

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
TESTIMONY FOR HEARING BEFORE THE
CITY COUNCIL COMMITTEE ON WATERFRONTS
REGARDING IMPROVING BOATER SAFETY IN THE CITY'S WATERWAYS
DECEMBER 5, 2016**

Good afternoon Chair Rose and members of the Committee on Waterfronts. My name is John Garvey and I am Director of Ferry Operations in the Staten Island Ferry Division at the New York City Department of Transportation as well as co-chair of the passenger vessel subcommittee of the Harbor Operations Committee for New York Harbor, a non-governmental organization that coordinates cooperation between all the users of our harbor.

Safety on the Staten Island Ferry is one of the highest priorities for the New York City Department of Transportation. Our eight passenger ferries which range in capacity from 1100 to 5300 passengers operate 24 hours 7 days a week between the Whitehall Terminal at the Battery and the St. George Terminal in Staten Island, making 119 crossings each day. The Staten Island Ferry is our nation's largest passenger-only ferry system, carrying over 23 million passengers each year.

The ferry operates pursuant to a comprehensive safety management system modeled on the International Safety Management Code and certified by the American Bureau of Shipping on behalf of the U.S. Coast Guard. The Staten Island Ferry has been recognized by the National Transportation Safety Board, U.S. Coast Guard and the Passenger Vessel Association as an industry leader in maritime safety. In addition our terminals and ferries are subject to federally-mandated security zones which are frequently enforced by U.S. Coast Guard vessels.

I will be happy to answer any questions the Committee may have regarding our safety procedures and based on my knowledge of the New York Harbor in which we operate.



**New York City Council Committee on Waterfronts Hearing
Oversight: Improving Boater Safety in the City's Waterways
December 5, 2016**

Testimony By: Nate Grove, Director of Citywide Marine Operations, NYC Parks

Good morning, Chair Rose and members of the Committee on Waterfronts. My name is Nate Grove, and I'm the Director of Citywide Marine Operations for NYC Parks. I'm joined today by Matt Drury, the Director of Government Relations for NYC Parks. Thank you for inviting us today to testify on improving boater safety in the City's waterways.

I'd like to begin by providing some context about NYC Parks, in relation to boating and the City's waterfronts. NYC Parks maintains over 40 human-powered boating launches located throughout the five boroughs. We also have a dozen marinas, vessel mooring fields, power boat launches, and mobile boat hoists that support recreational, commercial charter, passenger ferries, and human-powered boating throughout the five boroughs. We work with a variety of non-profit and for-profit on-water groups that operate from parkland, including Manhattan Community Boathouse, Inwood Canoe Club, Row New York, East River C.R.E.W., Long Island City Boathouse, North Brooklyn Boathouse, Sebago Canoe Club, Red Hook Boaters, Kayak Staten Island, Wheel Fun Rentals, and others. Generally speaking, human-powered boating storage, excursions, and rentals departing from City parkland are facilitated via these third parties or our concessioned marina operators, and are not managed directly by NYC Parks.

Parks Marine Division and its expert Dockmaster staff works directly with NYPD's Harbor Unit and the U.S. Coast Guard to promulgate New York State Navigation Rules and best practices for safe boating in New York Harbor and its surrounding waterways. This includes posting Slow and No Wake signs on relevant Parks properties, as well as installing and maintaining No Jet Ski buoys in Parks waters. Parks kayak and powerboat safety rules signs are posted at each launch site, and our staff coordinates with the U.S. Coast Guard to distribute all New York City advisories issued by the U.S. Department of Homeland Security.

Parks Dockmasters conduct safety inspections of customer vessels as well as dock and mooring field equipment and facilities, annually at a minimum. Parks Marine Division distributes no wake and safe boating advisories annually to our permitted boating customers, as well as to our concessioned marina operators located in each of the five boroughs for distribution to their customers. In addition to a "Rules Of the Road" document highlighting best practices, Parks Marine Division also provides a Kayak and Boating Safety informational packet received by all boaters who apply for an annual launch permit. This informational packet includes navigational and safety guidelines and equipment recommendations, as well as our published launch site rules, vessel float plan instructions, and emergency contact information. All of this important information is available for download via the Parks website as well.

On an important issue related to boating safety, we would also like to note that NYC Parks has been leading the effort to address the issue of derelict vessels abandoned in our City's waterways and shorelines. Parks Marine Division worked with the Department of Citywide Administrative Services to establish the city's first-ever standing requirements contract which enables us to remove derelict vessels that pose public and environmental safety hazards throughout the City. In addition to grant funding we have secured for this work, we continue to work to identify reoccurring operating funds to address these issues on an as-needed basis as they arise

As I hope today's discussion will make clear, NYC Parks works very closely with other City, State and Federal entities to ensure that every New Yorker can enjoy our city's waterways safely. Thank you for the opportunity to testify today. We would be happy to answer any questions you might have.

New York City Economic Development Corporation
New York City Council Committee on Waterfronts
Oversight - Improving Boater Safety in the City's Waterways
December 5, 2016

Good afternoon Chair Rose and members of the Committee on Waterfronts. My name is James Wong, Vice President for Ports and Transportation and Director of Ferries at NYCEDC. I am joined by my colleague Felix Ceballos, Senior Project Manager in Asset Management and former active duty member of the US Coast Guard and current reservist. My colleague Peter Flynt, Vice President of Asset Management who unfortunately could not be here today is a licensed marine engineer. My colleagues and I are here to today to testify on our commitment to boater safety to safety in the context of Citywide Ferry Service.

NY Harbor Users

On any given day in the Harbor, you'll see a variety of users sharing New York's waterways - from recreational human powered boats and kayaks to small -speed boats, ferries, water taxis, cruise ships, tugs and barges, and other cargo ships.

Rules of the Water Coast Guard Domain

The United States Coast Guard is the primary entity responsible for protection of the U.S. Maritime Domain and the U.S. Marine Transportation System (MTS) and those who live, work or recreate near them - including New York City's 500 plus miles of coastline. Coast Guard personnel inspect commercial vessels, investigate marine casualties and merchant mariners, manage waterways, and license merchant mariners. Coast Guard officials also draft recommendations for the transit of hazardous cargo by ship, such as petroleum. In addition to this mission, the Coast Guard conducts investigations to determine the cause of accidents on American-flagged, or Flag State, ships.

Among the activities of the Coast Guard is the inspection of commercial boats carrying passengers for hire. Vessels carrying more than six passengers must show a Certificate

of Inspection; this indicates that the crews of such vessels have undergone drug and alcohol testing, that the vessel's firefighting and lifesaving equipment is adequate and in good condition, and that the machinery, hull construction, wiring, stability, safety railings, and navigation equipment meet federal standards.

Ferry Safety

Citywide Ferry Service was announced in February 2015. Once fully implemented, Citywide Ferry Service will provide an accessible, affordable transportation option for New Yorkers in neighborhoods long- underserved by public transit. Citywide Ferry Service will also support housing development, job creation and neighborhood growth by connecting new job and innovation clusters with existing and emerging residential communities.

When fully operational, the Citywide Ferry will carry an estimated 4.6 million passengers per year. In addition to the existing East River Ferry, Rockaway, South Brooklyn and Astoria routes are scheduled to launch in 2017, followed by Soundview and Lower East Side routes in 2018. Citywide Ferry Service routes will cover over 60 miles of waterway, and over half a million New Yorkers will live within a half-mile of one of the 21 Citywide Ferry landings.

Earlier this year, Hornblower was selected to operate the Citywide Ferry Service through a competitive procurement process in which its proposal offered the highest quality service at the lowest cost to New York City taxpayers. Hornblower currently employs more than 450 employees in New York Harbor, more than any other ferry operator in the Harbor. They also have a long history of employing union workers. The company has had a major presence in the New York Harbor for almost a decade, and currently operates the most ferry trips of any private operator in New York City.

The safety of the shared users of the waterway is our highest priority; in that goal, we've incorporated several key safety protocols and oversight mechanisms in our contract agreement with Hornblower.

Our contract requires that Hornblower implement a Safety Management System or equivalent prior to the launch of Citywide Ferry Service and that NYCEDC have final approval over the plan.

It also requires independent third party audits - both annually and periodically - to review operations, management, safety, security, and equipment. Auditor qualifications include having five years of substantial maritime audit and consulting experience. Furthermore, NYCEDC reserves the right to require Hornblower to make necessary changes to the Safety Operations Plan based on any non-acceptable audit findings. Examples of this could include policy, process or operational changes.

Additionally, Hornblower is contractually obligated to respect other commercial vessel operators, recreational boaters, and other waterfront users through proper radio etiquette - meaning that each vessel has an FCC license and operators are trained to use the radio system and associated etiquette.

In the most unfortunate case of an incident on the water we have explicit protocols in place which include notification via email and phone call within ten minutes of the incident. We will also require that Hornblower conduct a post -incident investigation, and provide NYCEDC with hard copies of all evidence and descriptions of all remedial actions to be taken.

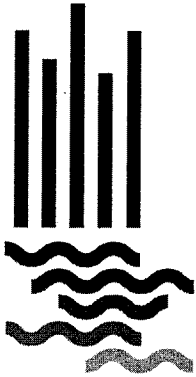
Outside of what is contractually obligated, NYCEDC and Hornblower have been in communication with the recreational boater community to get their input on how the waterways could be made safer for all. NYCEDC is also a member of the Harbor Safety Navigation and Operations Committee. In addition, NYCEDC and Hornblower are active members on the Harbor Operations Passenger vessel Sub-Committee where we regularly meet to discuss passenger vessel safety and operations in the harbor.

Community engagement has been the centerpiece of our progress on Citywide Ferry Service, and we are proud to be working with so many residents, communities, stakeholders and elected officials to bring this project to fruition. We have conducted over 250 meetings with elected officials, community boards, and civic organizations since the Mayor's announcement of Citywide Ferry Service in 2015. As part of this

robust outreach, we have held targeted outreach meetings with stakeholders from the recreational boating community. On Oct 29, 2015, prior to the announcement of the new Citywide Ferry Service operator, we met with the recreational boating community to discuss the plans for Citywide Ferry Service and to obtain feedback on proposed landing sites. Recently, on November 7, 2016, Hornblower and EDC hosted a meeting with the recreational boating community to further the discussion of safety in the shared harbor. To further our commitment to maintain a working relationship with recreational boaters, we will continue to engage stakeholders by hosting another meeting in spring 2017. In addition to our participation on the Harbor Ops Committee, we served as a sponsor and participant at Shared Harbor Tour hosted by Harbor Operations Education Sub-Committee April 16, 2016.

Conclusion

NYCEDC is committed to the safety of all who use and enjoy New York City's iconic waterways. We are working diligently, in collaboration with elected officials and the communities we serve, to ensure that Citywide Ferry Service provides a safe experience for passengers, boaters, and everyone sharing the water. We look forward to continued engagement with the Committee on Waterfronts on this important issue. I am happy to take any questions you may have at this time.

**Public Testimony
New York City Council, Committee on Waterfronts****Re: Oversight - Improving Boater Safety in the City's Waterways**
December 5, 2016**Roland Lewis**
President and CEO
Waterfront Alliance

The Waterfront Alliance's mission is to protect, transform, and revitalize New York Harbor and the surrounding waterways. We are a coalition of more than 900 community and recreational groups, educational institutions, businesses, and other stakeholders committed to restoring and revitalizing our waterways.

New Yorkers are rediscovering our maritime roots; these waters once teemed with ships, bringing passengers and products from around the world. The blue highways are now busier than they have been in generations. New York enjoys the third largest commercial port in the country. Even before a citywide ferry service expansion that will bring transit choice to waterfront neighborhoods across the city next year, we already have the nation's largest fleet of urban ferries. Thanks to progress spurred by the Clean Water Act and capital improvements made by the City and the State, most of New York's waterways are clean enough for recreational use. With new marinas opening, dozens of calls by large cruise ships, and hundreds of free paddling and rowing programs, it may be tempting to characterize our open waters as unregulated or unsafe.

Yet despite the tragic incident in August of this year in which a ferry boat struck a group of kayakers—which thankfully resulted in no loss of life—the fact remains that a long standing culture of safety reigns on the open waters, largely thanks to collaboration and communication among disparate user groups. For instance, most paddling groups use marine band radios to communicate with other harbor traffic. The vast majority of harbor users are vigilant about safety, respect the “rules of the road,” and have a track record to prove it. This stands in contrast to congestion and conflict on our city's embattled streets, with pedestrians and cyclists and motorists competing for precious space. Despite progress made by Mayor de Blasio's Vision Zero campaign for street safety, we have witnessed an uptick in traffic crashes and fatalities through 2016.

The U.S. Coast Guard Sector New York, the largest command in the country, play a central role ensuring safe navigation. The NYPD Harbor Unit diligently rescues people from our waterways to safety, including those ten kayakers last month. We look forward to reviewing the results of the Coast Guard's investigation of that incident, so that similar incidents may be prevented in the future. Many street safety advocates rightly note that such diligence is sorely lacking for crashes involving motorists, pedestrians, and bicyclists.

The Coast Guard's Harbor Safety, Navigation and Operations Committee, or Harbor Ops, is an unpaid task force that represents a broad cross-section of maritime users: pilots who guide ocean-going cargo ships to port, tug and

barge operators, commuter ferry captains, and recreational paddlers and rowers. They provide valuable management advice to the Coast Guard about events, activities, and procedures that affect harbor safety. They also discuss close calls, and how to prevent these from escalating into seriously dangerous situations. Earlier this year, a subcommittee of HarborOps organized the Captains and Paddlers Shared Harbor Tour, where over 100 mariners shared diverse perspectives and insights about how best to collaborate and continue safe practices. Last month, HarborOps reviewed a set of harbor safety guidelines produced by the Chicago Harbor Safety Committee (CHSC). These guidelines provide best practices through detailed references to existing regulations for several types of users of that region's waterways.

Next year in this region, Mayor de Blasio's Citywide Ferry program will bring five new ferry routes to increase transit choice for hundreds of thousands of New Yorkers. The Waterfront Alliance strongly supports this service expansion, and expect that safety will be the highest priority not only for millions of annual ferry passengers, but also for the countless other users of our waterways. Citywide Ferry routes will be operated by Hornblower NY, who enjoy a strong safety record. Last month, Hornblower and NYCEDC held a productive workshop with recreational users of the waterways to anticipate and address safety concerns at new landings and along new routes. Meeting participants discussed specific needs for lookouts on ferries as well as customizing ferry operating procedures to account for shared waters near kayak launches. Hornblower NY agreed to explore these issues as it develops its training and standard operating procedures (SOP).

There are nonetheless some positive safety reforms that can be implemented to improve our harbor. We recommend stronger enforcement of no-wake rules, too often disregarded by fast, irresponsible boat traffic. Such behavior not only creates dangerous conditions for other harbor users, but also exacerbates coastal erosion. Slower schedules and reduced speeds on point-to-point runs would allow more "give way" clearance in passing situations. New York State should also consider strengthening licensing and educational requirements for recreational boaters, common in several other states.

Our harbor is a magnificent resource, and the reason our city exists as a thriving coastal metropolis. Its increased use for recreation, transportation, education, and commerce is something to celebrate. Just as a mugging should not result in park closures, so should the rare serious accident not diminish the increasing use of our waterways. Such incidents should encourage more vigilance and communication allowing us all to employ and enjoy the waters that surround us. We look forward to continued participation and invite members of this Committee and staff to join future collaborative efforts to improve harbor safety, and hope that the Waterfront Management Advisory Board, set to relaunch early next year, may also serve as a useful forum to address ideas for maintaining safe use of our shared waterways.

We thank you for the opportunity to present this testimony, and welcome any questions you may have.

FREE KAYAKING – NEW YORK CITY

Downtown Boathouse

www.downtownboathouse.org
Box 20214 West Village Station
New York, NY 10014

New York City Council – Waterfronts Committee Hearing, Dec/5 2016
Oversight - Improving Boater Safety in the City's Waterways

Graeme Birchall
President, Downtown Boathouse
Email: president@downtownboathouse.org

The Downtown Boathouse

The Downtown Boathouse is an all-volunteer organization that has provided free public kayaking in New York City for more than twenty years. Since we began back in 1995 more than 380,000 people have gone kayaking with us – all for free. We run the largest free public kayaking program in the world. We also have an excellent safety record.

The Downtown Boathouse does not serve kayakers. On the contrary, we serve non-kayakers, who are more than 99.9% of the people living in New York City. Nor do we advocate for kayakers. Instead we advocate for kayaking – as a small way to make this big and very densely populated island city a healthier and safer place to live.

Designing for Safety

We need to think about how to design a safe harbor in the same way that we already think about how to design safe streets. Unfortunately, the various government agencies that are developing the harbor do not seem to think in these terms.

Whenever a child gets hit by a truck on the street in New York City there is usually an investigation to determine the cause. The likely suspects are the child, the truck, the truck driver, and the street. There is not much we can do about the child, and both the truck and truck driver are hard to improve. But we can often do something about the street. And if we fix the street, everybody benefits going forward.

The same methodology should be used for the harbor. The placement and design of launch sites, plus the type of equipment used when boating on the harbor, can have a significant impact on boating safety. Because most New Yorkers are not and never will be experienced boaters, we need to design the harbor for large numbers of beginner users – not for a tiny minority with advanced boating skills.

The issues of equitable and safe recreational use of New York Harbor are inseparable. We are never going to have equitable use of the harbor if it is not designed to be safe to use by beginner boaters.

Safe Capacity

The safe capacity of a highly developed body of water like New York Harbor for human-powered recreational boating is constrained by the number of people that can get off the water in five minutes, as might need to happen if the weather suddenly changes for the worse, or there is a police emergency.

Unfortunately, New York Harbor is much less safe than it ought to be because there are woefully insufficient entry and exit points on the waterfront, and the few that do exist are often poorly located and/or not designed to handle large numbers of users. For example, the harbor water that surrounds Manhattan has a safe capacity of less than 1,000 people (but not in any one location). This is woefully insufficient for a densely populated island of more than one million people. Similar constraints exist in many other parts of the city, notably in the South Bronx and along the north shore of Staten Island.

Beaches vs. Docks

There are three basic choices for kayak launch site design in New York City. One can build a dock, a ramp, or a beach. For many reasons, especially pertaining to safety, a small micro-beach is almost always preferable to a dock or a ramp, yet it almost never chosen. Instead we get expensive docks that are often a challenge to use by beginner boaters, that have a very limited safe capacity, and that are difficult to maintain.

Commercial vs. Recreational Users

New York Harbor is a big harbor, and compared to the streets of New York City it does not have a lot of either recreational or commercial traffic. But issues will occur, so we should use modern technology to avoid collisions. Unfortunately, this is not happening.

The new East River ferries do not come with any automated system that can detect kayakers in the water ahead of them – not suitable radar, not sonar, nor a collision avoidance system similar to what is found on many modern automobiles. The marine environment does present unique challenges, but we should be able to do better.

Boat Design

When the Citibike program was being developed, much effort was put into designing a bicycle that was not only safe to use, but which also encouraged safe biking. Similar issues pertain to kayak design, especially for beginner boaters out on a large harbor. Yet the various government agencies in charge of the harbor seem to be quite indifferent to this issue. This is unfortunate, because encouraging the right type of kayak for the local conditions is one of the easiest ways improve boating safety.

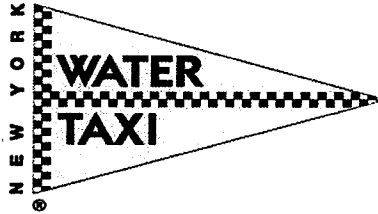
Politicizing Safety

When city agencies politicize public safety they endanger public safety. It is thus unfortunate that in 2015 the EDC cooked up a very dubious study of the Brooklyn Bridge Beach in Manhattan which, amongst other things, claimed that the East River was not safe for human-powered boating. This study was never presented to local boaters, yet it was used to make decisions that affected the safety of boaters. This needs to stop.

Planning for a Better Future

The waterfront that we build today is the waterfront that we will have to live with for the rest of lives. We should not thus assume technological stasis when we design and build the waterfront, yet this is what is happening.

At present there is no affordable portable kayak that is suitable for local waters, but this will change. When the ideal urban kayak is developed, which will almost certainly occur in the next ten years, except many thousands of ordinary New Yorkers to go for a paddle on a nice summer day. New York City is always going to be a large densely-populated city with woefully insufficient recreational space, so such a development should be a good thing, but only if we have designed the harbor to encourage safe boating.



FOR THE RECORD

Good afternoon Committee Chair Rose, members of the committee, and our colleagues in the industry. Thank you very much to the committee for holding this hearing addressing an issue that is important to all of us. I am Peter Ebright, Executive Vice President of New York Water Taxi.

New York Water Taxi has a fleet of twelve vessels that operate throughout New York Harbor for the benefit of locals and tourists alike. Every day we run out of at least 8 locations throughout the city and oftentimes several more depending on each day's services. Several of these locations are frequently used by recreational boaters.

Our marine staff is highly qualified and well-trained, operating equipment that is maintained to the highest standards. Our Homeport is located in Red Hook, Brooklyn, where we tie up our vessels and where we have our engineering shop to maintain the fleet.

On May 1, 2014, a new law was enacted in New York State requiring individuals born after May 1, 1996 to successfully complete a boater safety course in order to operate a boat, and requiring that all personal watercraft operators (14 or older, regardless of birth year) complete the course. While this was a positive step towards improving recreational boating safety, unfortunately there are many older boaters who do not have to complete the course. Furthermore, there are many boaters of all ages who took the course a long time ago and do not recall the important information. This is a significant issue. Many boaters are simply unaware of the rules of the road.

New York Water Taxi is always mindful of our obligation to uphold the highest safety standards and follow proper procedures on the water, and we ensure that that will continue to be the case through regular training and re-training of our marine staff. But the lack of oversight of recreational boaters is a significant issue. We appreciate the fact that recreational boaters have a right to use and enjoy the water, and we encourage them to do so. But for their own safety and for that of others, there should be requirements for continual training.

Imagine a highly-regulated tractor-trailer sharing an interstate highway with an untrained bicyclist and you will begin to get the picture. Friction between recreational boaters and other operators can occur when one party does not have a basic understanding of the rules of the road.

This is not to say that most boaters are unqualified, untrained or unwelcome. We encourage recreational boaters and anybody wishing to enjoy the splendor of New York City's waters. But the training needs to be thorough, continual and required for everybody on the water.

Thank you for your attention to this issue.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 12/5/16

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Address: Senior Project Manager - EOC

I represent: _____

Address: _____

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Name: JOHN GARVEY

Address: Dir. of Ferry Operations

I represent: in the Staten Island Ferry Div.

Address: at NYC DOT

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Name: NATE GROVE

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I represent: for NYC Parks

Address: _____

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I represent: at NYCEDC

Address: _____

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Name: Nat'l Grove

Address: _____

I represent: NYC Parks

Address: _____

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Name: James Wong

Address: NYC Department

I represent: NYCEDC / BK

Address: NYC Water Trail Assoc.

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(PLEASE PRINT)
Name: Rob Buchanan
Address: 251 Clermont / BK
I represent: NYC Water Trail Assoc.
Address: _____

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(PLEASE PRINT)
Name: EDWARD J. Kelly
Address: 17 Battery Pl. NYC NY 10004
I represent: Maritime Association of the Port of NY NJ
Address: SAME

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(PLEASE PRINT)

Name: Roland Lewis

Address: 217 Water St

I represent: Waterfront Alliance

Address: and

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Date: _____

Name: Greene Birchall (PLEASE PRINT)

Address: Pier 26 Tribeca

I represent: Downtown Boathouse

Address: Pier 26 Tribeca, Manhattan

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