

March 7, 2011

Central Park Recreational Cyclists
10 West 87th Street, #3B
New York, NY 10024

Captain Philip M. Wishnia
Commanding Officer, Central Park Precinct
86th Street & Transverse Road
New York, NY 10024

Dear Captain Wishnia:

Our organization represents cyclists who use Central Park for recreation. We believe that cyclists, like all park users, must use caution and courtesy towards others, and demonstrate due respect for the traffic laws that apply in the park. However, we are concerned that "Operation Safe Cycle," as implemented by your precinct, takes law enforcement against cyclists well beyond that necessary to ensure safe enjoyment of the park by all, and amounts to a substantial prohibition on recreational use of the park by cyclists. Given the goal of promoting safety — one that we all share — your precinct's traffic law enforcement should be focused on the illegal conduct that is most dangerous, whether engaged in by cyclists, motorists, pedestrians or runners.

We write to ask you the questions below concerning traffic conditions and enforcement in Central Park, in anticipation of your precinct's March 14 Community Council meeting. We were advised by a Central Park Precinct Community Affairs officer that putting our questions in writing, rather than raising them for the first time at the Council meeting on March 14, would facilitate responses. Please provide as much of the information requested below as possible, before or at that meeting.

1. To what extent have crashes involving cyclists caused harm to other park users? You stated at a recent Community Board 7 meeting that approximately 25% of 447 Central Park ambulance calls in 2010 involved cyclists, and that this reflects a trend toward increasing cyclist crashes. To the extent possible, please provide annual statistics for crashes involving cyclists for the period of 2008 through 2010, broken down by crash participants (e.g., solo cyclist crashes, cyclist-and-cyclist crashes, cyclist-and-pedestrian/runner crashes, cyclist-and-motorist crashes), as well as by crash location (e.g., in the bike lane, on one of the Drives but not in the bike lane, on a pedestrian pathway, or in one of the sub-grade transverses).

2. To what extent have crashes with motor vehicles caused harm to other park users? If overall safety is the goal, the safety concerns involving cyclists should not be viewed in isolation from those related to motor vehicle use in the park (including on the sub-grade transverses). To the extent possible, please provide annual statistics for

crashes involving motorists for the period of 2008 through 2010, broken down by crash participants (e.g., solo motorist crashes, motorist-and-motorist crashes, motorist-and-pedestrian/runner crashes, motorist-and-cyclist crashes), as well as by crash location (e.g., in the bike lane, on one of the Drives but not in the bike lane, or in one of the sub-grade transverses).

3. To what extent have your officers been directed to focus their traffic law enforcement on violations closely tied to collision risks, such as failure to yield, as opposed to violations that are not, such as equipment violations or disobeying a steady red signal (regardless of the presence of intersecting traffic)? To the extent possible, please provide annual statistics of the numbers of summonses issued to cyclists for the period of 2008 through 2010, broken down by violation.

4. To what extent have your officers been directed to focus enforcement of the 25 MPH speed limit on the Drives on more serious violations (e.g., vehicles traveling at 36 or more MPH) as opposed to the less fast (though still potentially deadly) vehicles traveling at 26-35 MPH? To the extent possible, please provide annual statistics of the numbers of summonses issued to motorists for exceeding the speed limit in the park (including the sub-grade transverses), broken down by location and the number of miles per hour over the speed limit.

We are concerned that traffic law enforcement in the park directed at motorists is neglected. Recent radar demonstrations have shown that motorists routinely exceed the speed limits applicable in the park and the sub-grade transverses by 10 or more miles per hour, not infrequently under the direct observation of your officers, without any warnings or enforcement action. (Portions of one demonstration can be viewed on video here: <http://bit.ly/ebpqEn>) We provide you with unedited copies of those videos with this letter. A survey done in 2005 suggests that there has been a problem with speeding on the Drives for years (available here: <http://www.transalt.org/newsroom/releases/168>).

5. Do you consider the sub-grade transverses to be safe routes for cyclists? Ever since the death of cyclist Eve Schulback on the 65th Street Transverse in December 2006, we have been working to raise awareness of the many hazards facing cyclists on the sub-grade transverses, and seeking remedial action from the Department of Transportation and the Central Park Conservancy. We have attached past correspondence on this subject, including an August 22, 2007 email with Inspector Patrick McCarthy, Commanding Officer of the NYPD's Traffic Management Center. The videos we have provided to you with this letter include conditions on the transverses. A similar videotape (available here: <http://www.youtube.com/watch?v=SISqWP5GCEI>) from 2007 suggests that this has been a problem for years. If possible, please provide annual statistics of the numbers of crashes involving cyclists that have occurred in the sub-grade transverses, for the period of 2006 through 2010.

* * * *

We understand that these requests may involve substantial effort to answer, but we believe that absent *specific* information about the circumstances of cyclist crashes in the park, it is unreasonable to conclude that law enforcement aimed at reducing cyclist speeds in general, such as rigorous enforcement of red signals against cyclists during car-free hours in the park, is warranted.

Thank you for your assistance, and we look forward to discussing these matters further with you and your officers at the March 14 Central Park Precinct Community Council meeting.

Very truly yours,



Kenneth Coughlin, President



Steve Vaccaro, Vice President

November 12, 2009

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Dear Commissioner Forgione:

Our family lives in Manhattan and cycles as our primary means of transportation. We are very appreciative of the many successful efforts by you and your colleagues at the Department of Transportation to make cycling safer and easier. However, as the city's cycling network grows and improves in quality, it becomes impossible to ignore roadways which remain unsafe. Four prime examples of these are the sub-grade Central Park transverses roads. I am writing to bring to your attention several problems on the transverses:

- Dangerous narrowing of the roadway at certain overpass tunnels and inadequate lighting of the tunnels;
- Routine speeding and other unsafe conduct by motorists amidst a complete absence of signage or other guidance as to motorist-cyclist interactions.
- Accumulation of debris and overgrown vegetation at the edge of the roadways, forcing cyclists into traffic; and
- Water flowing down the corridor walls that pools and freezes in the winter.

These hazards are serious and present a growing concern due to increased cycling on the transverses. As you are no doubt aware, several of these hazards played a role in the crash that killed a cyclist on the 65th Street Transverse in December 2006. Yet despite these hazards, there has always been a significant presence of cyclists on the transverses, because they are the only legal crosstown cycling routes through the park. As on most city roadways, this presence has swelled with increased numbers of new cyclists in recent years. Last spring, large orange barriers were placed at the entrances of Central Park pathways to keep cyclists out, shifting additional cycling traffic onto the transverses.

While most cyclists would agree that the best solution is to provide Class I crosstown cycle routes through the park, these serious hazards cannot be ignored while an potentially optimal solution works its way through another city agency; "the perfect should not be the enemy of the good." I urge you to take immediate steps to address these dangers, discussed in greater detail below.

Narrowing of the Roadways at Tunnels. The transverse roadways suddenly and dangerously narrow to 11' at both the Center Drive overpass tunnel on the 65th St. Transverse and the East Drive overpass tunnel on the 96 St. Transverse. This narrowing is effected by a wooden barrier on 65th St. and a sidewalk bulb-out on 96th St. While the apparent purpose is to force over-height trucks to the middle of the roadway where clearance is higher, the effect has been to create a death-trap for cyclists.

This narrowing of the roadway was the direct cause of fatal motorist-on-cyclist crash on December 13, 2006 on the 65th St. Transverse. According to an eyewitness account received by the NYPD Accident Investigation Squad, the collision occurred *when the "bike and the car came together where the road narrowed. He hit her with the mirror of the car* and she hit a wooden divider and fell over the divider onto the sidewalk." Similarly, the police report of the incident found that *the motorist "struck bicyclist as both vehicles attempted to merge into same place in the lane to avoid the wooden barrier in roadway."* These materials and others concerning the crash were obtained from the NYPD via a FOIL request; copies are attached to this letter for your reference.

It is hard to believe that the city, apparently to protect against property damage by negligent truckers, has implemented a road design that is patently unsafe for cyclists. There are a number of reasonable alternative approaches that could resolve the problem, including converting the transverse sidewalks to Class I bike/pedestrian pathways; or removing the barriers and diverting over-height trucks to the 79th St. and 86th St. Transverses, which have higher minimum clearances.

Even in the case of transverse overpass tunnels with "regular" width lanes of 12' or even 14', box trucks with extended side view mirrors and Hummers and other extra-wide SUVs leave little room for motorist and cyclists to proceed abreast of each other. Because of the dangers posed to cyclists present in all of the overpass tunnels on the transverses, *DoT should immediately install, at the entrance to each of the transverse overpass tunnels, signs directing: "MOTORIST YIELD TO CYCLIST ENTERING TUNNEL"*.

Inadequate Tunnel Lighting. The dangers of motorists and cyclists riding abreast in the transverse tunnels are made worse by the lack of adequate lighting. I surveyed the lighting at night on November 9, 2009 and found that approximately half the lights in the tunnel ceilings on the 65th and 86th Street transverses were not in operation.¹ A lack of

¹ On the 86th Street Transverse, none of the lights in the East Drive overpass tunnel were operating, and all of the lights in the West Drive overpass tunnels were operating. On the 65th Street Transverse, three of six and two of four lights in the two East Drive overpass tunnels were operating; all of the Center Drive overpass tunnel lights were operating; and six of eight West Drive overpass tunnel lights were operating.

adequate lighting likely contributed to the fatal crash on the 65th St. Transverse, as the motorist involved apparently did not see his victim (in fact, he exited the Transverse, driving half a mile before he was advised by the motorist behind him that he had hit a cyclist).

During daylight, few if any of the transverse tunnel lights are in operation. Lighting is needed in the daytime because motorists' and cyclists' eyes delay in adjusting to the small amount of ambient light that reaches the tunnels, which already is limited due to the steep, wooded corridor walls.² *The responsible city agency should periodically inspect and maintain adequate lighting in the transverse tunnels both night and day.*

Speeding and Other Unsafe Motorist Activity. The design of the transverses encourages motorists to exceed the speed limit and to ignore cyclists. Absent congestion, most transverse motorists exceed the 30 MPH speed limit. Routine speeding on the 65th Street Transverse at the site of the fatal collision in 2006 is shown by use of a radar gun on a publicly available video.³ The absence of periodic traffic signals and pedestrians in the transverses, and the stark rock corridor walls, create an expressway-like ambiance that desensitizes motorists to the possibility of encountering other, more vulnerable traffic such as bicyclists.

Excessive speed and lack of attention to cyclists were additional factors causing the fatal crash on the 65th Street Transverse. *According to an eyewitness report of the crash, the motorist was moving at the top speed of 30 MPH— even though he had just passed a sign stating “Slow-Caution-Roadway Narrows” — and he failed to notice even that he had struck a cyclist, although his side view mirror had been damaged in the crash.*

Ordinarily, bicyclists avoid the dangers of proceeding abreast of a motorist in an overly narrow roadway by “taking the lane,” that is, proceeding in the middle of the roadway rather than abreast of the motor vehicles (a lawful option on roadways such as the transverses). This approach doesn't work the transverses because motorists won't allow it. I have consistently found that when I proceed by bike at a steady pace in excess of 20 MPH in the middle of the lane on a transverse, the motorists behind me will tailgate, honk, and ultimately attempt to pass, illegally, by quickly accelerating into the oncoming traffic on the other side of the double yellow median.

² This is a particular problem on the longest transverse tunnels, which include: both 79th St. Transverse tunnels, the two tunnels under West Drive on the 86th and 96th St. Transverses, and the tunnel under West Drive on the 65th Street Transverse.

³ Available at <http://www.youtube.com/watch?v=SlSqWP5GCEI>.

While the Police Department rather than the DoT is responsible for law enforcement, there is much DoT can and must do to calm transverse traffic. At present, only the 79th St. Transverse contains specific reference to the speed limit (at the initial portions of the eastbound route where motorists are directed to observe a 25 MPH limit). None of the transverses have signs cautioning motorists to abide the general 30 MPH limit. The sign on the 65th St. Transverse advising motorists "CAUTION-SLOW" is ineffective, as demonstrated by the radar gun video footage (which was taken just past that sign), and the example of the fatal collision. There is nothing to remind motorists to watch for cyclists, even though cyclists no less than motorists are required to use the transverses to cross the park. ***DoT should take the following steps to calm and regulate traffic on the transverses:***

- Install "sharrows" and signs on the transverses directing motorists to share the road with bicyclists;
- Narrow the roadways to reduce traffic speeds by demarking a shoulder, and reducing speed limits to limits on the transverses to 20 MPH.
- Install speed humps or a digital radar display (such as at Hazen Ave. in Queens) advising motorists of their speed in real time.

Inadequate Clearance of Debris. The transverses are swept less frequently than residential streets. This means that trash as well as leaves and branches accumulate at the margin of the roadway. There is at most a few inches of shoulder on the transverses, so the accumulation is directly in the path of cyclists attempting to keep to the right. Even when the accumulation appears to be no more than a pile a leaves, cyclists are nonetheless forced into the roadway by the possibility that a branch, bottle, hubcap or storm grate lies beneath. ***The transverse roadways need to be swept at least twice a week.***

Overgrown Foliage. Cyclists on the 96th Street transverse are forced repeatedly to swerve into the roadway to avoid vines cascading down the wall of the transverse corridor and directly into the face of bicyclists. It apparent that those responsible for trimming the foliage (it is trimmed) are thinking only of motor vehicles, and not of cyclists, when they do their work. Foliage on the 65th Street Transverse partially obscures the sign warning motorists to use caution and to slow. ***The overhanging vegetation should be pruned adequately to keep it behind the curb line and away from traffic signs.***

Dangerous Ice. In the past, the 86th St. and 96th St. Transverses have had a serious problem with water running down the corridor wall and pooling and freezing on the roadway in winter. Along the south corridor wall of the 96th St. Transverse just west of the East Drive tunnel, a frozen waterfall joined with a very large, thick ice patch in the roadway would form whenever temperatures went below 30 degrees. Please let me know

Margaret Forgione

November 12, 2009

if the repair work now underway on the 86th St. Transverse, and the recent widening of the corridor walls the 96th St. Transverse, will address this problem of leaks and ice.

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Conditions for cyclists on the transverses have historically been neglected, because there are no residents or Community Boards to advocate for these roadways, and because cyclists have traditionally (albeit illegally) used the park pathways. However, this situation has changed. If the city intends to force cyclists out of the park, then the transverses must be made safe. At present they are not. I urge you to write back and advise me of the specific steps and timetable that DoT intends to employ for addressing these problems. I would be pleased to meet with you or a member of your staff to discuss these matters.

Thank you again for all you have done to make cycling safer and more convenient for New York City cyclists. I look forward to working with you to address the problems on the transverses.

Sincerely,

January 15, 2010

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Dear Commissioner Forgione:

This is to confirm my conversations with Andrea and Hudson White of your office, concerning the response to my letter of November 12, 2009 regarding the Central Park transverses. Andrea explained to me that, although the Department was unable to provide a response on the originally-promised date of January 8, 2010, she would see to it I received a response as soon as possible.

Given the gravity of the safety issues raised in my letter, I do hope to receive a response soon. I noticed that the heavy icing of the 96th St. Transverse, one of the issues raised in my letter, was deemed sufficiently serious by the Department that the transverse has been closed to pedestrians this week. Yet cyclists face a greater risk from the same icy condition, along with the other hazards on the transverses described in my letter, none of which have been addressed.

We urgently need your help. Four or more days a week, my son and I cycle the 96th Street Transverse on the way to his school. One day last week, when the ice was particularly thick, I tried to use the paths but was stopped by Parks Department peace officers. I talked my way out of a ticket but the officers warned me that I would be ticketed in the future. Remarkably, the officers said we should ride counter-flow on the Central Park Loop if we felt the transverse was too dangerous. Given the automobile traffic on the loop and the significant use of the "recreation lane" by cyclists and joggers even in the cold weather, attempting to ride counter-flow against all that traffic obviously presents even greater risks than riding on the transverse.

Anything you can do in the near term, including signage directing motorists to share the road with cyclists and not force them into the roadway hazards described in my letter, would be greatly appreciated. Thank you again for your consideration.

Sincerely,

Steve Vaccaro
70 East 96th Street, #2A
New York NY 10128

March 1, 2010

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Dear Commissioner Forgione:

This is to follow-up from my past correspondence with your office, including my letters of November 12, 2009 and January 15, 2010 regarding the Central Park transverses, and my follow up emails and phone conversations with Andrea and Hudson White of your office regarding those letters. My understanding is that I will receive a response as soon as possible.

I am concerned that the city may be missing important opportunities to address the hazards on the Transverses. On Saturday, February 20, the 96th Street Transverse was closed so that an annual pruning of tree limbs overhanging the transverse roadway could take place. While contractors pruned tree limbs, they ignored the bushes that physically obstruct the path of cyclists riding on the Transverse, as described in my November 12, 2010 letter, and as depicted throughout the following video (particularly, at 0:47): <http://www.youtube.com/watch?v=gxAbdhmjAAo>

I am disappointed that the city did not take the opportunity to solve two problems at the same time, by pruning the obstacle for cyclists at the time of its annual tree-pruning operation. Understanding that my November 12 letter raises a number of large and small safety issues, some of which could take time to address, I hope the Department will address each efficiently as the opportunity presents, and in any case before another unfortunate incident like the December 2006 death of the cyclist on the 67th Street Transverse results.

Sincerely,

Steve Vaccaro
70 East 96th Street, #2A
New York NY 10128

May 19, 2010

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Dear Commissioner Forgione:

This follows up on my letter of November 12, 2009 and subsequent correspondence with your office regarding the hazards faced by cyclists on the Central Park transverses. It is now more than five months since I raised these problems. I have not received the response promised by your staff, Andrea and Hudson White.

I am aware and highly supportive of your Department's work to improve conditions for cyclists throughout Manhattan. However the situation in Central Park presents a glaring omission in this work. Due to the conditions on the transverses described in my letters, and the orange "No Bicycling on Pathways" barriers erected on park paths, cyclists simply have no safe, legal way to cross the park.

These barriers encourage rude and provocative behavior by pedestrians toward cyclists. Earlier this month, while my son and I rode slowly on one of our rare trips on a park path, a pedestrian deliberately knocked over one of the barriers so that it hit me, and ordered us to stop riding. Encounters like these are what keeps our family riding the transverses, despite the dangers they present.

I urge you to work with the Parks Department to create safe, legal cross-park routes for cyclists, before another unfortunate incident like the December 2006 death of the cyclist on the 67th Street Transverse results.

Sincerely,

Steve Vaccaro
70 East 96th Street, #2A
New York NY 10128

June 7, 2010

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Dear Commissioner Forgione:

Thank you for your call on May 25th, responding to my letters of November 12, 2009 and thereafter, concerning design problems and other hazards confronting cyclists on the Central Park transverses. I know you are very busy, so I appreciate your taking the time to respond in person.

In our discussion, you explained to me some of the factors affecting DoT's potential responses to the issues raised in my letters, and promised that Josh Benson would get back to me within a week with a more thoughtful response. I look forward to receiving that response. Please let me know when I can expect it.

Sincerely,

Steve Vaccaro
70 East 96th Street, #2A
New York NY 10128

March 3, 2011

Margaret Forgione
Manhattan Borough Commissioner
New York City Department of Transportation
59 Maiden Lane, 37th Floor
New York NY 10038

Hazards for Cyclists on Central Park Sub-Grade Transverses

Dear Commissioner Forgione:

This follows up from the discussion I had at the end of last year with a staffperson in your office who called to respond to my previous six letters on the above topic, beginning with my letter of November 12, 2009.

This staffperson acknowledged that the transverses are not presently safe for cyclists, but explained that the DoT was reluctant to undertake piecemeal safety improvements short of a full re-engineering of the transverses to make them safe for cyclists. She encouraged me to find a detour to avoid the transverses, and to wait for the creation of at-grade crosstown cycling routes in Central Park.

I now gather that these new at-grade crosstown cycling routes may be created as soon as this spring, from statements made by Central Park Conservancy Executive Director Doug Blonsky at Community Board 7. I would welcome these improvements.

However, the transverses would remain important routes for crosstown cyclists regardless of new routes that may be created. The most serious hazards on the transverses should be addressed. DoT should remove the barriers and bulb-outs in the 65th and 97th Street Transverses, the design flaw that caused the death of Eve Schulback in December 2006. In addition, DoT should add signage to all four of the transverses to remind motorists of the 30 mile per hour limit and the need to yield to cyclists with the right of way.

Thank you for your efforts and please let me know if DoT will undertake these minimal steps to improve safety on the transverses.

Sincerely,

Steve Vaccaro
70 East 96th Street, #2A
New York NY 10128