



NEW YORK CITY COMPTROLLER
BRAD LANDER

Danger Unabated

New York City Must Act to Hold Dangerous Drivers Accountable

OCTOBER 2023

Background

Reckless driving poses a serious threat to street safety in New York City. Traffic fatalities spiked in recent years, reaching a nine-year high in 2021 and remain elevated above pre-pandemic numbers. Reckless driving was a feature in many of these crashes. At the national level, a surge in speeding and dangerous driving behavior directly caused one-third of all crashes in 2021.¹

The City's speed and red-light camera programs reveal the scale of reckless driving in New York City: tens of thousands of drivers have accumulated over 15 speed or five red-light camera tickets within a one-year period. Despite research linking vehicles with multiple camera violations to crashes, drivers who chronically speed or run red lights face no consequences beyond a \$50 fine for each offense.² This amount is significantly lower than fines for nearly all

other driving violations, including those without major safety implications such as disregarding alternate side parking rules (\$65 to \$115).³ Even where repeat reckless drivers cause serious injuries or fatalities, they are rarely prosecuted. The lack of consequences for drivers known to engage in reckless behaviors remains a serious gap in the City and State's traffic safety laws.

Reckless Driver Accountability Act

In 2020, then-Council Member Brad Lander sponsored the Reckless Driver Accountability Act, a first-of-its-kind attempt to introduce accountability for repeat reckless drivers. Building on lessons learned from the Center for Justice Innovation's Driver Accountability Program, which focuses on changing driver behavior, the law created the Dangerous Vehicle Abatement Program (DVAP). The program established escalating consequences for the city's most reckless drivers (measured by red-light and school speed zone camera violations), starting with a course specifically developed to change driver behavior, followed by vehicle impoundment for drivers who failed to comply.

Unfortunately, the NYC Department of Transportation (DOT) failed to implement the program as designed. The program began over a year late, declined to work with the Center for Justice Innovation on the course, and did not follow through on the legislated scale or key elements. Originally intended to cover 5,000 vehicles, the Department of Transportation (DOT) only initiated consequences for 1,605 drivers. It then allowed nearly half of these repeat reckless drivers to simply ignore the program altogether. Of the 720 drivers who refused to attend the course, only 12 had their vehicle impounded, due largely to administrative capacity constraints at DOT and, to a lesser extent, OATH.⁴ DVAP sunsets at the end of October at DOT's recommendation, leaving no driver accountability measures in its place.

Recommendations

To effectively improve street safety and reduce the number of traffic fatalities in New York City, the City and State must build upon lessons learned from DVAP to hold reckless drivers accountable using a data-driven, harm-reducing approach.

Strengthen and Reauthorize DVAP

The City's approach to traffic safety is incomplete without a plan to curb reckless driving. Allowing DVAP to expire with no replacement, and no other City or State programs in place, would eliminate the only tool attempting to change driver behavior through a combination of education, restorative justice, and targeted enforcement. The City Council and Mayor must act to reauthorize and strengthen the program, address capacity challenges, eliminate long delays, and improve the quality of safe driving courses in the process.

- **Impose consequences on more repeat reckless drivers.** At the time of its passage, the City Council anticipated that the DVAP pilot would cover 5,000 vehicles.⁵ However, they

only implemented a program one-third that size, and barely acted at all to impose impoundment, the program's most severe remedy. To ensure more people complete the course, the City should:

- **Expand capacity at DOT** to operate the program.
- **Work with qualified justice organizations**, such as the Center for Justice Innovation, whose work was largely the impetus for the program, to conduct the courses.
- **Reduce the deadline for enrolling in a course** from 45 days to 30 days.
- **Offer additional courses** to accommodate more participants.
- **Consider a wider range of escalating consequences**, based on the number of violations a driver has.
- **Improve the quality of the safe driving course.** A one-time, 90-minute course is not sufficient to meaningfully change driver behavior. The City should work with experienced researchers, educators, and justice professionals to design a course allowing for deeper engagement with drivers, modeled off successful programs such as the Center for Justice Innovation's Circles for Safe Streets project, engaging drivers in a multi-day training program.
- **Streamline vehicle impoundment cases.** Administrative barriers delayed DVAP implementation and diminished its efficacy. Most notably, warrants of seizures for vehicles owned by drivers who failed to complete a safe driving course took six to eight months to issue. The City must act to eliminate these delays, during which drivers can accumulate more violations or get new license plates, making vehicles impossible to locate and impound.
 - **Expedite the processing of vehicle impoundment cases** by adding additional legal capacity at DOT.
 - **Advocate for state legislation to authorize local law enforcement** to seize vehicles covered under DVAP outside of the five boroughs.
 - **Enable data sharing between law enforcement agencies** to help locate vehicles flagged for impoundment.
- **Conduct a study of reckless driving behavior and violations** to inform program expansion and enable more targeted enforcement measures.
 - **Pass Intro 415 to build a data-driven understanding of the driving behaviors most closely associated with crashes**, craft effective interventions and responses, and tailor enforcement accordingly.

Additional State Legislative Actions

The authority to license drivers and register vehicles lies with the State, as does control over New York City's speed and red-light camera programs. The Governor and State Legislature must work together to close loopholes allowing drivers with extensive records of reckless driving to continue operating vehicles without consequence or incentives to change their behavior.

- **Automatically suspend the registration of vehicles associated with a high threshold of camera violations**, potentially targeting the top 1% of most reckless drivers. An existing bill, S451, sets this threshold at five or more red-light camera violations within one year.
- **Install intelligent speed assistance (ISA) devices in vehicles that repeatedly receive camera tickets**, as proposed in S7261.
- **Authorize New York City and other localities to seize vehicles that violate local laws outside city borders**, allowing law enforcement to locate more vehicles flagged under DVAP.
- **Report camera violations to vehicle owners' insurance companies**. The original version of S5602, the bill to keep speed cameras on 24 hours each day, allowed the Department of Motor Vehicles to report camera violations to insurance companies, but the final bill did not include this provision.
- **Require the completion of 24 hours of classroom instruction and supervised driving lessons as a condition of reinstatement**, in cases of license suspension due to dangerous driving. This parallels existing education requirements for new drivers.
- **Eliminate violations unrelated to driver safety as grounds for license suspension**, such as failure to pay child support or unpaid fees and fines, to reduce collateral consequences and focus punitive measures squarely on behaviors that create safety hazards.
- **Strengthen enforcement and consequences for drivers who use obscured or fraudulent license plates** to evade accountability. State-level intervention on this matter is necessary not only to enhance driver accountability but improve public safety more broadly.

Conclusion

When reckless drivers do not face repercussions for dangerous driving, New Yorkers become increasingly vulnerable to traffic violence at a time when fatalities and injuries are already unacceptably high. The expiration of DVAP provides an opportunity to build upon lessons learned and develop measures to curb dangerous driving, at the city and state levels. A targeted, justice-oriented approach to driver accountability must move forward to eliminate deaths and serious injuries in New York City.

Endnotes

- ¹ *Almost One-Third of Traffic Fatalities Are Speed-Related Crashes.* (2023, July 10). National Highway Traffic Safety Administration. www.nhtsa.gov/press-releases/speed-campaign-speeding-fatalities-14-year-high
- ² Goldbaum, C. (2020, February 10). "She Ran Over and Killed 2 Children. Should She Have Had a Car?" *New York Times*. www.nytimes.com/2020/02/10/nyregion/driving-reckless-nyc.html
- ³ *Violation Codes, Fines, Rules and Regulations.* (n.d.). New York City Department of Finance. www.nyc.gov/site/finance/vehicles/services-violation-codes.page
- ⁴ *Evaluation of the Dangerous Vehicle Abatement Program.* (2023, September). New York City Department of Transportation. www.nyc.gov/html/dot/downloads/pdf/evaluation-of-dvap.pdf
- ⁵ Meyer, D. (2020, February 10). "Council panel OKs plan to impound vehicles based on camera violations." *New York Post*. nypost.com/2020/02/10/council-panel-oks-plan-to-impound-vehicles-based-on-camera-violations/