under 8 years and/or less than 80 pounds in a child passenger restraint system or booster seat in the rear seat. At the present moment, violators are subject to fines ranging from \$10-\$25. State Assembly members Green (D- District 22), Chivukula (D- 17<sup>th</sup> District), and Lampitt (D- 16<sup>th</sup> District) have introduced a bill (A1711) to increase the penalty for a first offense to a fine of \$100 and between \$250-\$500 for a second and

subsequent offenses. The proposed legislation would also direct \$25 collected from each fine to be deposited into a fund to be used exclusively to purchase child passenger restraint systems for the distribution to organizations that establish and maintain child passenger restraint system lending programs. The bill has been passed by the Assembly with overwhelming support (63-16) and was received by the Senate Transportation Committee on October 25, 2012 where it is sponsored by Senator James

Beach (D- 6<sup>th</sup> District). The Senate however has yet to take further action on this legislation. The most recent data from NHTSA show that while trends indicate increasing use of booster seats and correct child passenger restraint systems, nationally, 35 percent of children 4 to 7 years old are still not being properly restrained (25 percent premature graduation to seat belt and 10 percent left unrestrained) and about 6 percent of children aged 1 to 3 go unrestrained or are graduated to seat belts premature-

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ly. These statistics demonstrate that there is still a significant need for increased intervention and more effective enforcement to prevent unnecessary child injury and mortality.

## PUERTO RICO'S HISTORICAL STRUGGLE WITH ROAD SAFETY INITIATIVES: MORE SUPPORT FOR CHAMPIONS OF CHILD SAFETY NEEDED

With intentions of strengthening the child re-



straint laws for motor vehicles, Senator Romero Donnelly supported a bill to increase the penalties for drivers operating a motor vehicle with young child passengers without using a car seat for children under 4. The bill, that also included provisions for points to the driver's license, was struck down by

the Planning and Infrastructure Commission on August 20<sup>th</sup>, 2010.

Senator Pena Ramirez furthered these efforts with a bill proposing to regulate and enforce mandatory use of car seats for children between 4 and 9. Additionally, Pena Ramirez urged the Traffic Safety Committee to conduct

an educational campaign on the provisions of the bill as well as the benefits of using car seats for children between these ages. The bill was signed by the House and the Senate, but was eventually vetoed on July 30<sup>th</sup>, 2011 by the Governor.

## FATIGUED DRIVING FAILS TO GAIN ATTENTION FOR SECOND CONSECUTIVE YEAR

Senator Stravisky has introduced legislation which would strengthen laws regarding driver impairment to include fatigue in certain instances. Current provisions classify impairment under the influence of a drug alone or combined with alcohol. Stavisky has introduced a bill (S-485) adding driving while

fatigued as a further characterization of impairment, and provides for the mandatory suspension of a driver's license upon conviction of operating a vehicle while fatigued in cases of vehicular assault and manslaughter. Stavisky points to research that shows there is no difference between driving sleepy

or drunk, as both double the risk of causing a car crash. Additionally, NHTSA has estimated that 100,000 crashes per year are caused by fatigue and sleepiness. The proposed bill would strengthen current provisions laid out in the vehicle and traffic law relating to vehicular assault

*(continued on page 4)*

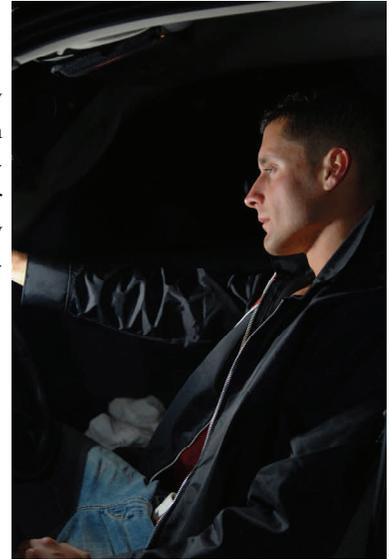
THERE IS NO DIFFERENCE BETWEEN DRIVING WHILE FATIGUED OR DRUNK. BOTH DOUBLE THE RISK OF CAUSING A COLLISION.

## DRIVER FATIGUE *(CONTINUED FROM PAGE 3)*

and manslaughter while driving impaired. The bill would use as proof of driving while fatigued evidence that the individual fell asleep while driving and that the individual was aware or should have reasonably been expected to be aware that he or she had been without sleep for 24 or more consecutive hours. The bill was introduced on January 9, 2013 and currently sits before the Senate Transporta-

tion Committee, but no further action has been taken. An identical bill was introduced last session but also received no action. The importance of addressing fatigued driving does appear to be hindered by difficulty in assessing this fatigue unless a collision has already occurred in a manner that indicated the driver fell asleep. It may take some highly visible event or a period of increased crashes

where fatigue clearly played a causal role in order for this bill or similar legislation to garner the attention necessary to make it on the legislative agenda.



## PRESSURE ON NYPD YIELDS COLLISION INVESTIGATION REFORMS

Major changes have arrived in New York City pedestrian, cyclist, and vehicle safety. After an extended period of legal, community, and city council pressure, the NYPD has recently changed their policy on collision investigation. For years, the NYPD's "Accident Investigation Squad" was criticized harshly for being understaffed with only 19 detectives, having a policy that limited investigations only to those incidents in which an individual had died or was deemed likely to die, and for too often failing to bring criminal charges against motorists who critically or fatally injured other citizens. In 2012, Council Member Brad Lander was quoted saying by streetsblog.org, "Forty percent of the time someone is killed, no one even gets a traffic ticket.

In 4,000 serious injuries - including brain injuries and spinal injuries - we don't provide a serious investiga-



tion." In 2011, a 28-year-old woman was struck by an unlicensed and possibly intoxicated 43-year-old motorist. Though the victim later died from her injuries, the Accident Investigation Squad failed to investigate

the incident until 4 days later, and because of their failure to investigate properly, the DA was unable to bring criminal charges. The botched investigation into the pedestrian's death and subsequent lawsuit filed by her husband against the NYPD brought enhanced attention to the failings of the NYPD's policy. Community pressure, along with this incident led to a 2012 hearing on the subject and the introduction of the Crash Investigation Reform Act designed to pressure the Police to change their policies. With an upcoming vote on the Crash Investigation Reform Act, the NYPD has made broad changes to their policies and plans to expand the squad by 10 additional officers. Under the new policy, the investi-

gatory unit has been renamed the "Collision Investigation Squad" and will now investigate all incidents in which an individual has been critically injured. An additional \$400,000 of funding collected from DUI fines will be allocated to pay for the increased investigations and new equipment. Recent reports showing an increase in motor vehicle fatalities in NYC by 23 percent in 2012 to 291 deaths have provided a further impetus for the change.

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## NEW JERSEY AND NEW YORK TEXTING *(CONTINUED FROM PAGE 1)*

of guilty pleas 4 to 5 years after implementation of the first iteration of the law clearly indicates that there is still a significant opportunity to further reduce the hazards posed by distracted driving. Additionally, many defendants may be choosing to plead guilty to the lesser offense of use of a handheld electronic device in order to avoid prosecution for violations with more severe penalties. For this reason, it may be beneficial to include a provision that would assess points to a violator's license on the first offense instead of only having a monetary fine. This

sioner to erect signs with variable messages to inform drivers of the State law prohibiting sending messages with an

also increases the number of points assessed to a violator's license for cell phone and texting use while driving

the imposition of new laws. Comparatively, there were 25,165 fatal and personal injury crashes related to distracted driving and 4,268 related to alcohol in New York in 2011. In 2012, the National Highway Traffic Safety Administration attributed an excess of 3,000 deaths last year to distracted driving, calling it a dangerous epidemic on America's roadways." In 2012, the NY Governor's office stated that the "number of tickets issued for texting-while-driving (30,166) approached the number of DWI/DWAI arrests (43,954) in 2012." Comparatively, New Jersey had over 81,000 guilty pleas for texting, although some have questioned whether texting citations may have included some offenses being pled down to the lesser charge of texting.



Analyzing the outcomes of these two different strategies may provide useful insights on how to combat the problem of distracted driving and whether increased financial penalties or adding points and/or suspending violators' licenses are most effective.

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electronic communication device while operating a motor vehicle. The law received its name due to the collaboration of Mike Kellenyi, whose daughter Nikki died in a 2012 collision that may have involved distracted driving. Assemblyman Wisniewski is the primary sponsor of the bill and had already been working on the measure. The bill passed both houses without opposition and awaits the governor's signature.

New York has also stiffened their penalties for texting while driving. Governor Cuomo recently signed into law new provisions that will add texting while driving to the list of violations subject to a 60-day suspension period for those with probationary and junior licenses and revocations of 6 months or 60 days respectively for repeat offenses within 6 months. The law

from 3 to 5 points for all drivers. To put this in perspective, receiving 11 points in an 18 month timespan results in the suspension of the offender's license. Fines for violating the law have not changed and remain at a maximum of \$150 for a first offense. With 43% of teenage motorists admitting to regularly texting while driving, this law seeks to address the problem which can be particularly dangerous among inexperienced drivers. Analysis by the US DOT has shown that texting while driving puts an individual at 23 times the risk for a collision. Texting distracts drivers cognitively (distracted attention), manually (taking hands off the wheel), and visually (taking eyes off the road). While alcohol-related collisions are declining, collisions related to cell phone usage have been increasing rapidly, up 143% from 2005 to 2011 despite

type of penalty may also be more effective in deterring the use of handheld electronic devices while driving.

Both houses of the New Jersey legislature also recently passed "Nikki's Law" (A-3873/S-2406), which would require the DOT commis-

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## NYC SPEED CAMERA COMPROMISE SHOWS PROMISE FOR IMPROVED CHILD PEDESTRIAN SAFETY



of the cameras argue that in busy areas of NYC the cameras are better suited to enforce speed limits than police officers. To support their case, advocates of speed cameras point to their successful use in Washington D.C. One-third of motorists sped in the areas covered by speed cameras prior to their installation, but currently, only 1 in 40 motorists speed in these designated areas. These findings clearly demonstrate the potential of speed cameras to reduce avoidable fatalities and injuries to pedestrians in New York City.

Speeding is the largest contributor to deadly collisions in New York City. In recognition of the threat it poses to pedestrians and motorists alike, City officials sought to install 40 speed cameras throughout the metropolitan region. However, New York law requires that the installation of speed cameras be approved by an act of the State legislature rather than county or local governments. Unable to acquire this broad authority, a compromise (S4459A) was reached in the closing days of this year's legislative session that allows the city to install speed cameras in 20 school zones in a 5-year demonstration project. Cameras will be able to identify drivers by their

license plate numbers and automatically issue tickets of \$50 to motorists traveling 10 mph above the speed limit, however, tickets issued by the speed cameras will not add points to an individual's license. Data has shown that a pedestrian struck by a car at 40 mph has a 30 percent chance of surviving, but a pedestrian struck at 30 mph, the speed limit for most of the city's streets, has an 80 percent chance of surviving the collision. This fact demonstrates why it is crucial to keep motorists from speeding, especially in school zones. The Patrolmen's Benevolent Association (a police officers' union) opposes the cameras, since they favor adding more officers to enforce traffic laws. However, some advocates



### CENTER FOR INJURY EPIDEMIOLOGY AND PREVENTION AT COLUMBIA UNIVERSITY

722 West 168th Street  
Columbia University  
New York,  
New York 10024

E-mail for news and comments:  
[jp376@columbia.edu](mailto:jp376@columbia.edu)

WE ARE ON THE WEB:

[HTTP://CUINJURYRESEARCH.ORG/](http://CUINJURYRESEARCH.ORG/)

EDITOR: JOYCE C. PRESSLEY, PH.D, M.P.H.  
STUDENT EDITOR: GRIER NEWLIN  
CONTRIBUTORS: HAJERE GATOLLARI,  
CHRISTOPHER TAIT

#### *The Injury Times-Serving Public Health Service Region II and Beyond*

The Injury Times is primarily focused on legislative and policy issues that impact public health service Region II and beyond. Our inaugural issue focuses on legislative initiatives for motor vehicle and road safety. Future issues are planned for gun and firearm safety and for pharmaceuticals and poisoning. Send story leads, articles or news to the Editor.

The geographic scope of PHS Region II covers New York, New Jersey and the tri-state more broadly. Some may also find it surprising to learn that this region also includes the territories of Puerto Rico and the U.S. Virgin Islands. In this and subsequent issues, we will highlight national issues for an injury prevention area in each issue with particular attention on the leading legislative efforts that are in motion to strengthen the injury prevention initiatives across Public Health Service Region II and those beyond that have lessons for us locally.

#### *About the Center for Injury Epidemiology and Prevention*

The Center for Injury Epidemiology and Prevention at Columbia University is based in the Department of Epidemiology, Mailman School of Public Health, and is funded in part by a grant from the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Our mission is to improve population health by reducing the morbidity and mortality from unintentional and intentional injuries through research, dissemination and translation of scientific discoveries, development of innovative and multilevel training and education programs, and promotion of best practices and evidence-based interventions.

Our objectives are to integrate expertise and other resources across academic divisions, facilitate interdisciplinary collaboration, forge diverse and far-reaching partnerships, and accelerate the advancement of science and practice in the injury control field.