AIA New York Chapter

The Founding Chapter of The American Institute of Architects

Statement on Proposed Int. No. 780-A Bicycle Parking spaces & Proposed Int. N. 871-A Article 504 Bicycle Access to Office Buildings New York City Council Meeting, June 15, 2009



We are here to testify on behalf of the New York Chapter of the American Institute of Architects, a professional organization with over 4,400 architect and public members. The AIA New York Chapter applauds the City Council Committees on Consumer Affairs and Transportation for their impressive efforts to achieve a more bicycle-friendly city through the proposed Amendments to the Administration Code of the City of New York,

- Proposed Int. No. 780-A Bicycle Parking spaces
- Proposed Int. N. 871-A Article 504 Bicycle Access to Office Buildings.

We enthusiastically support this proposed legislation that mandates that garage owners provide bicycle parking and building owners provide bicycle access to commercial buildings. It is good public policy for several reasons. These bills will encourage more commuters to bike to work. More bicycles on the streets means fewer cars, less congestion, and less carbon emissions, and that gets us closer to reaching the goals of the Mayor's *PlaNYC* and the NYC Department of Transportation's new *Street Design Manual* for a greener, more livable city.

The second public benefit is that bicycling promotes public health. In New York City there is an epidemic of obesity and diabetes. AIA New York has partnered with the NYC Department of Health and Mental Hygiene on a series of "Fit City" conferences that engage the architectural and public health communities to promote active living and the design of healthier buildings, streets and neighborhoods. At our recent Fit City conference on June 8th, the City's new *Active Design Guidelines*, jointly developed by NYC's Department of Health and Mental Hygiene, Department of Design and Construction, Department of Transportation and Department of City Planning, were introduced. Bicycling is a key component.

We have had a productive dialogue with DCP on the Bicycle Parking Zoning Text Amendments, and were especially pleased that several of our suggestions were included. We offer the following suggestions in regard to the proposed legislation:

Proposed Int. No. 780-A Bicycle Parking spaces

We like that garages have the option to convert excess unused car parking spaces to bicycle parking. This will create more opportunities for bicycle parking. We suggest that garage bicycle parking be made highly visible, and require that the DCP Bicycle Parking symbol be incorporated on signage for consistency.

Proposed Int. N. 871-A Article 504 Bicycle Access to Office Buildings

 It is important to have access by both passenger and freight elevators. Freight elevators often are less desirable due to their limited hours, remote locations and less safe conditions.

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- Revise language to add the word "secure covered off-street or indoor no-cost bicycle parking," so that building owners within three blocks or 600 feet cannot get around the requirements of 871-A too easily.
- Extend the commercial bicycle access requirement to Manufacturing Use buildings and districts. It seems illogical to us to exempt manufacturing uses from Proposed Int. N. 871-A. Manufacturing buildings and districts are likely to be less accessible to public transportation than other uses, and are likely to have a larger amount of available space.

We support establishing a temporary task force "to develop sheltered bicycle storage in public private plazas and other public/private space," but with the following caveats. "Bundling" is good: one building may provide better quality bicycle parking -- for example, in unused retail space -- to other buildings nearby that offer less desirable space. This should not, however, be used as an excuse for buildings not to provide access.

Furthermore, we are concerned that using public space for "sheltered" bicycle storage in public plazas may be less desirable to bicycle commuters, who want "enclosed" or "secure" storage for the optimal safety of their bikes. While we recognize that such shelters may be used for new bike-share programs, it is important to balance public benefits. Since public space is at a premium in our City, we have to be careful about having space taken up by storage shelters, especially ones that may not be fully utilized. The scale of the public space and its ability to accommodate storage shelters aesthetically and functionally should be considered. Central Park can accommodate bicycle storage more easily than neighborhood pocket parks.

Finally, we suggest that the City Council review this legislation in five years to ensure that it is truly fulfilling its purpose. Thank you for the opportunity to testify, and we strongly support the City Council and its efforts to make New York a more bikable, livable place.

Sincerely yours,

Shual Ha

Sherida Paulsen

President

Rick Bell

Executive Director

June 15th, 2009

Attention: Committee on Transportation/Committee on Consumer Affairs

Councilmembers, thank you for inviting me to testify about this important initiative to improve bicycle access and storage in buildings. My name is Sabrina Lau, and I work as an urban planner in an office at Broadway and Houston.

When I was hired, the first question I asked was not about my 401K or health care plan, but, "does the building have secure bicycle parking?" As an avid cyclist in Berlin and Toronto, I was well aware of NYC's record on bicycle theft and well acquainted with the convenience of having a safe, dry place to store your bicycle at home and at work. The answer was a sympathetic negative; however, other office cyclists had recently started a petition to lobby the building's owner for a change in bicycle policy.

Currently, bicycles are banned from entering the building; however, strollers and dogs are freely permitted. The explanation was that bicycles would cause damage to the elevators and hallways, and could not even be brought upstairs in the freight elevator for storage in individual offices.

My colleagues and I knocked on every door of our eight-story building, and asked the tenant if they would be interested in signing a petition to allow bicycle access. The response was overwhelming; people were knocking over their chairs in their rush to grab our letter and give it to their company head. We heard stories of bike theft and vandalism, offers of help and testimonials, stories of potential bicycle commuters that cited bicycle storage as their limiting factor, and stories of potential lease-holders that backed out at the lack of bicycle storage in the building. The emotion and enthusiasm we encountered was infectious, and we eventually submitted a letter outlining the sound business and environmental rationale for providing secure bicycle parking. In the entire building, we found only one dissenter; this letter was signed by the heads of 41 tenants in the building, including the 3 largest tenants and the large ground-floor retail anchors.

In January of this year, we received a response from the building owners stating, "in the best interests of the physicality of the building and the continued safety of the tenancy, we remain committed to the prohibition of bicycles...allowing the bicycles into the property would have negative impacts on our insurance rates on both the property damage, as well as, liability sides."

We continued to propose new solutions or compromises to address our building owner's concerns. Bikes cause no more wear and tear than the strollers or large dogs that use the same hallways. The legal counsel for Transportation Alternatives spoke with our building owners regarding their misinformation on their insurance rates. We provided examples of other buildings in NYC that successfully implemented bicycle storage facilities. We showed them letters written by the DOT commissioner and the president of the Real Estate Board of New York, extolling the virtues of voluntary compliance. In each and every instance, we were told, "we will never allow bicycles inside our building, unless required to by law."

And that is why I am here today. Councilmembers, commuter cycling should not continue to be viewed as a marginal, renegade activity. It is the most convenient, healthy, and environmentally-friendly way to travel around the city. Examples in Europe and Asia have shown it can be equally accessible to all ages, income levels, and backgrounds. At a time when our roads are horribly congested with vehicles, and our transit system is overburdened and underfunded, commuter cycling must become a viable option to a much greater portion of the population. Such regressive policies such as the one my building has towards bicycles must be changed. My struggles with my building owner have shown that voluntary compliance will not be sufficient.

Thank you, Sabrina Lau

FOR THE RECORD

Greetings,

I represent a typical NYC cyclist. Since moving to Manhattan 2 years ago, my girffriend and I have had a bike seat plus 2 locked bicycles stolen. It is imperative that if exceptions are given to the indoor access to bikes rule because of alternative neorby bike parking, that parking must not only be covered but also secure.

This law will not be burdonsome for building owners because it does not require them to provide space for parking; that burden would lie with tenant. The building owners only need to allow the tenant to excersize that option.

Nuthan Studola 28 West 125th St Apartment 2B NewYork, NY 10027 My name is Vincent Petraro and I represent the Metropolitan Parking Association, a trade association of the majority of the parking operators in New York City. On behalf of the Metropolitan Parking Association, we thank you for soliciting our input and I would like to say that we spent a great deal of time talking to our various operators, no small feat as we have operators with one facility, some with several, up to those with over a hundred facilities. We believe we have balanced operators' interests in accommodating bicyclists with their interest in ensuring the safety of staff, bicycle owners, car owners, and the bikes and cars to be stored.

We must open our comments by saying that we believe that we have an immediate solution which can begin quickly while the proposed legislation is reviewed and fine tuned. We want to state clearly that we believe and have for some time that bicycle parking is important and needed in parking facilities.

We began discussions with the Mayor's Office and the NYC Department of Transportation a year and a half ago and we offered a pilot program of over 100 parking facilities in Manhattan south of 96th Street. These locations are at prime locations which would be able to handle bicycles in a safe manner for both the bicycle rider and the parking operator.

Many older parking facilities do not lend themselves to safely parking bicycles due to the design of ramps, be they long, narrow or both or the design of the parking intake floor. The Metropolitan Association is also concerned about liability and still has that concern but its members are willing to work with the Department of Consumer Affairs and the City Council to implement the pilot plan forthwith. As stated, we can start with at least 100 locations and then revisit how the locations are working and how to improve and expand the program.

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Testimony of Carlos Telleria, Transportation Sub-Committee Chair of the Building Owners and Managers Association of Greater New York Inc.

Council of the City of New York
Committee on Transportation and Committee on Consumer Affairs
Hearing in relation to Int. No. 780-A and Int. No. 871-A

June 15, 2009

Good Morning, Chairmen Comrie and Liu, my name is Carlos Telleria, a portfolio manager for Newmark Knight Frank, the fourth largest real estate owner/manager in New York. I'm Chairman of the Transportation Sub-Committee for the Building Owners and Managers Association of Greater New York, Inc., which represents more than 850 owners, property managers and building professionals who either own or manage 400 million square feet of commercial space. We're responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue and oversee annual budgets of more than \$4 billion.

The proposed Int.No. 780-A and Int. No. 871-A are well intentioned, but does not take into the account a number of management realities and the fact that every building in New York has different—and unique—tenant and security needs.

Before addressing those unique needs, let me make it clear that a number of BOMA/NY's members have decided to provide bicycle access and storage. This was done to remain competitive with the marketplace and to respond to their tenants' needs. The decision to provide access and storage was made freely by the owner/manager. And while we firmly stand behind the concept of greening our City—and we do that **every day** in the buildings we own and manage—in this particular case, the choice to implement bicycle access and storage is best left with owners and managers as only they know their building's **physical** and **fiscal** ability to make such an accommodation.

After studying the bills in committee, we noted 15 areas which the bills do not address. These include the first set of items I will mention, which are practical, operational details. They are:

- 1. How to screen bicycles and bicyclists for suspicious activity
- 2. Regulating where bicycles may enter the building to freight elevators to minimize risk of injury or damage to others
- 3. The risks and dangers with bicycle traffic mixed with deliveries and other traffic at loading docks

BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER NEW YORK, INC.

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- 4. Prohibiting bicycles from entering high pedestrian areas (i.e. lobby, common space or passenger elevators)
- 5. Specifying hours of usage
- 6. Whether only tenants, and not visitors, should have this privilege
- 7. Bicyclist responsibility for damage to a tenant or visitor or the building premises
- 8. Right to added rent from tenant to recover for losses caused by bicyclist
- 9. Landlord immunity from liability for theft, loss or damage to any bicycle or injury to a person or property resulting from the bicycle
- 10. Insurance provisions to address liability issues

In addition, our committee found five ways in which this legislation will lead to higher costs and lost revenue.

- 1. Loss of rentable square footage
- 2. Frequent use of the freight elevator and expanding of the hours of operation
- 3. Higher Insurance Premiums for Owners and Managers
- 4. Increased costs related to Security (Lighting, Cameras, and Personnel)
- 5. Potential Damage to Building Infrastructure (Floors, Doors, Elevators and Walls)

As stated before, BOMA/NY and its members want to contribute to the goals of a cleaner, greener city. However our experience shows us that the best route is <u>not through legislation</u> but by building owners and managers <u>voluntarily</u> providing a means for bicycle access and storage. We believe that our members reserve the right to make the decision based on their budgets and tenants requirements.

In conclusion, we look forward to working with the Bloomberg Administration, transportation advocates and the City Council to find a solution that is amenable to our members, tenants and all New Yorkers.



Hearing on Intro. 871, The Bicycle Access Bill
City Hall, Chambers
June 15th, 2008

The American Cancer Society supports Intro.871, a bill that would mandate reasonable provisions for bicycle access to existing commercial buildings.

This legislation would eliminate a major barrier to commuting via bicycle in New York City. Cycling to and from work is an excellent way to incorporate fitness into our lifestyle, but many New Yorkers are prevented from doing so because they do not have access to a safe and secure place to store their bikes. Making it possible for commuters to bring bicvcles into their office buildings would solve this problem and greatly increase the likelihood that more of them would choose this healthy and environmentally friendly mode of transportation.

Obesity, poor nutrition, and physical inactivity are second only to tobacco as major risk factors for cancer, responsible for one-third of cancer deaths, approximately 189,000 cancer deaths each year in the United States. New Yorkers can significantly reduce their risk of death for colon, breast, prostate and other cancers through engaging in regular physical activity.

To reduce cancer incidence, disability and death, the American Cancer Society supports strategies to prevent and reduce obesity, foster healthy behaviors, and remove social, cultural, structural, and economic barriers to healthy living in all populations. Intro 871 provides New York City with a simple and effective way to help curb its growing obesity epidemic—and cut its risk of cancer.

ACS Guidelines (http://caonline.amcancersoc.org/content/vol56/issue5/) support enactment of Intro 871. The American Cancer Society's Nutrition and Physical Activity Guidelines for Cancer Prevention recommend at least 30 to 45 minutes of moderate to vigorous physical activity on 5 or more days of the week. Furthermore, these guidelines include a recommendation for community action stating: Public, private, and community organizations should work to create social and physical environments that help people adopt and maintain healthful nutrition and physical activity behaviors.

- Increase access to healthful foods in schools, worksites, and communities.
- Provide safe, enjoyable spaces for physical activity in schools.
- Provide for safe, physically active transportation (such as biking and walking) and recreation in communities.

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We believe that thousands of New Yorkers want to incorporate this healthy exercise into their daily commute but are blocked because of the lack of safe, secure places to store their bike. Government can play a meaningful role in the health of these individuals and our communities by removing this barrier and empowering New Yorkers to incorporate bike commuting into their busy lives.

American Cancer Society endorses this cost-effective and sensible bill as a way to build a healthier future for New York. Healthy living is an individual decision, but we can act now to empower individuals to make the choice.

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Testimony of Josh Nachowitz State Policy Director New York League of Conservation Voters

Joint Hearing of the Consumer Affairs and Transportation Committees on Intro. No. 871

June 15, 2009

Good afternoon Chairman Liu and Chairman Dilan, my name is Josh Nachowitz and I am the State Policy Director for the New York League of Conservation Voters. I am here today to testify in support of Intro. No. 871. This legislation is a simple and commonsense solution that will go a long way towards making our city greener and more livable with little or no economic impact.

Encouraging the use of bikes as an alternative form of transportation has long been a goal of NYLCV. Bike commuting both reduces the emission of harmful exhaust gasses and helps to relieve pressure on our already overtaxed mass transit system. As the environmental and economic costs of transportation become more and more apparent, bicycling and other alternative forms of transportation become more practical and more attractive to average New Yorkers.

Unfortunately, New York City's built environment is not nearly as friendly towards bikes as it could be. Transportation planners have spent decades building an urban environment geared towards facilitating automobile based transportation uses. New York City lags behind other North American and European cities in the movement to encourage new forms of transportation. Intro. No. 871 is one step that the City Council can take to help rectify this situation.

As with any form of transportation, the bicycle needs some sort of destination terminal. After a biker has ridden to work, he or she must have somewhere to conveniently "park" the bicycle. It is this simple problem that Intro. No. 871 seeks to address. This legislation would not create any overly onerous requirements for building owners. It would give building managers the flexibility to develop solutions that best fit their properties.

Intro. No. 871 is the first important step towards creating a citywide infrastructure to support new and pollution free forms of transportation. We urge you to swiftly adopt this important legislation and look forward to continuing to work with the Council on this and other important efforts to make New York greener and cleaner.

Learn and Live.

Testimony of Robin Vitale, Senior Director of Advocacy American Heart Association / American Stroke Association New York City Council, Committees on Consumer Affairs and Transportation RE: Support of Proposed Intro 871 June 15, 2009

Good morning, Chairman Comrie, Chairman Liu and members of the New York City Council Committees on Consumer Affairs and Transportation. My name is Robin Vitale, and I am privileged to serve the American Heart Association / American Stroke Association as the Senior Director of Advocacy for New York City. The American Heart Association / American Stroke Association is the largest voluntary health organization, dedicated to pursuing a world free of heart disease and stroke.

Our organization strongly supports every effort to motivate a more physically active lifestyle in New York City. We believe that Proposed Intro 871 is a valuable component toward becoming a more bicycle-friendly region.

The reason why the American Heart Association / American Stroke Association supports Intro 871 is simple. Cardiovascular diseases, the number one cause of death in New York, are largely preventable. In many instances, heart disease and stroke occur as a result of poor lifestyle behaviors. Indeed, obesity and overweight are a leading cause of heart disease and stroke.

Being labeled as obese, or carrying too much body fat, has devastating effects on your heart health. Specifically, obesity raises blood cholesterol and triglyceride levels and lowers HDL "good" cholesterol. Being obese also raises blood pressure and can induce diabetes, another cardiovascular disease risk factor.

According to the New York City Department of Health and Mental Hygiene, in 2007 nearly 22% of city residents were labeled as obese. If you extend the criteria to include those listed as being overweight, that percentage increases to approximately 35 percent. Obesity is mainly caused by consuming more calories than are expended in physical activity and daily life. By encouraging residents to use bicycles more often, the Council is taking an important step toward combating the plight of obesity.

Motivating a more physically active lifestyle does more than improve the long-term quality of life for New York City residents. Healthier, more physically fit individuals are less likely to require expensive medical intervention. According to a 2004 study on state-level obesity attributable medical expenditures, New York State spends \$6.1 billion annually to treat obesity-

related illnesses. New York State had the highest obesity-attributable Medicaid spending of all 50 states. In 2004, NYS Medicaid spent \$5.5 billion to treat people with diabetes. Increased rates of physical activity will not only lead to a healthier city but would help offset the cost of health care as well.

Whether you are motivated by the trimming of waist-lines or the trimming of government dollars, a more active New York City population makes good sense. The American Heart Association / American Stroke Association supports Proposed Intro 871 as part of an overall goal to motivate New Yorkers to become more physically active. We appreciate the Council's interest in this same goal, and we look forward to your support of Intro 871 as well.

Thank you.

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To the Transportation Committee Council Members:

My name is David Rendsburg, and I am here to speak on behalf of Proposition 871-A. I am the Associate Director of Outdoor Adventures for Hazon, a NY-based not-for-profit. Hazon is the largest dedicated environmental organization in the American Jewish community. One of our main program areas is environmental outdoor adventure, particularly bike rides. Since the year 2000, 2500 riders have participated and raised \$2.5 million for Jewish environmental organizations and projects in the US, Canada, and Israel. We regularly communicate with 40,000 members, 20,000 of which are in the tri-state area. I tell you this as a backdrop to our strong support of these measures.

In the fall of 2007, Hazon leased office space from American Jewish World Service (AJWS), led by former Manhattan Borough President Ruth Messinger. The floor that we were moving into was being renovated, and before we moved in we had many discussions with AJWS as well as the building owners regarding bicycles. At our request, AJWS tweaked their floor plans to create bicycle storage and a bathroom with a shower. While at first they were skeptical about how many people would use it, we have now discovered that many employees of AJWS, Hazon and other organizations that share their office space did indeed want to bike to work, but had not previously because there was no system in place for bike access or storage.

Once we had agreed on a potential storage solution within our office space, we talked to the building owners regarding bicycle access, and they agreed that during hours when the freight elevator was open that we should use the delivery entrance, but at other times we could use the front door. However, after a short time, the doorman realized that bringing in bicycles through the front door was not a problem, and now we regularly do so (which is much easier for all of us). Those who bike to work recognize that if there are long lines of people waiting for the elevator than we either take the freight elevator or wait in the lobby until the line subsides.

As I mentioned before, once this system was in place, many employees from our shared office space have started to bike to work. I have even noticed cyclists who work for other companies in our building who now ride to work since they have learned that the building is bike friendly. Personally, despite being an avid cyclist, I

Hazon works to create a healthier and more sustainable Jewish community and a healthier and more sustainable world for all.

"The Torah is a commentary on the world, and the world is a commentary on the Torah"

had rarely biked to work during my first three years working in New York City. Once we moved to this new office last summer, I began commuting to my office almost daily. Since our members know that we have facilities for cyclists, we have had various volunteers and board members bike to evening meetings at our offices as well, sometimes from as far as New Jersey.

I have now been riding to work for over a year, and have been riding around New York City, both recreationally and for work-related activities, for three years. Just this past year, I have noticed how much easier it is to get around the city by bike due to new and improved bike lanes and specific bike signage directing cyclists over the many bridges in the city. I have often discussed these new improvements with recreational cyclists, who are excited that a potential bike commute to work is now easier and safer than it has been in the past, although many still lack bike access to their building.

Finally, while on-street parking is an option all over the city, since bike theft is common, many cyclists, including myself, use that as a last resort, or only when running into a store for a quick errand, certainly not for all-day parking. While I would agree that having secured parking in a garage or lot is a viable option, simply because an outdoor bike rack is covered would not entice me to park there all day — I refrain from locking my bike up outside not because I worry about it getting rained on, but rather because of theft.

The Jewish community has always championed social justice causes. Because the transportation sector uses more fossil fuels than any other sector in the US, it has a huge impact on global climate change - threatening our environment and the health and safety of all inhabitants. Jewish tradition not only reflects our past, but also helps us to look at the present and towards the future, which is why Hazon feels that this legislation will be good for, individuals, businesses, and New York City.

Thank you
David Rendsburg
Hazon Associate Director of Outdoor Adventure

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☑ in favor ☐ in opposition
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Name: Janet Lilt
Address: 115th Avenue, W/(10003
I represent: myself J. Liff Co., Real Estate Bicker
Address: 1151n Avenue.
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No. 271 Res. No.
in favor in opposition
Date:
(PLEASE PRINT)
Name: Coom Vitale
Address: Da E. 42nd St. 18th Lon
I represent: Marican Heart Assoc
Address:
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	Appearance Card		
I intend to appear and	speak on Int. No. 180	Res. I	No
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Name: HUAN	(PLEASE PRINT)	,	
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	ON PARILIAG.		7
Address: 520 S	8TH AVE NY,	NY	
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THE	CITY OF NEW Y	ORK	
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Name: JANETTE	SADIK-KHAN.	(om mis	SIONER
Address:			
I represent: 00			.
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Address:			
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Appearance Card
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date:
Name: Tila Duhaime
Address: 333 W. 84th Street
I represent: Upper west side Streets Renaissance Campaign
Address: 127 W 26 th St 10 th Floor NY NY 10001
THE COUNCIL
THE CITY OF NEW YORK
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Appearance Card
I intend to appear and speak on Int. No. 67/ Res. No
in favor in opposition
Date: 15/15
Name: Joh Nachonitz
Address:
I represent: New York Lease of Conservation Voten
Address: 30 Broad St
THE COUNCIL TO A STATE OF THE COUNCIL TO A S
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No. 87/-A Res. No.
in favor in opposition
Date:
Name: GARY G. Reilly
Address: 63 1st Place
I represent: individual a Carroll Gerdens Neralborhood Assoc.
Address:
A Planta de la constant de la consta

Appearance Card
I intend to appear and speak on Int. No. 77/ Res. No.
☑ in favor ☐ in opposition
Date: 6 15 09
Name: MICHELE BONAN
Address:
I represent: AMERICAN CANCER SOCIETY
Address: 132 W 32 ST. NYC 1000)
Please complete this card and return to the Sergeant-at-Arms