



NEW YORK STATE SENATOR

Daniel L. Squadron

Senator Squadron, Manhattan BP Stringer, AM Kavanagh, joined by Transportation Alternatives and the families of children killed by a delivery van in Chinatown, announce new legislation to increase penalties on dangerous drivers

DANIEL L. SQUADRON May 21, 2009



The "Hayley Ng and Diego Martinez Law" would mandate driver safety training and community service for motorists who seriously injure or kill pedestrians and bikers

Drivers who fail to complete training and community service may face fines up to \$10,000, lose license

New York, NY – A group of elected officials, Transportation Alternatives and family members of preschoolers killed by a delivery van in Chinatown last January, today announced new legislation that would increase the civil penalties for drivers who seriously injure or kill pedestrians, cyclists and other “vulnerable” roadway users.

Hayley Ng, age 4, and Diego Martinez, age 3, were killed January 22 on East Broadway in Chinatown when a delivery van that had apparently been left in reverse climbed the curb and ran into their group. Eleven other children and adults were also injured. The van’s driver was not charged in the incident.

The proposed legislation – recognizing the increased risk of injury and death faced by cyclists, pedestrians and other road users traveling outside the protection of an automobile – requires drivers who kill or seriously injure “vulnerable” roadway users to appear before a judge in court, attend driver safety training, and perform up to 60 days of community service. If a convicted driver fails to complete the safety training course or the community service requirement, he or she may also face fines of up to \$10,000 and the loss of his or her driver’s license.

Under current law, drivers who kill or injure a vulnerable roadway user are rarely subject to more than a routine fine. The available vehicular homicide charges are imposed in less than 1 percent of cases.

Statewide in 2007, 322 “vulnerable users” as defined in the legislation – largely pedestrians and bicyclists – were killed and 20,845 injured. Motor vehicles remain the leading cause of accidental child death in New York City, claiming the lives of 72 pedestrians and bicyclists

under the age of 12 between 2001 and 2006.

Manhattan Borough President Stringer, whose staff helped to draft the legislation, said, “New York is a vibrant walking city and home to 185,000 bike commuters. Nearly 180 city pedestrians and bicyclists are killed and about 12,000 are injured every year, many by drivers who are speeding or driving carelessly, but only a tiny percentage of such drivers are ever prosecuted. We must put real teeth in our traffic laws and reduce the carnage on our neighborhood streets.”

“New York is a great city for walking and biking, and this common-sense law to protect pedestrians and other vulnerable road users will create safer streets for millions of New York walkers and bikers,” said State Senator Daniel Squadron.

“The law we propose is about getting people who are not careful when they drive to recognize that they are making themselves a danger to pedestrians, bicyclists and road workers,” said Assemblymember Brian Kavanagh. “It’s never easy to get people to change bad habits, but this law will help educate drivers throughout the state about their obligation to drive safely. And it will bring a measure of justice when their failure to do so has tragic consequences.”

“We want everybody to stand behind this cause,” said Wendy Cheung, Hayley Ng’s aunt. “We don’t want this to happen to anyone else. We need justice here.”

“We are emotionally exhausted of telling victims’ families that that there is little the courts can do to bring justice to drivers who kill because of negligence or recklessness,” says Paul Steely White, Executive Director of Transportation Alternatives. “This is about creating a new culture of respect between drivers, cyclists and pedestrians from city streets to city courtrooms.”

Similar “vulnerable user” laws have been established in other states, including Oregon and Illinois.