

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON WATERFRONTS

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December 5, 2016

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HELD AT: 250 Broadway -Committee Rm, 14th Fl.

B E F O R E:

DEBORAH L. ROSE
Chairperson

COUNCIL MEMBERS:

DANIEL R. GARODNICK
CHAIM M. DEUTSCH
COREY D. JOHNSON
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A P P E A R A N C E S (CONTINUED)

James Wong
Vice President for the Ports and Transportation

Felix Caballos
Senior Project Manager in Asset Management

Roland Lewis
Waterfront Alliance

Rob Buchanan
New York City Water Trail Association

Edward Kelly
Maritime Association of the Port of New York and
New Jersey

Graeme Birchall
President of Downtown Boathouse

[gavel]

CHAIRPERSON ROSE: Good morning. Good morning I was going to wait for some committee members but you are so eager, you're, you're situated and everybody... there seems to be some energy in the room. So I'm going to start and, and maybe they'll catch up with me, okay. So I, I, I want to say... its actually afternoon, good afternoon. I'm Debbie Rose, I'm the Chair of the City Council's Committee on Waterfronts and I'd like to welcome the administration, the advocates and members of the public to our hearing. Our hearing will focus on re-examining the rules of the road or the waterway as they pertain to boater's safety. The waterfront is booming, there is a renewed interest in all sorts of activities associated with the waterfront. Whether they are recreational, environmental, or, or commercial. We have seen steady increases in boating both recreationally and commercially with New Yorkers enjoying... and with New Yorkers enjoying waterfront parks, taking ferries to work and even swimming and kayaking in several places in the city. That once would of been considered untouchable from a

recreational standpoint however the increased use of the harbor by boats and larger vessels can also lead to an increase in various safety concerns. For example, nationally in 2015 there were 4,158 boating accidents involving 626 deaths and 2,613 injuries resulting in 42 million dollars in damage to property. In 2015 New York State had 16 reported boating fatalities with two in New York City. In 2014 New York's fatality rate was 6.01 deaths for 100,000 registered watercrafts putting New York 30th in the nation. According to the Coast Guard the major contributing factors in boating accidents are careless or reckless operation, operator inattention, no proper lookout, or operator inexperience. In the coming year safety issues will be a permanent... a, a paramount concern on the waterfront primarily due to the rise in ferry ridership, commercial service, and recreational boat use. For example, Staten Island ferry ridership reached record levels in fiscal year 2016 with 23.1 million ferry passengers and all of the indications are that they are going to be dramatic increases in that number of... in the number of recreational boats in the water though hard numbers

are not easy to come by. Just recently in August ten kayakers were rescued after five were injured on the collision with a New York waterway ferry on the Hudson River near 39th Street. The ferry was pulling out of the pier and about to turn south on it's way to Wall Street when it struck kayakers who had left from pier 84. Thankfully there were no deaths but some did have serious injuries and this investigation is ongoing but officials stated that sun glare played a factor in the accident as the pilot was unable to see the kayak is behind the ferry. I'm sure that that was preventable in some way but was the fault of an antiquated set of rules that govern the harbor or an enforcement issue or reckless or negligent behavior by either of the parties, that's the question. Whatever the answer is to those questions we have to do all that we can to ensure that these types of accidents and incidents do not become a, a common occurrence which I fear may be the case if we let traffic on the waterways grow without adjusting our legal and regulatory framework that is why I've convened this hearing. We all know that so many different government agencies from the federal, state, and

1 local government all play a role in regulating
2 boating activities from the ride of way of passing
3 boats to ferry safety specifications, to mandated
4 safety equipment and the establishment of no wait
5 zones but perhaps it's time to determine if a new
6 approach or new approaches are necessary to govern
7 what is rapidly becoming a very different harbor
8 than what existed when these rules were envisioned.
9 In the end we policy makers want to make sure that
10 all groups that make use of the waterfront have
11 their interest respected and protected.
12 Recreational boating is as fundamentally important
13 to the future of our waterfront as the ferries that
14 carry people across the rivers. The most expedient
15 way to realize change is to have recreational
16 communities, ferry operators, operators of merchant
17 vessels, and representatives from various levels of
18 government cooperate to educate the public on the
19 rules of practice and commit themselves to obeying
20 those rules. This hearing will consider practices
21 that allow everyone to coexist in order to protect
22 the safety of the boating public as well as
23 enhancing the potential for ferry companies of the
24 large boat users and recreational boaters to thrive
25

and grow. And with that I want to thank you again and welcome you to this hearing and I, I want to thank Kris Sartori who is my Committee Counsel and Patrick Mulvihill who is the policy analyst for helping with preparation for today's hearing. And with that we will swear... you can...

COMMITTEE COUNSEL SARTORI: Chris Satori committee counsel. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee today?

CHAIRPERSON ROSE: And so just before you testify I'd like to recognize that we've been joined by Council Member Deutsch and Council Member Garodnick and before you speak will you please identify yourself and what agency you're representing today, thank you. Can you speak into your mic, can you bring it closer, is it on?

JAMES WONG: Hello, there we go.

CHAIRPERSON ROSE: Better, thank you.

JAMES WONG: My name is James Wong; I'm a vice president for Ports and Transportation and a co-director of the Citywide Ferry Project at New York City Economic Development Cooperation. I'm joined by my colleague Felix Caballos, a senior

project manager in asset management and former active duty member of the U.S. Coast Guard and current reservist. My colleague Peter Flynt co-director of the Citywide Ferry Project is the vice president of asset management who unfortunately could not be here today but is a licensed marine engineer. My colleagues and I are here today to testify on our commitment to boater safety, to safety in the context of the citywide ferry service. On any given day in the harbor, harbor you'll see a variety of users sharing New York's waterways from recreational human powered boats and kayaks to small speedboats, ferries, water taxis, cruise ships, tugs and barges, and other cargo ships. 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 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 licensed merchant mariners. Coast Guard officials also draft recommendations for the transit of hazardous cargo

by ships 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 vessels 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. Citywide Ferry Service was announced in February 2015. Once fully implemented Citywide Ferry 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 in 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, 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 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 it's 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 a major presence in the New York Harbor for... has had a major presence in the harbor for almost a decade and currently operates the most ferry trips of any private operator in the harbor in New York City. The safety of the shared users of the waterway is our highest priority. In that regard we've incorporated several key safety protocols in the

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 and that EDC have the 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 by e-mail 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 member of... and members to the Harbor Operations Passenger Vessel Subcommittee where we regularly meet to discuss passenger vessel safety and operations in the harbor. Community engagement has been the centerpiece of our progress in 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 organized 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

1 outreach meetings with stakeholders from the
2 recreational boating community. On October 29th,
3 2015 prior to the announcement of the new Citywide
4 Ferry Service operator we met with the recreational
5 boating committee... community to discuss the plans
6 for Citywide Ferry Service and to obtain feedback
7 on proposed landing sites. More recently on
8 November 7th, 2016 Hornblower and EDC hosted a
9 meeting with the recreational boating community to
10 further that discussion of safety in the shared
11 harbor. To further our commitment to maintain a
12 working relationship with recreational boaters we
13 will continue to engage stakeholders by hosting
14 another meeting in spring of next year. In addition
15 to our participation in the harbor ops committee we
16 served as a sponsor and participant at, at the
17 shared harbor tour hosted by harbor operations
18 education subcommittee in April of this year. In
19 conclusion, NYCEDC is committed to the safety of
20 all who use and enjoy New York City's iconic
21 waterways. We are working diligently in
22 collaboration with elected officials and the
23 community's resolve to ensure that Citywide Ferry
24 Service provides a safe experience for passengers,
25

boaters, and everyone sharing the water. We look forward to continued engagement with the... with the committee on waterfronts on this important issue and I'm happy to take any questions following our testimony.

JOHN GARVEY: Good afternoon Chairwoman Rose and members of the Committee on Waterfronts. I'm Captain John Garvey; I'm the director of the Ferry Operations at the Staten Island Ferry Division for the New York City Department of Transportation as well as the co-chair of the Passenger Vessel Subcommittee of the Harbor Operations Committee in New York Harbor which is a non-governmental organization that coordinates cooperation between all 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 5200 passengers operate 24 hours a day, seven days a week between the Whitehall terminal at the Battery and the Saint George terminal on Staten Island making 119 crossings each day. The Staten Island Ferry is our nations largest passenger only ferry system

1 carrying over 23 million passengers each year. The
2 Staten Island Ferry operates pursuant to a
3 comprehensive safety management system modeled on
4 the international safety management code and
5 certified by the American Bureau of Shipping on
6 behalf of the U.S. Coast Guard. The Staten Island
7 Ferry has been recognized by the National
8 Transportation Safety Board, the U.S. Coast Guard,
9 and the Passenger Vessel Association as an industry
10 leader in maritime safety. In addition, our
11 terminals and ferries are subject to federally
12 mandated security zones which are frequently
13 enforced by U.S. Coast Guard vessels. I'll be happy
14 to answer any questions the committee may have
15 regarding our safety procedures and based on my
16 knowledge of New York Harbor in the area in which
17 we operate thank you.

19 NATE GROVE: Good afternoon Chair Rose
20 and members of the Committee on Waterfronts. My
21 name is Nate Grove and I'm the director of Citywide
22 Marine Operations for New York City parks. I'm
23 joined today by Matt Drury, the Director of
24 Government Relations at Parks as well. Thank you
25 for inviting us to testify on improving boater

safety in the cities waterways. I'd like to begin by providing some context about New York City parks in relation to boating and the city's waterfronts. New York City 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 vessel hoist 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 park land. These include Manhattan Community Boathouse, Inwood Canoe Club, Row New York, East River Crew, 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 excursion and rentals departing from city park land are facilitated by these third parties or are concession marine operators and are not managed directly by New York City parks. Parks Marine division and its expert dock master 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 throughout our New York Harbor and it's 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 power boat 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 dock masters conduct safety inspections of costumer vessels as well as dock and mooring field equipment and facilities annually at minimum. Parks Marine Division distributes no wake and safe boating advisories at the start of each boating season to our permitted boating costumers as well as to our concession marina operators located in each of the five boroughs for distribution to their costumers. In addition to a rules of the road document highlighting best on water practices Parks Marine Division also provides a kayak and boating safety information 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 this important information is also available for download via the parks website. On an important issue related to boating safety we'd also like to note that New York City 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 New York City 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 look forward to answering any questions you might have.

CHAIRPERSON ROSE: Thank you. thank you all for, for being here with the increased use of our, our waterways and, and for various purposes safety now becomes something that we need to focus on and... so I was wondering if there are any stats on the amount of traffic that we actually have or see in our waterways.

JAMES WONG: We... EDC does not have any statistics on that right now.

JOHN GARVEY: I believe the, the tonnage coming into the port would be the only real statistic that's kept, the number of vessels you could probably get that through Sandy Clark but only for commercial vessels that require pilotage not for anything else.

CHAIRPERSON ROSE: Okay.

NATE GROVE: And, and for New York City Parks we'll have a permit count of people docking their vessels at our marinas, it's entangent dockage, it's about 3,000 boaters annually, we also issue the kayak launch permit last year, we order... issued 476 permits.

CHAIRPERSON ROSE: Outside of parks how are safety rules and regulations distributed to the uses of the waterways, EDC?

JAMES WONG: I guess the... what I would say is through our commitments through Citywide Ferry and using our operator, we've required our operator to comply with all regulations that are provided by the U.S. Coast Guard and additional regulatory authorities. Specific regulation for that doesn't fall under EDC itself but we require that they in fact comply with all the regulations that apply.

CHAIRPERSON ROSE: Does all watercraft need to be registered or licensed?

JOHN GARVEY: All commercial craft needs to be registered or documented with the U.S. Coast Guard or with the foreign entity for larger ships coming into the port. A smaller craft would be registered generally with the state but there are limits at which the registrations require generally under eight feet for human powered I believe or, or with small motors does not have to be, I think its over... anything over eight feet I

think is what the state requirement is but I'm not positive.

NATE GROVE: Or hand built as well... or hand... there's an... there's an exclusion for hand built vessels as well, non-motorized.

CHAIRPERSON ROSE: So you'd say most recreational vehicles, smaller vehicles do not have to be licensed?

NATE GROVE: Most do.

CHAIRPERSON ROSE: Most do, okay. So, jet skis, kayaks, canoes... so...

JOHN GARVEY: ... you're mixing...

CHAIRPERSON ROSE: ...apples and oranges?

JOHN GARVEY: Yes.

CHAIRPERSON ROSE: Okay...

JOHN GARVEY: So motorboats...

CHAIRPERSON ROSE: ...help me out here...

JOHN GARVEY: ...motorboats, jet skis, most sail boats, anything that would carry more than one or two passengers would generally be registered documented but smaller craft; row boats, canoes, kayaks wouldn't necessarily be registered.

CHAIRPERSON ROSE: Alright and if they are not using one of the... now I'm talking about

human powered, the smaller vessels if they're not using a parks department launch site how do they get boat... boater safety, how do they get the advisories... the wake advisories and things of that nature?

NATE GROVE: So we... I mean we try and coordinate as best we can with all the operators out there ultimately we only have purview over those operating on park land. Thankfully there's, there's a lot of volume there in terms of our marina operators throughout the five boroughs, our partner groups but if it's a private operator, not on city park land we, we really don't have oversight over their distribution of information.

CHAIRPERSON ROSE: So the potential does exist for there to be people using out waterways that might not know the rules, the regulations or aware of the wake hazards are or something of that nature?

JOHN GARVEY: So the Coast Guard and the Coast Guard auxiliary conduct random safety checks of all the smaller vessels coming into and around our waters and part of the safety check would be to ensure that they have a copy of the

rules of the road on board the vessel which they're supposed to be familiar with.

CHAIRPERSON ROSE: Okay and I guess EDC regarding the investigating... the investigation regarding the ferry incident in August where the kayakers were struck by a New York waterway ferry is that investigation complete, have we been able to determine cause and were there any conclusions drawn on how to prevent such an incident?

JAMES WONG: So that incident did not involve EDC or, or the Citywide Ferry... the future Citywide Ferry Service but the incident is still under investigation so... we don't have a report to review to, to reflect on the disjuncture.

CHAIRPERSON ROSE: When EDC drew up the safety plan for the Citywide Ferry Services were there... was this incident, you know looked at, taken into consideration, were there any lessons learned, did it have any impact on the safety plan that Hornblower and EDC arrived at?

JAMES WONG: Your turn.

FELIX CABALLOS: So... the safety plan that Hornblower has 'cause that's...

CHAIRPERSON ROSE: Oh could you identify yourself please?

FELIX CABALLOS: Yes, Felix Caballos, Senior Project Manager at EDC.

CHAIRPERSON ROSE: Thank you.

FELIX CABALLOS: The, the safety plan that's being developed with Hornblower does take into account interactions with human powered crafts. This specific incident did, did not involve an EDC contracted ferry but it is... it is a... an, an, an incident that we will, will use to, to, to reflect you know boating safety for the future operator, Hornblower on a... the Citywide Ferry Service.

CHAIRPERSON ROSE: Or... I, I know that it wasn't an EDC contracted service but I, I wanted to know if in fact it was looked at and if... you know when you develop I hope that's practices..

FELIX CABALLOS: ...yes...

CHAIRPERSON ROSE: ...were...

FELIX CABALLOS: yes, so our, our contract has requirements for standard operating procedures which are, are, are planned essentially for different instances and occurrences one of

which includes interaction with other types of vessels including human power crafts.

JAMES WONG: Also worth noting that the safety plans are under development and will of course be acknowledging instances that happened and things like that. As we had mentioned earlier in our testimony are close involvement with harbor operations group really helps us as an organization understand a lot of the current and relevant information about what's going on. Again once that... once the incident investigation is completed and we're able to reflect on something concrete it will of course be acknowledged by our operators and us as we continue to develop, you know best practices for safety.

CHAIRPERSON ROSE: And who is conducting the investigation of the waterways ferry...

JAMES WONG: ...that's a...

CHAIRPERSON ROSE: ...incident...

JAMES WONG: ...Coast Guard investigation.

CHAIRPERSON ROSE: The Coast Guard.

JAMES WONG: Yes.

CHAIRPERSON ROSE: Okay, thank you.

We've been joined by Council Member Johnson. In the 2005... in 2005 the city established no wake zones within the Harlem River, has it been successful in preventing accidents, are there any changes that are being contemplated for that zone or in terms of establishing new ones and do we keep stats on no wake zone incidents or violations and if so you know do we know what they are?

JOHN GARVEY: Generally speaking the Hudson River, the East River, the Upper Bay of New York are all considered to be federal controlled navigational waters and as such any zones will be imposed by the Coast Guard but I do not believe that they have any intention to impose any no wake zones in any of those areas becomes impractical for the operation of some commercial vessels to comply with.

CHAIRPERSON ROSE: Are they... how are boaters made aware of the no wake zones?

JOHN GARVEY: No wake zones are generally posted in those areas where it's applicable.

NATE GROVE: I can elaborate...

CHAIRPERSON ROSE: ...okay...

NATE GROVE: I was part of that task force that assembled briefly to put that no wake zone in place so yeah, it was very specific to that narrow body around the Harlem River Spuyten Duyvil Creek down to the Washington Heights bridge and it was... it was a joint effort between... among several agencies; DOT, NYPD, and Harbor Parks to do a lot of posting as John mentioned of signage also a mailing of, of a safety advisory, no wake advisory that went out to all recreational boaters.

CHAIRPERSON ROSE: Okay and certain human powered boats like kayaks and row boats are exempted from provisions of state navigation law; you know why is that the case?

NATE GROVE: How... I'll, I'll...

CHAIRPERSON ROSE: ...they...

NATE GROVE: ...take a try at that Chair. I don't know if they're exempted per se, I'm going to try an answer it. I... what, what we find is, is a lot overlap so... whereas Coast Guard will regulate passenger carry vessels, they're not going to regulate the, the, the recreation human powered boating community. A lot of that falls under New

1 York state navigation law. So, there is... there,
2 there is certainly regulations that apply to all
3 boaters as a 25 yard safety security zone around
4 commercial birds so there's certain laws that
5 prevail over every boater but then Coast Guard
6 would really be more concerned with federal
7 channels and commercial transport.
8

9 CHAIRPERSON ROSE: Does the Parks
10 Department keep the numbers of recreational boaters
11 in, in the waterway or at... the number of permits
12 for, you know human powered boats?

13 NATE GROVE: sure, to extent we can
14 track all of our users at our... at our network of
15 marinas located throughout the five boroughs we do
16 on a permit count, on a tangent, tangent dockage
17 basis as well as through our permit office where we
18 issue kayak permits, kayak launch permits.

19 CHAIRPERSON ROSE: So do you see... is
20 there a trend that the numbers are increasing,
21 decreasing?

22 NATE GROVE: I've seen the recreational
23 boating count rebound from, from 2008, 2009
24 recession also Hurricane Sandy did some impact on
25 the boating community. It's, it's... maybe it had a

1
2 little bit of a downturn in terms of recreational
3 boating however human powered boating we've
4 definitely seen an increase in it over the past
5 decade.

6 CHAIRPERSON ROSE: Is it difficult to
7 get permits for marinas for... spots at marinas for
8 recreational boaters?

9 NATE GROVE: It depends on the
10 location. There... some, some sites will be
11 oversubscribed, others will have capacity, it
12 really depends on, on where in the city it's
13 located.

14 CHAIRPERSON ROSE: So in light of the
15 accident that happened with the waterways ferry
16 would you have any suggestions about how something
17 like that could have been prevented? I guess in
18 light of the fact that we don't know what caused it
19 is, is a problem so...

20 JOHN GARVEY: ...yes.

21 CHAIRPERSON ROSE: Okay. Alright, so I
22 guess I strike my own question, alright. is there
23 something that you would recommend that could
24 further ensure the safety of recreational boaters,
25 human powered boaters in a harbor that's very busy

1 and, and actually they are frighteningly large
2 container ships that are, you know out there, is
3 there... I was on a... on a, a private pleasure, you
4 know motor powered boat and it was really
5 frightening to me, you know the wake of, of some of
6 the bigger vessels that we weren't close to so is
7 there anything that, you know we should look at
8 because I, I do anticipate us, you know revisiting
9 the safety regulations, is there something that we
10 should look at in terms of protecting the smaller
11 craft?
12

13 JAMES WONG: I would say one of the
14 things that I think is perhaps institutionally most
15 important is what I was talking about earlier which
16 is our ongoing involvement with the Harbor
17 Operations Committee that is really a, a terrific
18 forum for people of all the users of the waterway
19 particularly in New York Harbor to be having that
20 kind of discussion at a forum where the U.S. Coast
21 Guard is both president and helping to understand
22 exactly what the competing interests are within the
23 harbor. Having signed in on many of those meetings
24 myself and with other colleagues within, within EDC
25 and joined also by other folks here that really

engaging in that forum is really the best place to make sure that those voices are heard. We've heard many times from recreational boaters and people who are using the waterway with human powered vessels coming and talking at a passenger vessel subcommittee meeting and places like that so I think that in general the, the best way to... for us to improve safety is to keep having those kinds of conversations in a forum where we know that the, the Coast Guard which is the ultimate regulatory authority is able to hear and observe those, those, those interactions.

JOHN GARVEY: And Harbor Ops has several subcommittees one of which the Passenger Vessel Subcommittee which I co-chair but another one is also the education subcommittee which also produced in 2012 a, a video, it's a 28 minute long video called the Mariners Guide to the Port of New York and New Jersey and that breaks it down into five different areas for smaller vessels dealing with very large container ships, dealing with sail boats, dealing with human powered craft, other motor boats, it's very informative and if the council could find some way to help spread that's

1
2 use that might be helpful in educating the
3 population.

4 CHAIRPERSON ROSE: I think that's
5 something that we can... we certainly can consider
6 through this committee. Is there any way to
7 guarantee that there's not anyone on our waterways
8 operating a vessel be it human powered or other
9 that is not informed about water safety? There's
10 like no one entry point of regulatory requirement
11 that could ensure that everyone that, that you
12 can't be on the waterway without, you know having
13 done, you know safety instruction, is it, is it far
14 fetched to think about, you know registering the
15 users of... you know all users of, of the waterways
16 because I'm, I'm really concerned that there...
17 although there are safety plans in place that there
18 are people out on the waterways that still are not
19 conversant or informed of water safety and some of
20 the regulations?

21 JOHN GARVEY: When it comes to powered
22 vessels I would say that most people are informed
23 and state laws enacted...

24 CHAIRPERSON ROSE: ...because...

25 JOHN GARVEY: ...a few years...

CHAIRPERSON ROSE: ...they have to be...

JOHN GARVEY: ...back...

CHAIRPERSON ROSE: ...registered, right,
they have to have...

JOHN GARVEY: ...they, they phased in a
program where...

CHAIRPERSON ROSE: ...registration...

JOHN GARVEY: ...it's being required. New
Jersey requires it of all, New York is phasing it
in and... but that really applies only to powered
boats, it doesn't necessarily apply to human power
craft or non-motorized sail boats.

CHAIRPERSON ROSE: And... oh I'm sorry,
go ahead.

JAMES WONG: Sorry, I was just going to
add... and just from personal experience working with
the various non profit organizations around the
city like the, the various boathouses, I find that
they have a really strong commitment to education
and safety. It's very clear from every interaction
we've had with them that that is of paramount
importance and that... in fact it is a little
daunting to go into the water, into the East River
if you've never done it and so you want to go with

one of these organizations. I tend to think that these organizations are covering most of their regular entry points into the water and they have a lot of commitment to it and so it's been very impressive to see their, their desire to educate individuals about how to operate on the waterways. So, I think that we are... we do have the benefit of a lot of very interested parties in trying to spread that word which would do probably a lot of good compared to trying to do any sort of regulatory item I think in that... but I don't know if Nate has any additional...

NATE GROVE: I'll add to that... basically to echo not as eloquently as, as James just did and, and John but I've seen it in, in, in our time at parks operating marinas the law that John referred to is a 2014 New York State lawmakers enacted a boaters education law for anyone born after May 1996 to take an hour... eight hour New York State approved boating course to get your vessel registered and you're supposed to have that on your person when you're on your vessel. So, it's getting out there and we're I think trailing New Jersey a little on that but, but we're, we're doing it and

1 then as James pointed out... I've been... I've been
2 very heartened by the number of groups who've
3 awakened to our waterfronts sounding trite at this..
4 at this point but it's true, it keeps every year,
5 you see more and more interest of people getting
6 out there as, as they see the waters getting
7 cleaner and more people recreating and with that
8 you're seeing responsible parties filter a lot of
9 that traffic and, and really serving as partners in
10 getting that information out there. So again, just
11 to really echo that I think we are making progress
12 at a... as a city as we have to we're all cognizant
13 of the increased use both for commercial and
14 recreational use.

16 CHAIRPERSON ROSE: Is it easy to launch
17 a human powered vessel from sort of an informal
18 site?

19 NATE GROVE: Absolutely...

20 CHAIRPERSON ROSE: Yeah, it is. So... so
21 there are... there's a number of people we could
22 miss, right?

23 NATE GROVE: People that... yeah, we
24 don't, we don't own, own every stretch of
25 waterfront so yeah, there's, there's certainly

people who can buy their own human powered craft and launch it from their own, own property.

CHAIRPERSON ROSE: And director Garvey on the larger vessels they are supposed to have someone or the captain or navigational equipment that particularly focuses on the immediate area where the boat is... oh I'm... I, I know where I'm trying to go with this, the... on the waterways ferry incident one of the issues were visibility, you know the kayakers are low and it's, it's hard to see them so on these larger vessels is there some way or someone who's primary focus is to make sure that the headway, whatever, the area in front of the vessel is clear of these smaller vessels?

JAMES GARVEY: The rules of the road which Staten Island Ferry and all operators abide by clearly requires that you must have an... a lookout...

CHAIRPERSON ROSE: ...a lookout...

JAMES GARVEY: ...present...

CHAIRPERSON ROSE: ...right...

JAMES GARVEY: ...at all times and have no other duties.

CHAIRPERSON ROSE: All vessels or just the ferry?

JAMES GARVEY: Any commercial vessel.

CHAIRPERSON ROSE: Any commercial vessel, okay. That's a very important point, thank you I didn't articulately ask that question but the answer's very important to me. We've been joined by Council Member Borelli, do you...

JOHN GARVEY: ...who missed his ferry...

CHAIRPERSON ROSE: ...have any questions? Do you have any questions, okay. okay, anything... I, I want to thank you. I just want to say to EDC with your ferry plan I noticed we were up to 2018 and there was still no mention of Staten Island's ferry in here. That's another conversation for another day but I just want the record to reflect that it is a concern in the ferry... the waterfront committee hearing on ferries, okay.

JAMES WONG: Thank you...

CHAIRPERSON ROSE: ...and I want to thank you all for, for coming.

JAMES WONG: Thank you.

CHAIRPERSON ROSE: Thank you. If anyone would like to testify could you please make

1
2 sure you fill out a slip. Okay, I just... and so our
3 next panel will be... we will have Roland Lewis from
4 the Waterfront Alliance and Rob Buchanan from the
5 New York City Water Trail Association. Whenever
6 you're ready you can identify yourself and begin.

7 ROB BUCHANAN: Hello and thank you for
8 inviting me to testify today. I, I think this is
9 the fifth time I've been here to talk to the
10 Waterfronts Committee and... going back to 2010.
11 Thank you Chris for sending the transcript from
12 that 2010 meeting which I won't read but a lot of
13 the same points I'd like to make today. So, my
14 name's Rob Buchanan I'm here representing the New
15 York City Water Trail Association and we are a
16 group that... a kind of umbrella group that aims to
17 represent the common interest of all of the human
18 powered boathouses and boaters in, in the harbor.
19 It's a hard number to quantify but I, I, I think
20 we're looking at more than 20 such groups and many,
21 many independent boaters as well so we feel that we
22 have a list serve with 300 members we feel we have
23 a pretty wide reach when it comes to communicating
24 with and on behalf of human powered boaters. So,
25 our mission is first of all to promote the safe use

of the water trail which was created by the parks department in 2008, that's important, the city created that trail and, and our mission is to promote the safe use of it. We would like to expand the network of launches and of boathouses and of boat storage facilities, that's another point in our mission. And... we're also very interested in the... in the environmental stewardship of the harbor and, and of the ester way. So, safety, access, stewardship those are really the reasons that, that we exist and that's what we're trying to do. So, before getting to the question of this, this accident in August and, and what the city council should do about it if anything I wanted to run through some of the stuff that our group has tried to do since we started in 2008 as the support group and the advocacy group for the water trail. So on... just in terms of safety. We set about making a map which is a very... and this is just... I think this is one of the very early ones but it's just a, a thing that we can hold up and, and show to people to demonstrate where in the harbor there are quote unquote legal launch points and to suggest the idea that this is a network and that was a big... a big

undertaking in partnership with going coastal and other partners to make that happen. We built a very strong website with a lot of safety information on it which is an ongoing resource; I think it's one of the better websites out there in terms of collecting information. We created a tide wheel which helps mariners figure out what the tide is doing not obvious in this harbor. The tide behaves differently in the East River and the Hudson and there's a lag between high tide and when the current actually reverses and so we think that's really an important safety innovation that we made. It's very useful especially for people who have to work with the tide when they navigate as human powered boaters do. We created a map which exists in poster but this is just sort of a small version but... called the shared waters map which shows where ferry terminals are, where our human powered boathouses are, where sailing schools are and it, it, it may be more effective as a poster in kind of a visual... it gives you a quick understanding of how many points there are and how close some of those points are together and the potential for conflict. We've created a water testing program one of the

1 biggest citizen science programs in the harbor so
2 that people have a real understanding of what... and
3 this is a kind of safety we haven't talked about
4 today but how safe is the water if you're in a
5 human powered boat you're often exposed to it so
6 when, when and where is it safe to get in the
7 water, how can you minimize your exposure to sewage
8 contamination is the point of that project and
9 that's, that's been a really big undertaking. We
10 regularly attend all the meetings that have been
11 already noted; Harbor Ops, the, the main Harbor Ops
12 meetings which are four times a year and... or more,
13 maybe six and then all the subcommittee meetings
14 that relate to us passengers vessel is the big one,
15 that's where the ferry issues are discussed and
16 education is the other big one and we're, we're
17 regular partners in that. With the education
18 committee we've created Captains and Paddlers day
19 and last year we did a shared harbor tour on board
20 a waterway ferry with a, a lot of stakeholders on
21 board and some really good discussions back and
22 forth on friction points. We did this tour around
23 the Battery and up the East River to really
24 understand some of the high traffic zones and what
25

1 the potential for, for conflict there is. And now
2 my computers covered up my notes here. Generally
3 one boathouse or another will sponsor a safety
4 meeting every year, usually towards the end of
5 winter before the spring boating season begins
6 again and that's been very a very useful thing to
7 have. Boathouses get together and exchange their
8 safety protocols, this is how we handle cold water,
9 this is what we do when the... when we're trying to
10 communicate, this is the channel we use on a radio;
11 that, that kind of thing. That generally happens
12 once a year, different boathouses host that,
13 different groups. So, that's an important thing
14 that we're doing. What else, I would say another
15 safety initiative that we're, we're pursuing right
16 now is to reopen the water behind Ellis Island,
17 it's currently part of a security zone and you
18 can't transit under that temporary bridge there
19 that connects to New Jersey. We'd like to see that
20 change and the Coast Guard has finally opened a, a
21 rule making process which is now open for public
22 comments and we think it will enhance harbor safety
23 in that it will allow small boats a, a passage
24 behind the island and allow them to stay out of the
25

main channel and the boats backing up from Ellis Island in particular. So, I think that could be a big... a big step forward. So... we think overall that... you know considering the growth of both ferries and recreational boating that we really have a very good safety record in, in the harbor and I guess that this August incident is the exception that proves the rule. It was a really shocking thing and I know that we can't... we're not supposed to talk about it because the Coast Guard has not released their findings and... which is frustrating because I think it would be healthy to have an exchange about what happened or even what might have happened and how it could be prevented. So, I, I, I do have some thoughts on that, I won't go into them at, at great length but I want to say two things... I, I think... what I want to say really today is that from our perspective that a couple of things are being proposed that I think would, would maybe not be great ideas and one is the idea of boater certification. Making all human powered boaters pass some kind of test to obtain a certificate for safe boating. Many human powered boaters do have a lot of training and do have a variety of

certificates, I have the New York State safe boating certificate but I have to say the... it... when I took that, watched the power point and took the multiple choice test it had virtually nothing to do with the reality of navigating a small boat in New York Harbor, I mean none of the questions are about that and none of the expertise that's required is, is part of that test. So... and I also think it would be very hard to devise a test that would be able to test a wide spectrum of people and, and then by issuing you a passing grade certify you as, as able to, to navigate. I think a much better system is the one that we have in place which is that almost everybody that I'm aware of passes through a group, an organized group that had some kind of internal training process and then is not certify until they have an adequate amount of experience to be certified and that just goes boathouse by boathouse. There are also independent boaters who have taught themselves or have... you know are old and have a lot of experience and those people... I'm satisfied with what I see in the harbor in terms of expertise and I have not seen... very rarely seen the kind of dad on the air mattress floating down the

1 East River thing, that just doesn't happen. There
2 is a certain amount of practical common sense in
3 people that, that prevents them from doing that.
4 So, I don't think certification is, is, is a great
5 idea and I also am not sure about new regulations.
6 I hear a lot of... I think there is a lot of... because
7 human powered boaters aren't regulated let's create
8 some regulations for them to, to make this
9 situation better but I think the regulations we
10 have if they're enforced properly will suffice and
11 so I just want to go back to that incident. I'm not
12 saying what happened but I'm saying that I... in the
13 rules of the road that John mentioned it says very
14 clearly, I mean maybe the two most fundamental
15 rules are proper lookout and safe speed. I don't
16 know what happened on that day but I have to
17 believe there had been a proper lookout, a second
18 pair of eyes on that boat and if there had been, if
19 it was a glare situation which is what's been
20 reported that you just can't proceed into a full
21 glare if you don't know what's in front of you,
22 that's not safe at least not at any kind of speed.
23 So I have to believe that those things were
24 contributing factors and we'll have to wait to see
25

1 what the Coast Guard really says but ultimately the
2 rules... the rules of the road are actually very
3 thorough and if they are properly followed I think
4 they will suffice. That's my own thing, my own
5 conclusion on this. One, one other thing there has..
6 in, in Chicago and I, I, I, i... I'm sure you've seen
7 this, there's a Chicago Harbor Safety Committee and
8 they issued a, a set of rules for the Chicago River
9 which is a very different place than the Hudson and
10 the East River, it's only 200 feet wide in, in some
11 places and there's a lot of rental business on that
12 river and that's... that is a different situation
13 here in the most... in the busiest parts of our
14 harbor we don't, we don't have concessions that are
15 renting boats to people, renting kayaks or, or
16 canoes, there are guides, professional guides who
17 will take you out and that was the situation in, in
18 August but there aren't... you can't go down and rent
19 a kayak at the Battery and paddling around which is
20 good. I, I don't think we want that. So you know
21 what, what is it... what... I mean how do we really
22 address this and I think the key is, is that we
23 have... we have rules, we have to follow them and we
24 need to just all to be clear on what our operating
25

1 procedures are and I think that means transparency,
2 boathouses publishing their safety protocols, ferry
3 operators being transparent about what their
4 operating procedures are and we've had really good
5 meetings with EDC and Hornblower about their
6 operating procedures, we haven't seen them yet but
7 we will I think see, see the jist of them, that's
8 the, the commitment before the service launches and
9 that'll be a very important thing, I think that's a
10 big step that they've agreed to share the substance
11 of their operating procedures. You know the big
12 things for us are proper lookout so having another
13 pair of eyes on the boat that's looking when... and
14 these are front... these are bow loader ferries so
15 they back out so that's a big blind spot and you
16 have to address that and they've, they've committed
17 to addressing that with a separate person looking
18 and audible signals is another big thing, they have
19 to sound their horn, I think that's going to happen
20 in a reliable way in a way that doesn't quite yet
21 happen on, on a lot of ferry lines. So I'm, I'm
22 satisfied that we're moving in the right direction
23 and that good people are, are taking this seriously
24 and that, that we can live together. I would just
25

conclude by saying what can the city council do, city... the city has given upwards of 150 million dollars in subsidies to the ferry lines might consider throwing a little bit of money towards the support of human powered boating and educating human powered boaters just a little bit will go a long way. One example Parks Department has a... they, they need some help in just updating the water trail map which hasn't been... which hasn't happened for a couple of years, they could really use some funding for that. That's not much money, that'd be a really small outlay for the city but I think it would pay, pay off there... and there, there are many other examples the, the Harbor Ops education committee could use some funding, that'd be a small... another small outlay that I think would pay off a lot. Second thing, insist that ferry operators not just Hornblower but everybody commit to clear operating procedures that, that are based on best practices and maybe, maybe those EDC Hornblower best... operating procedures are the best practices but just push for all the other operators to do the same thing and, and then the third thing,

there's this thing called the waterfront management advisory board which is...

[off mic]

ROB BUCHANAN: Well I know... I know that the mayor's office and you have to collaborate on who's going to be on that committee I just think any kind of committee that discusses waterfront matters or waterfront safety should include a representative of the human powered boating community as a permanent member. Thank you.

ROLAND LEWIS: Okay, hi Debbie, Chairman Rose. Roland Lewis from the Waterfront Alliance civic organization dedicated to transport and revitalizing New York Harbor over 950 different civic organizations and businesses are part of our alliance and we have the unique position of course having the human powered boater community as a strong alliance partners and... as well as commercial shipping, the ferry operators all under that larger umbrella and... i... you know it won't repeat out... I do want to mention that you have sort of a, a who's, who's of maritime experts in front of... in front of you right in this audience. I see Captain Andrew McGovern from the Sandyhook Pilots, the, the dean

of all of us that, that think about the, the waterfront and, and many others that in... of... hopefully being hearing from in a short period of time but again with... at the risk of just repeating at which you've heard already in the first panel and what many... Rob said it... this, this incident that happened in August is the exception that proves the rule. It... you know it, it shows that in the busiest commercial and recreational harbor... used harbor in, in, in the United States perhaps the world that the, the amount of safety and knowledge out there is, is remarkable. We... I have attended Harbor Ops committees we, we were privileged to put together the Captains and paddlers safety program last spring Maggie... Captain Maggie Flanagan of my staff was key in working with a committee to get that together and it was a, a day long tour around the harbor with dozens and dozens of voices from both... from, from human powered community from the pilots, from commercial users, from ferry captains talking about how they can make things better, imagine a bunch of bikers, truckers and taxi drivers getting around and running around in the city and that's the thing you

1 have to I think compare us to... you... as awful as
2 that accident was and we will hear the, the Coast
3 Guard report but, but imagine if there was that
4 kind of diligence of, of every traffic accident
5 there... as I'm sure in your district and, and all
6 around the city they happen all the time, a biker
7 and god, god knows what I see on the... on the road
8 day, day in day out. Imagine if there was that...
9 diligence of examining what happened, why it
10 happened, what can be done so it doesn't happen
11 again, that's... that is remarkable so I, I do think
12 the Harbor Ops, Coast Guard, NYPD, everybody that's
13 out there and particularly the Captains, the, the,
14 the, the commercial operators out there and also
15 particularly the, the members of Sebago Canoe Club,
16 the... you know these, these folks are serious about
17 safety, are very... you know and, and, and the track
18 record really bears it out, they, they operate in a
19 very diligent manner with, with most... like a, they
20 can, they can... I guess the dad on... what was it
21 again?

22
23 ROB BUCHANAN: Air mattress...

24 ROLAND LEWIS: Air mattress, don't want
25 to see it... and there, there, there's knuckleheads

1 all... in, in any, any walk of life and I'm sure
2 there will... there are out in the waters and... look I
3 got another... I'm looking at those... you, you guys
4 jet skiers at the... but there's... you know I think
5 generally the ethos on that waterfront and in, in
6 the harbor is, is professional and, and remarkably
7 safe. So, in... that doesn't mean it can't be
8 improved, I think greater enforcement of, of the
9 rules of the road particularly wake issues for all
10 sorts of users out there need, need to be there's
11 some low wake and, and no wake zones that are
12 sometimes... too often ignored by some... particularly
13 you know recreational pleasure boaters and other
14 folks so that's... I think an, an important aspect
15 and then the... you know the, the... I think the role
16 of the NYPD, I mean I, I think they do a good..
17 great job but perhaps in... their role... particular
18 role in, in, in enforcement as it could be... could
19 be increased, it's something that the, the city
20 council can look into and as a... and I think Rob's
21 closing note about the waterfront management
22 advisory board, I know it's a... it's been a long
23 time coming but if you... we, we need an
24 institutional voice to weigh in on these issues on
25

a... you know on, on a regular basis and the city doesn't have that... anything from a... from a governing standpoint. So, having that reinvigorate as I know you've been pushing very, very hard to do and, and get the folks put on it and, and I can see a couple of I guess former members on the... in the, in the audience right now who would love to serve once again. So, that... I think are, are the, the, the reforms that we would... we would look for and again this goes toward the... you know the, the, the wake issue when, when you know we're, we're thrilled about the Citywide Ferry Service, it's a huge... I think it's a game changer also more traffic and more awareness of safety allowing those vessels to go a little slower, you know this is a... this is toward the city, the operator will try and perform per the, the city's requirements but allowing a little more slack, a little more headway will probably allow for more safe and lower wakes and more, more safety on, on the waterways as we go forward with the, the, the new and expanded ferry service. So in conclusion less wakes, more, more from management advisory board and thank you for having this hearing and again I look forward to

hearing from some of my colleagues and experts that are going to come before you in a little while.

CHAIRPERSON ROSE: Thank you. Thank you and I really want you to know we are really pushing for the waterfront management advisory board to be reconstituted and, and get up and running. We've made recommendations and we call them quite frequently so if you want to join our voices you can... you can start harassing them too, no...

ROLAND LEWIS: Tell me who to harass and I'll... happy to do it...

CHAIRPERSON ROSE: Thank you...

ROLAND LEWIS: That... that's what we do best.

CHAIRPERSON ROSE: Thank you. And about your point about not more regulation or rules, you... I, I understand you know it's like in New York City everyone is just overly regulated and I, I think every time we make a new rule or law you know that people are just going to tear their hair out and run screaming you know away from, from the city so... and, and... so how do we ensure that people are safe, you know it seems as if you're both saying that this accident was an anomaly and that there's not

really much more that we should consider in terms of safety...

ROLAND LEWIS: Well we... the, the... what I think Nate Grove mentioned toward the end about the certification for... and mandatory education for boaters for, for pleasure craft I think is important you know I, I, I tend to agree just because of the personal familiarity I have with the boat clubs and the way they're run, there's been a, a true... truly a culture of safety and they're, they're... you know top down... you know they're... you have to sign the waivers, you, you have to get instruction, you're usually in a pod of people as folks were in the... in the... in the accident so I don't... you know listen if there, if there was regiment of some... as you know the... if Rob... if it was truly a regimen of locally specific effective simple safety certification I'd be very interested in hearing about it and thinking about it but I think what Rob described before is what you might get a, a meaningless piece of paper that probably doesn't help the, the, the larger. So, strengthening the boat clubs and maybe, maybe on an institutional basis the... certifying the boat clubs

1 in some fashion would... I'm just thinking out loud
2 right now with you Chairman but that, that might be
3 something you might... we, we might want to consider
4 but I think you have a mechanism through these
5 volunteers to the Harbor Ops Committee, through the
6 boat clubs that already exist and if we're talking
7 about human powered boating I think you can do a
8 lot with... New York City can do about, they were... we
9 were way behind before in terms of education about
10 recreational boat... anybody... anyone of us can buy a
11 boat and go out there and you know have a good time
12 a few years ago now it's starting to change in New
13 York State. Again, there's others who probably can
14 speak to that more, more specifically later on in
15 the hearing but I think that's... so that's my
16 opinion about it.

17
18 ROB BUCHANAN: Right, so... you know
19 there was a, a city effort led by the Department of
20 Environmental Protection to create... and they did
21 create a document called best practices for human
22 powered boating and that's a pretty valuable
23 document, we participate in it and I think that's
24 the way it has to go not so much regulating
25 boathouses as encouraging this sort of promulgation

of best practices that... and you either share them
or if you don't share them then...

CHAIRPERSON ROSE: ...but how do... how do
you get that to the individuals?

ROB BUCHANAN: I... I mean you have to...
if we... the approach is through the boathouses,
that's really where the, the vast majority of
boaters are and even the independent boaters who
don't... who aren't based in those boathouses are
connected through our list serve or other list
serves are... they just are connected because it's
not that big of a world and, and so I think, I
think the message has gotten in... out and we just
need to continue to get it out that way...

UNIDENTIFIED MALE: Let's build that
strength is what... the Water Trail Association and...
is a, is a, a grouping of these, of these amazing
institutions that the boathouses have matured and
I, I think you... working through the boathouses and
those clubs we have our city of water day event and
we require anybody that wants to participate in
that as a human power boater can go through the
boathouses so that you have... you have these two...
these two sets of infrastructure, one you know sort

1 of concentric circles, the, the Water Trail
2 Association and all the boathouses and also Harbor
3 Ops Committee that kind of govern lead that our...
4 you know that need to be buttressed you know
5 whether it through funding or just, just
6 recognition to, to, to work between increased
7 boater safety, that's what... that the, the, the... you
8 know not, not, not proposing regulating boathouses
9 but, but you know I do think that's what building
10 of that... those strengths that, that are out there
11 already and it's working very well.

13 CHAIRPERSON ROSE: Okay, I, I, I hear
14 you guys, I hear you loud and clear but I, I, I'm,
15 I'm still concerned, if, if that had to register
16 let's just say register their vehicle, right and
17 the guide that you feel is, you know so important
18 and that was part of the registration, you register
19 and you get the guide, I'm, I'm, I'm just not sure
20 that there's, there's any point where people have
21 to get this information if they don't opt to go
22 through one of the wonderful groups that, you know
23 we have.

24 ROLAND LEWIS: Most of the people...
25 they're very... I mean there, there are a fair

number... you know a small minority actually,
actually own their own their own kayak, there... you,
you, you put it together, you go through a club,
you, you use... often use the, the club's kayak so
it's, it's, it's not like you know we're... you're
buying...

CHAIRPERSON ROSE: ...okay...

ROLAND LEWIS: ...you know so... it's... I'm
not sure you're...

CHAIRPERSON ROSE: ...okay, I'm not going
to beat the...

ROLAND LEWIS: ...yeah...

CHAIRPERSON ROSE: ...steadholder... okay...

ROLAND LEWIS: ...so you...

CHAIRPERSON ROSE: ...alright...

ROB BUCHANAN: one... one thing that you
asked about that would be good to pursue is
statistics, numbers and we really don't have... I
mean frankly we don't have a great grip on the
absolute numbers of people who are out there in, in
small human power boats. That would be a good step
forward and then I think we'd be in a stronger
position to say oh there is this whatever size this

group of unregulated or independent boaters and,
and, and is there a connection between...

CHAIRPERSON ROSE: ...and then come
back...

ROB BUCHANAN: ...that and incidents and
if we...

CHAIRPERSON ROSE: ...and look at it...

ROB BUCHANAN: ...I think we'd be in a
better position to saying we need to address this
but I don't see that personally right now but that
is antidotal but I don't see it myself.

ROLAND LEWIS: But I do think there is...

CHAIRPERSON ROSE: ...and I have...

ROLAND LEWIS: ...water for management
advisory board actually... not being that different
but it would be a great group to come together
again with human, human powered commercial other
folks talk about this and come up with ideas that
are common sense goal and that... doesn't have to be
law or regulation but has... might, might be some
interesting ideas that would come out of that this
hearing is fostering right now.

CHAIRPERSON ROSE: And a procedural question, the commercial boats that are supposed to have the lookout NYPD enforces that or Coast Guard?

ROLAND LEWIS: I think... I believe, I believe the Coast Guard, I'm getting a nod from my...

CHAIRPERSON ROSE: ...Coast Guard...

ROLAND LEWIS: ...Coast guard, yes.

CHAIRPERSON ROSE: Okay, alright. Okay, thank you.

ROLAND LEWIS: Alright, thank you...

CHAIRPERSON ROSE: Thank you both, thank you. And our next panel is Edward Kelly from the Maritime Association of the Port of New York and New Jersey and Granay Bryhill Call [phonetic] Beerhall [phonetic]

[background comments]

CHAIRPERSON ROSE: Graeme? Birhall? I'm sorry. Graeme. Okay. Now that I've butchered your name you can identify yourself and you can decide who will testify first.

EDWARD KELLY: Looks like I'm first. Good afternoon Chairman Rose, committee members, ladies and gentlemen. My name is Edward J. Kelly I'm the executive director of the Maritime

Association of the Port of New York and New Jersey. Since 1873 we've been representing the interest of the commercial maritime industry here in the Port of New York and New Jersey. Our mission is that we are relevant to the safety of navigation, the security of maritime assets, the sustainability of the marine environment, and the cost effectiveness of our port. Just to, to kind of frame this a little bit in the year 2015 there were 4,298 deep draft vessel arrivals that's 300 tons or greater requiring a pilot. Since we're not aware of any of them sinking we're presuming they all left that means there were 8,600 deep draft vessels, those are the large ships that transit the harbor. Coast Guard vessel traffic services says there's over 440,000 vessel transits in our harbor every year. Just a couple weeks ago we did... we were subject to the port and waterway safety assessment unsurprisingly what we did find is that our waterway and harbor is highly congested, there's a high degree of mixed use and it is particularly dangerous when compared to other ports because of currents, cross traffic pertaining to our estuarine environment with varying currents, tidal effects,

etcetera. I might also add that the Maritime Association of Port of New York is the parent organization sponsor of the Harbor Safety Navigation and Operations Committee that has been eluded to several times and the various subcommittees including the Passenger Vessel Subcommittee and our education subcommittee. There are several other subcommittees as well. What this says to me is that there must be room for everybody in this harbor whether that's large international commercial vessels, it's tugs and barges, it's ferries, it's motor operators, it's sail regattas, it certainly includes human powered craft, and where the water is safe enough god bless them if they want to but the swimmers. So I think there's room for everybody. We must realize that when we talk about the rules of the road we're not just saying customary or things to think about, this is law, there are international rules of the road that are in effect universally throughout the world, there are inland rules of the road specifically relegating to the United States waterways and inland conditions. This is very similar to road rules; the only difference between our highway and

road system and our waterways is that our waterways are wet. You would never allow an inexperienced person that didn't know what a double yellow line meant, what a stop sign meant, how to yield to traffic, how to operate the car and demonstrate, they know how to turn on the lights, when to signal, what a yield sign means, inconceivable yet we're sitting here today in my consideration in the deplorable condition that the state of New York has virtually no requirements to prove that the vessels themselves in many cases were the operators because boats don't kill people, people kill people. We want licensing from the commercial side, every commercial crewmember is licensed and certified by the U.S. Coast Guard that says they're safe, they don't have drug violations, they are competent, they know their jobs, and they understand what they're responsible for. We don't have such thing, New York State is one of the worst as far as any state that has a waterfront area whether it's coastal or as an example in the Great Lakes. Everyone up here is applauding that New York State has finally said after kicking, screaming, and dragging them into court and many, many deaths that

1 we now have something that says if you're under 20
2 years old you and you're operating a motorized
3 craft you have to take a boater certification,
4 would you let those same people get in a car and
5 drive on your parkways, why can't we have the same
6 requirements for the waterways. The fact that the
7 waterways are getting increased usage, that the
8 increased usage is predominately recreational in
9 nature and or ferries dealing with people tells me
10 that we need the safety that's involved in proper
11 licensing. Why shouldn't a human powered operator
12 be able to pass a, a test, you get your drivers
13 license, you pass a written test that says you
14 understand what the signs mean, you understand who
15 passes, who turns first, who has the right of way
16 that's the rules of the road for the waterways, you
17 should take a written test. The other piece of this
18 is you have to take a road test to get your license
19 in this state. You have to actually demonstrate a
20 capacity to be able to do the things that the rules
21 talk about. We've heard about tides, no one
22 mentioned surge which is a little more delicate but
23 it has a much bigger impact than wakes and what
24 about security, do the operators in this port have
25

an obligation to understand security zones. No one in this room is surprised that if somebody tries climbing over the fence to get to the White House they're going to have a very close and personal encounter with a guy with a gun. Why are they surprised that you can't go to the Statue of Liberty or that there's a security zone around the lower Battery. There are many, many, many and probably the vast majority of recreational users who are responsible, who opt not to kill their friends and family or other people and who do join a boathouse and maybe get the tutelage from someone that does understand this harbor and how boats respond in these conditions and what is a safe boat and oh my gosh I had no idea I couldn't see from this height or whatever, most people are responsible. If we assume that most people are responsible and might talk to an older brother or a neighbor or a guy down the block why do we require automobile licenses, it's because we want to ensure that everybody using the shared public assets are as safe as possible. We don't rely on an add hock, maybe we do, maybe we don't type of a situation to learn how to behave responsibly. That scares the

1 hell out of me if I'm on the waterway, I don't know
2 about you, I don't want to be driving on a parkway
3 with somebody that may never have done it before or
4 has no clue as to how his car is actually operating
5 or what those lights or what the signs mean. We
6 very much are in favor of and we've testified, I've
7 been in Albany testifying. Sandy Gallop, the
8 Assemblywoman in upstate New York tried to push
9 this, if you're born after 1996 that means you're
10 20 years old now. What about everybody that's 21
11 until they die can go out in a boat, in a motorboat
12 with nothing, they can go buy a boat, it'll get put
13 in the water, they'll hand them the keys and say
14 have a nice day. You can't do that with an
15 automobile why should you be able to do that with a
16 boat and why do we only limit it to motorized
17 craft. Sailboats, nobody's ever been hurt on a
18 sailboat, sailboats never caused a problem, we're
19 not going to talk about it because the NTSB not the
20 Coast Guard is handling this case right now but
21 should we not talk about people getting hurt in
22 human powered craft. Anybody and I will say whether
23 it's New York waterway, what if it's our container
24 ships, if it's one of John's ferries, anybody that

violates the law either does the wrong thing or is negligent and does not do what they're supposed to do deserves the consequence, they should be arrested, prosecuted, and pay the penalty for what they do whether that's on land or on water. I fail to see the difference why the waterways is the Wild West but our roadways require driver education classes, written tests, road tests, and credentialing with restrictions of vision and other things. There's no reason why DMV could not also have a write... or write onto you thing much the same as a CDL verification or the fact that you have to wear glasses if you drive, they could put that on there and tell you the type of vessel that you could operate within state waters. Again, recreationally every commercial crewman is licensed by the U.S. Coast Guard, if they're operating with people that are not properly licensed those companies will be fined, those people that are doing it can go to jail. Education, we're trying to do the best in what is very admittedly a horribly inadequate system. We're just relying on the goodness of people's hearts and the concept that they know enough that they need to get some

education and they may or may not stumble into a boathouse or an older brother or a cousin or somebody else that might help them out. They don't have any written knowledge. We put out the video, the video that was mentioned before was a joint effort by our Harbor Education Committee with the U.S. Coast Guard, our Maritime Association, our Harbor Operations Group which is the Harbor Operation... the Harbor Safety Navigation and Operations Committee, the full name but we call it Harbor Ops. We've been doing that since 1914 at the request of the War Department when World War one went over 80 percent of all the men and material for World War one came out of this port and they asked us as the Maritime Association can we please try to get something started to enhance this increased traffic and the... and the potential dangers. The video for anybody that has a pen can be accessed at the safe harbor as one word dot U.S., it is a 28 minute video as was mentioned, it has excellent information over the overview of the harbor, it gives very unique views from large container ships so you'd be able to see what a container ship operator can see and more

1 importantly what we can't see when we're out on the
2 water and the interplay between larger vessels,
3 sail, motor, human powered, etc. it's also got kind
4 of a slick beat to it, you know you might find
5 yourself dancing a little bit before the whole
6 thing is over, the people did a... kind of a neat
7 music thing. Our education subcommittee has, has
8 been mentioned did the captains and paddlers, we
9 look to do that again on a regular basis but that's
10 preaching to the choir. The people that come to
11 these events are the people that are willing to
12 devote a day, travel into town, give up a day of
13 their time and work with this. We had, I think it
14 was 140 or 130 some odd... Maggie you'd remember, I,
15 I think the boat capacity was 149 and we were
16 almost full so we had about 140 people. We heard
17 that there were 3,000 transactions on park property
18 alone for recreational boaters and a good chunk of
19 the people that were part of that 140 were the
20 professional mariners who I'm not worried about,
21 they're licensed by Coast Guard. So are we really
22 reaching out to the harbor and making this
23 education, no. Tides, surge, waves, security are
24 all vital to safe and secure operation. This is New
25

1 York, people need to remember about security. We
2 probably are more security focused in this port
3 than in most but these are the things that people
4 need to work with locally. Should we... I, I don't
5 understand the reluctance for responsible boaters
6 who could pass that written test in ten minutes and
7 pass a physical test in no time why the reluctance
8 to get licensing in this state. New York is, I
9 don't know the exact ranking, I, I knew it once but
10 it is so far down the list as far as that goes,
11 what can the city council do agitate with the state
12 to get safe boating, the numbers of people in this
13 state, the number of vessels, the operations in
14 this state should not be held hostage to some
15 people that don't... and, and this is where the money
16 was that stopped it from being more expansive is
17 that there were rental organizations that realized
18 that they would not be able to pursue their
19 business because most people don't have licensing
20 or any safe registrations and they want to take
21 their families out and see if they can, you know
22 take them water skiing or maybe kill them, I don't
23 know you know they didn't want any barriers to
24 that. Back to the roads, rental organizations,

absolutely. Has anybody heard of Hertz or Avis, will they let you rent one of their cars and take it out on the road without showing that you have a valid license, why do we do this with kayaks, jet skis, motor boats, sail boats, what's the difference. People kill people, boats don't kill people, it's the people that operate the boats that have to be held to the high standards. These are the people that should know what they're doing, they should demonstrate what they're doing and if they fail to do it either intentionally or by negligence need to be arrested, prosecuted, and pay the consequence. That's how we get safer not by hoping that people will join boathouses or hoping that maybe we'll ride with some other guy that may or may not know what he's doing. There's no written certification as to how you get to be a guide, I mean who's he, he could be anybody. There are comments; there are ways to get safer, it deals with training, education, and make it mandatory, that's our position on this. In the interim we will do the best we can in a very flawed condition but the solution is to move to a licensing so that we can make sure that people... we know the people are

safe and they know what they're doing not that we hope so. Thank you.

GRAEME BIRCHALL: Graeme Birchall, president of Downtown Boathouse, free kayaking got a slightly different take on the subject. So brief background, Downtown Boathouse is an old volunteer organization that's provided free kayaking in New York City for more than 20 years, more than 380,000 people have gone kayaking with us. we have the largest such operation in the world, we're not alone in New York City anymore, we've help found most of the other programs and of course we have an excellent safety record, you can't put 380,000 people out in the water and not have that kind of safety record. More than 20,000 people a year, we are not a club by the way, we, we are not affiliated with clubs; we are a public charity providing a public service. We do not serve kayakers; we serve non-kayakers which are the 99.9 percent of the population in this city. We are not advocating for kayakers, we're advocating for kayaking as a way to make this city you know healthier and a safer place to be. So, it, it... I guess the opposite take on the issue of safety is... just to

1 talk briefly about roads, as you know roads have
2 commercial traffic, private traffic, they have non-
3 motorized traffic, and they have pedestrians and
4 the non-motorized and the pedestrians are not
5 certified, not trained, not regulated things
6 happen, right and we have a done a lot to deal with
7 that. So, a lot of the arguments about making the
8 harbor safe can really come from road safety and
9 we've had some tremendous improvement in the road
10 safety in recent years but it's not from improved
11 education so much as better designs of vehicles and
12 better designed roads, separation of traffic where
13 appropriate particularly in New York City. So, you
14 know whenever a child get hits by a, a truck in New
15 York City we investigate, we... but... you know and we
16 could blame the child, the truck... the truck driver
17 or the street and often we blame the street and we
18 fix the street, right and when we fix the street we
19 get a benefit that goes even more, right. The same
20 needs to apply to the harbor. The placement and
21 design of launch sites, the type of equipment used
22 when boating on the harbor can have a significant
23 impact on boating safely independent of education,
24 right because most New Yorkers are not and probably
25

never will be experienced boaters we need to design the harbor for large numbers of beginner users as opposed to a tiny minority of advanced who have advanced boating skills. And the issue of equitable and safe recreational use of New York Harbor are inseparable, you can never have equitable use of the harbor if it's not safe to use, right. You have many poor neighborhoods in the city that don't have access, don't... you know and those people... so just one specific issue because we're in Manhattan and we operate in Manhattan and it's an island of 1.6 million people safe capacity. The safe capacity of any highly developed body of water like New York Harbor is constrained by the number of people you can get off the water if you need to get them off in an emergency because of weather or security or something like that and that's hard in New York City. In... and just to give the example of Manhattan alone which has 1.6 million people the safe capacity of the water around Manhattan is less than 1,000 people but not in one place. So I've got 200 boats in my boathouse over there in Tribeca but I can't put them all out at once because I can't get them off at once in, in a sufficient amount of time

and this, this is like building fire escapes in buildings, right we just had an incident in Oakland as you know, right are we building... you know we all agree there's increased recreational use, more people are going to get on the harbor, they will need to get off the harbor, are we building for that. And it's not just an issue of, of capacity there's an issue of design there, are we designing the right access or entry points. I have a really... there's, there's a choice here in tidal environment you have a choice of docks, ramps, or beaches and I much prefer beaches for beginner boaters, they're actually a little more interesting, challenging for beginner boaters but that means they have an access in the six inches of water not 20 feet of water, right. If you build docks in a tidal environment you have to build a fence and regulate them, right and they actually have a more limited capacity when you're trying to empty the water than a beach of the same size. You look at areas like North Shore or Staten Island where... you know love to have a little beach there and not really a dock; right something that the neighborhood could use. As far as commercial versus recreational I'll just make

one comment in regard to the ferries in the ocean I friends in the ferries, we love the ferries, we love the East River ferry, we've been speaking to them but we do have one issue about the East River ferries and that is that these new ferries which are... they're brand new boats, they're very expensive boats do not come with an automated system that can detect kayakers in the water ahead of them, right there's no suitable radar, there's no sonar, there's no collision avoidance system similar to what you find on most modern automobiles, right. Now the marine environment presents unique challenges for this sort of technology but this should not be that hard to do given the amount of money that we're spending on these ferries, right. There ought to be a way essentially you know and if it's not a radar or a sonar perhaps it's a... it's a GPS that your cell phone has that you... your cell phone which you have with you tells the ferry where you are and then the ferry knows there you are, right. I... plenty of technological solutions to avoid collisions between ferries and recreational boaters. I'm not saying that trainings not important, I'm not saying that

1 safety practices are not important but we didn't
2 improve our roads through that, we improved them
3 through better technology and better design, right
4 and we've had significant improvements in the roads
5 recently. Likewise as far as recreational boating
6 goes we need boats for beginner boaters, right we
7 need boats that... you know I, I give the example
8 here the Citywide Program you know and a lot of
9 these issues on the harbor are the same issues on
10 the road. In the Citywide Program when they
11 developed it they put a lot of effort into
12 designing a bike that was not only safe to use but
13 which encouraged safe biking. It's not the sexiest
14 bike in the world but you're not going to go
15 roaring around on it, right and by the way people
16 come from all over the world, they swipe a credit
17 card and they go on a regulated environment with
18 much more traffic than the harbor and they ride a
19 city bike, alright and it works and it's safe,
20 right. I'm not advocating for rental kayaks on New
21 York Harbor for the same reason no, nobody else is
22 but the idea that you can build a safe environment
23 part of that is building the right equipment for
24 that environment and I'm going to argue that that

1 equipment is not quite there at least in, in terms
2 of kayaks and one thing we do at the downtown
3 boathouse when you put 200, 300,000 people in the
4 water you have to have the right boat for beginner
5 boaters, right. It's a really critical part of
6 making that work safe and that is not... it's not
7 something the, the city is encouraging or working
8 on as far as I can see. I got a particular beef
9 with the EDC who have gone I see already with
10 regard to safety which is that they put out a study
11 to do with the Brooklyn Bridge Beach, they, they
12 are not here, right where they basically used
13 arguments of safety to prevent the public from even
14 walking on the beach. I have copies of it but if
15 you want to get a hold of EDC and that's the
16 politicization of safety as far as I'm concerned.
17 This is... this is ridiculous that, that behind our
18 backs with not talking to either the local
19 community or the boating community the EDC cooked
20 up a very dubious study and used bullshit arguments
21 to, to stop the public from even walking on the
22 beach and this is an area in lower Manhattan where
23 there is very little access or very little
24 recreational space, it's a poor neighborhood, right

1 it's the lower east side. so, so as long as the
2 EDC's going to do that there's going to be a
3 problem, you know and then lastly planning for a
4 better future, you know the waterfront we build
5 today is the waterfront we're going to have for the
6 rest of our life, right and we shouldn't assume
7 technological stasis in that, you know right now
8 there is not an ideal portable... there's not an
9 ideal kayak for New York City honestly, I mean for
10 a beginner boater. I actually own a four pound... you
11 talk about people going down the reserve in the
12 rough, I haven't done that but I got a four pound
13 kayak that I've been out in the water in and right
14 now it's not a great kayak but I bought it to try
15 it and, and the point is today there's not a good
16 kayak that you can buy that you can put in your...
17 under your bed and you can go down to the river and
18 be safe on the harbor but that will change because
19 this is an enormous market of people who want to
20 use the water. We know because we do actually have
21 counts and demographic data, right. By the way
22 we're happy to share those but not with
23 organizations who claim to represent us but they
24 don't, right. So, we compete with private clubs
25

and private concessionaires to the boathouses, we serve the public so we're not inclined to, to be subservient to organizations that serve themselves, does that make sense? So anyway, all I'm saying is build a better city, the best way to build a safer harbor is to design a safer harbor and to make boats for a safe harbor.

CHAIRPERSON ROSE: Thank you. I appreciate the diversion views both of which are very passionate. I, I was concerned about something you said Graeme about making the water safety and you know the city council has talked an awful lot about vision zero and things that they've...

GRAEME BIRCHALL: ...for, for the roads...

CHAIRPERSON ROSE: ...done to...

GRAEME BIRCHALL: ...for the roads...

CHAIRPERSON ROSE: ...for the roads and so I, I wasn't sure if you were implying that there is some way of designing the waterways...

GRAEME BIRCHALL: ...there is...

CHAIRPERSON ROSE: ...like channeling and things like that are... is that what you were talking about to enhance safety?

1
2 GRAEME BIRCHALL: Absolutely, so our
3 analogy is the roads, you build... you know if you
4 really want to get safety for bicyclist you build
5 separate spaces for them, right and you keep them
6 away from the heavy traffic, right. Yes, you can
7 encourage bicycle training and bicycle helmets and
8 other things but at the end of the day... and, and is
9 that happening, I mean are we building... for
10 instance are we making sure not to build boathouses
11 next to ferry docks, are we building them in such a
12 way that certain tides we don't make conflicts, are
13 we building beaches instead of docks, we're...
14 because beaches are easier and safer. And... I would
15 argue if you... again I have some, some friends from
16 NYC Parks perhaps you should ask them about a
17 vision zero for the harbor and it's a... if it's only
18 education, it's not vision zero it's got to be more
19 comprehensive than that, alright.

20 CHAIRPERSON ROSE: That's an
21 interesting concept...

22 GRAEME BIRCHALL: And, and remember
23 the, the value proposition here is to make a
24 healthier, safer city, I mean we're trying to get
25 say residents from the north shore Staten Island on

the harbor safely, right. It's a healthy place to be, it's a city without enough recreational space. It's a city where people are too crowded and yet here's the, the best open space we've got. We don't want the city's residents of New York to have to go a long way away to get open space, its right here, right it's clear air, it's right here.

CHAIRPERSON ROSE: Yeah, I, I love the water and I'm on the north shore but I'm not too sure about venturing out into you know the open waterway right...

GRAEME BIRCHALL: We agree with...

CHAIRPERSON ROSE: ...at the mouth...

GRAEME BIRCHALL: ...that...

CHAIRPERSON ROSE: ...of the... you know the harbor. So, you know offline I would really like to talk to you about sort of design ideals and, and I, I think it's an interesting concept, I don't know how viable or even financially viable it is but...

GRAEME BIRCHALL: ...well let me ask...

CHAIRPERSON ROSE: ...it's something...

GRAEME BIRCHALL: ...like... like...

CHAIRPERSON ROSE: ...we should talk about.

GRAEME BIRCHALL: I think you'll find a beach is cheaper than a dock, cheaper to build, cheaper to maintain and safer to use. Those... and, and better for beginner boaters not to mention their kids can play in the sand, right.

CHAIRPERSON ROSE: But we have to look at resiliency issues.

GRAEME BIRCHALL: Well I think you'll find that beaches are far more resilient than docks...

CHAIRPERSON ROSE: ...okay...

GRAEME BIRCHALL: ...I, I mean the sort of natural solution that are being around millions of years, let's go with them rather than building artificial structures that create their own problems.

CHAIRPERSON ROSE: Okay. I, I totally agree with Mr. Kelly in terms of education, I... you know you can't... I, I can't fathom you know minimizing the need for educating people to be on, on the water and again my, my concern really isn't the people who are part of you know boathouses,

1
2 park programs and things like that you know it's
3 the family that buys the new jet ski and you know
4 they're out there ripping in front of the, the
5 Statue of Liberty and all that. It's, it's very
6 concerning to me so I, I think that you both
7 brought up you know very good points, I really
8 would like to talk about sort of design and, and,
9 and things of that nature. I... enforcement is very
10 important and I, I think that you know there's a
11 piece that you know we haven't really sort of
12 touched on and maybe because NYPD wasn't here, the
13 Coast Guard was going to come but I think
14 enforcement is very important and I appreciate your
15 remarks because maybe it is... it is time to look at
16 licensing or, or some type of situation where
17 people at least you know that they've, they've been
18 given the educational information that they need
19 whether they employ it or use it is, is another
20 thing and then that's where enforcement comes in
21 but...

22 EDWARD KELLY: I, I would also...

23 CHAIRPERSON ROSE: ...I just...

24 EDWARD KELLY: I would also...

CHAIRPERSON ROSE: ...really... I'm, I'm really concerned that there's no entry point where you can guarantee that people are getting the information that they need.

EDWARD KELLY: But I would also advocate that there are adequate... not adequate but that there needs to be an adequate area to introduce people who are not certified, fully educated, etcetera in a controlled environment in certain areas between finger piers or along beaches where there is no conflict with ferries, commercial traffic, etcetera where people under supervision can have a first time experience in a kayak or whatever. I think there's certainly room for that but not in the general mix of the harbor. There can and should be designated areas throughout the city where people can just get access and try it out without really posing any harm to themselves or other mariners. So as far as water mapping and areas I'm completely in agreement with that but people should not try to learn or have a non-educated experience in what can be one of the most dangerous harbor environments in the world.

CHAIRPERSON ROSE: I agree.

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2 GRAEME BIRCHALL: And just to reinforce
3 that we agree totally, right and we think there are
4 areas that recreational boaters shouldn't go and...
5 by the way there aren't actually any areas in the
6 harbor right now reserved for human power boating,
7 not a... not a square foot, it'd be nice to have some
8 you know put aside except the schools don't teach
9 the tides in the city, they're very complicated and
10 very dangerous tidal situation so maybe we need to
11 push just something into the schools at least gives
12 the children some basic understanding on what's
13 going on in this city. We do... of course a lot of
14 free education, a lot of public outreach but we
15 agree that most people don't understand the harbor.

16 CHAIRPERSON ROSE: I, I think that's an
17 excellent suggestion however there's a lot of
18 things they're not teaching in the schools and so...
19 good luck with that. I, I want to thank you... I want
20 to thank you both for testifying today and I, I, I
21 want to assure you that I'm taking both of your
22 suggestions very seriously and we will incorporate
23 it in a conversation that we'll be having beyond
24 this. Okay, thank you. Anyone else? So, I want to...
25 I want to thank you for your indulgence and for

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being here for the duration of this hearing and
with that we have no other speakers and again I, I
thank you all for your concern on the water and,
and for keeping everyone safe, I really appreciate
the efforts that you're making so this meeting is
adjourned at five minutes to three, my goodness.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 29, 2016