

## Provocateur

# An Open Letter to NYPD Commissioner Ray Kelly

DEAR COMMISSIONER KELLY,

As you know, Mayor Bloomberg's *PlaNYC: A Greener, Greater New York* calls for a range of projects to improve mass transit, reduce congestion and promote bicycling. The plans for transit may be stymied or delayed by the recession, but bicycling is booming in New York. DOT Commissioner Janette Sadik-Khan is painting bike lanes all over town, and many commuters are switching from cars to bicycles to save money, get in shape and reduce their carbon footprint.

In 2008, bicycling in New York City grew by 35%! The cycling boom means New York's Finest must recognize the rights of bicyclists and accord them the same respect that drivers of cars, trucks and buses receive. A human being encased in two tons of steel has the same moral weight as a human being riding 25 pounds of steel, or one on foot. A recent fatal crash indicates the extent to

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which this is not now the case.

Early on August 6, 2008, Rasha Shamoon was riding east on Delancey Street when she was struck and killed by an SUV traveling northbound on Bowery. Police interviewed the 21-year-old driver and his two young passengers who blamed the unconscious and dying woman. No other witnesses were interviewed, even though several people reported the crash to 911. No skid marks were measured. Remarkably, although the SUV driver had six prior motor vehicle convictions, he was allowed to leave the scene after giving a statement. Shamoon, 31, a lecturer at Hunter and City colleges, was the daughter of a physician who fled tyranny in Iraq in the late 1970s. She was by all accounts a wonderful



Rasha Shamoon was struck riding her bike on Delancey and died of her injuries. NYPD failed to fully investigate the crash.

person and responsible bicyclist. Her bike had front and back running lights and was swathed in reflector tape.

There are many other examples.

As bicycling becomes more prevalent in New York, police officers must thoroughly and consistently investigate all crashes. Inconsistent and incomplete reporting undermines efforts to improve the safety of city streets. At the moment, crashes caused by negligent drivers often are recorded in sketchy “aided reports.” More detailed MV-104 reports are only filed when there is physical contact between cyclist and motor vehicle. This often leaves injured cyclists with little recourse to compensation.

Breathalyzer tests should be required for

all involved in a crash. Street locations and conditions should be noted so that data can be gathered to improve safety and prevent further crashes. Red light and speed cameras should be installed at dangerous intersections. The NYPD should commit to a Vision Zero policy for traffic fatalities, and thoroughly investigate all fatal crashes to determine a formal finding of cause and responsibility. Those in the wrong should be fully prosecuted.

I recognize that cyclists also have a responsibility to ride safely. Transportation Alternatives is undertaking a new campaign in 2009 to encourage lawful riding on city streets, starting in Brooklyn. “Biking Rules in Brooklyn” will outline the rules of the road for bicyclists.

I realize it is not the NYPD's problem, but I find it sadly ironic that the District Attorney goes on the warpath when a handful of people die in dramatic crane accidents in Manhattan while more than 100 pedestrians and bicyclists die on New York City streets every year.

Over the past 20 years, the NYPD has made amazing progress in making the city safer for its growing population. There is no reason why a focus on the safety of bicyclists and pedestrians should not be an objective of the next 20 years. With the population expected to increase by another million by 2030, bicycling will be a critical element of that “Greener, Greater New York.”

Thanks,

Steve Hindy

*Steve Hindy is a member of the T.A. Board of Directors. He and his wife, Ellen Foote, became advocates of safer streets after their son Sam was killed in a bicycle crash on the Manhattan Bridge in 2007.*