



M.I.T. Press, Van Nostrand Reinhold Inc., and the Council on Economic Priorities. I have published articles in scientific and intellectual journals such as Nuclear Safety, Journal of the Air Pollution Control Association, and The New York Review of Books. I have published dozens of op-ed pieces in the major U.S. newspapers including The New York Times, The Wall Street Journal, The Washington Post, and The Los Angeles Times, and in local newspapers serving New York City such as The Daily News and Newsday.

4. I have maintained an active presence in New York City transportation policy and advocacy for almost two decades. From 1986 to 1992 I served as president of the advocacy group Transportation Alternatives. Over this period I directed the group's advocacy campaigns, edited its bimonthly newsmagazine City Cyclist, and conceived and directed the research and publication of its landmark report The Bicycle Blueprint. In 1993 I helped found the regional policy advocacy group Tri-State Transportation Campaign, which I continue to serve as board member.
5. I have researched and written a number of major reports on transport issues including Subsidies for Traffic (an analysis of governmental subsidies to drivers in New York State) and Killed By Automobile (an analysis of the nearly 1,000 pedestrian deaths in New York City over a recent four-year period). I have conducted detailed traffic analyses of such policies as: the installation of pedestrian barriers in Mid-Manhattan in late 1997 (on

behalf of the pedestrian rights group Right Of Way); traffic restrictions imposed on single-occupancy vehicles entering Manhattan after 9/11 (for the Tri-State Transportation Campaign); the proposed sale of 900 new taxi medallions by the Taxi & Limousine Commission in early 2004 (for the New York Taxi Workers Alliance); and proposals to toll vehicular traffic on the City's East River bridges (for the Bridge Tolls Advocacy Project).

6. I have been a daily bicycle commuter and rider in New York City for over 30 years. During this period I have maintained a close and ongoing interest in the city's bicycling culture, in relations among pedestrians, bicycles and motor vehicles, and in policies of city agencies including the NYC Department of Transportation and the NYPD. I have discussed transport policy in meetings with many city officials including the mayor, police officials, and commissioners of transportation. I have also participated in one to two dozen Critical Mass bicycle rides from the mid-1990s to the present time.
7. I have reviewed the declarations of NYPD Lieutenant Daniel Albano and Assistant Chief Bruce Smolka that were filed on October 25, 2004 in this matter. Lt. Albano asserts that the Critical Mass bike rides have led to "innumerable vehicular traffic and other serious public safety concerns." (paragraph 5) Chief Smolka similarly asserts that the ". . . Critical Mass riders cause problems for emergency services personnel, vehicular traffic stoppages [and] safety issues for pedestrians. . ." (paragraph 15).
8. I take strong issue with Lt. Albano's and Chief Smolka's assertions. Based on my direct observation and also on a traffic-impact study I composed today, I find that typical Critical Mass rides impose, at most, only minimal traffic stoppages for motor vehicles and create

no discernible public safety concerns.

9. In my study, I modeled the effect on cross traffic of a Critical Mass ride with 2,000 bicycle-riders traveling along a major Manhattan north-south avenue for a duration of 90 minutes at an average speed of 6 miles per hour. (The model can be scaled linearly to accommodate other input assumptions.) I ran the model to estimate: (i) the amount of additional waiting time imposed on an additional vehicle traveling cross-town that is unable to cross the avenue until the ride has passed; (ii) the number of vehicles experiencing such delays over the course of a typical ride; and (iii) the aggregate amount of time delays experienced by all of the vehicles waiting to cross the path of the ride.
10. With the assumptions stated above, I found:
  1. A typical vehicle traveling across the path of the ride experiences an average delay of  $3\frac{1}{2}$  minutes as a result of the Critical Mass ride. The maximum delay experienced by these vehicles is twice that amount, or 7 minutes. These delays, while frustrating to some drivers, are well within the ordinary experience of motorists traveling on cross-town Manhattan streets.
  2. The number of motor vehicles that are delayed in this fashion due to a typical Critical Mass ride is on the order of 8 thousand vehicles. That is less than one percent of the million or more vehicles that enter or circulate within the Manhattan Central Business District (Manhattan south of 60th Street) on a typical day.
  3. The total amount of vehicle delay time caused by a typical Critical Mass ride is on the order of 480 hours (i.e., 8,000 vehicles delayed by  $3\frac{1}{2}$  minutes each). In contrast, on a typical day motor vehicles in New York City impose upon each other (and themselves) aggregate delays totaling approximately

730,000 hours. (This figure is documented in my report, *The Hours: Time Savings from East River Bridge Tolls*, on-line at [www.bridgetolls.org/research/](http://www.bridgetolls.org/research/); go to pp 7-8).

12. Compared to this ongoing daily delay of 730,000 vehicle-hours, the additional 480 hours of vehicle delay due to a Critical Mass bike ride constitute an incremental burden of seven-hundredths of one percent, i.e., 7 parts per ten thousand. Considering that Critical Mass rides are held just twelve times a year, on an annual basis the rides add just 0.002% (two parts per hundred thousand, or twenty parts per million) to New York City "gridlock."
13. It strains credulity to characterize something that adds less than one-tenth of one percent to the city's traffic delays on that day (and just twenty parts per million averaged over a year) as a serious traffic stoppage. That characterization might be defensible if traffic in midtown Manhattan, and indeed, the rest of New York City, were always free-flowing, but of course the opposite is true. The difference between the ongoing 730,000 hours of vehicle delay experienced in the City on an ordinary Friday, and the 730,480 experienced on the last Friday of the month when a Critical Mass ride is taking place, is clearly *de minimis*.
14. I wish to emphasize that I sympathize with the concerns over traffic expressed by Lt. Albano and Chief Smolka. I have dedicated much of

my professional and advocacy activities over the past dozen years to devising and analyzing strategies for reducing traffic congestion in New York City. One strategy that I have studied in great detail is to toll motor vehicle traffic entering Manhattan on the four East River bridges (the Queensboro, Williamsburg, Manhattan and Brooklyn Bridges). In a detailed traffic study I published in 2003 (The Hours; see citation above), I estimated that electronic tolling of the four bridges would "weed out" and redistribute traffic sufficiently to eliminate approximately 16 million hours of motor vehicle traffic delay a year in New York City. In comparison, the 12 Critical Mass rides held every year impose traffic delays totaling only around 6,000 vehicle hours a year. It speaks volumes that the City administration professes alarm over the traffic impacts of Critical Mass rides while it turns its back on a measure that could eliminate almost three thousand times as much annual gridlock as the rides supposedly create.

15. I believe that Messrs. Albano's and Smolka's other contentions are similarly misplaced. I am personally exquisitely sensitive to creating traffic congestion (which is a major reason I don't own a car); I can attest that I have never witnessed an emergency services vehicle being blocked or slowed due to a Critical Mass ride. Similarly, I am acutely sensitive to pedestrian safety and rights. Indeed, my Killed By Automobile monograph is probably the most detailed examination of pedestrian injuries and fatalities in New York City published to date. Over the past decade I have maintained an exhaustive file of virtually every serious pedestrian injury reported in the press. Yet I have never heard of any pedestrian injury suffered during a Critical Mass ride. To the contrary, pedestrian bystanders can frequently be seen and heard cheering the Critical Mass riders.
16. Finally, the statements of Messrs. Albano and Smolka ignored the

contribution of the Critical Mass rides to bicyclists' and public safety in New York City. I believe this contribution is real and significant. Briefly: by providing a relaxed and safe environment in which novice riders and non-riders can "get their feet wet" with city cycling and then graduate to regular riding, the Critical Mass rides have contributed to an increased "population" of bicycle users in New York City. In turn, detailed statistical analysis (much of which I have reviewed professionally) in various locations around the world has documented that increases in the cycling population make each individual cyclist safer; that is, cyclists are safer where there are more of them, since their larger presence compels drivers to take notice of them. Thus, my cycling journeys around the city, and similar trips by other cyclists, are safer due to the increased numbers of cyclists engendered by Critical Mass rides. Moreover, the well-documented "traffic-calming" effect of cyclists means that others on the road - pedestrians and even other drivers - grow safer as the cycling population increases.

17. In short, Critical Mass has been positive for cycling and public safety, while adding only imperceptibly - if that - to the City's traffic burden. The unfounded, unsupported assertions of Messrs. Albano and Smolka should not be permitted to cover over this reality.
18. I respectfully request that the preliminary injunction sought by plaintiffs be granted and that defendants' preliminary injunction be denied in all respects.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
October 26, 2004

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Charles Komanoff







