

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

PATRICK A. WEHLE
DIRECTOR OF CITY LEGISLATIVE AFFAIRS

June 16, 2010

Honorable Karen Koslowitz
Chair, Consumer Affairs Committee
New York City Council

Dear Chair Koslowitz:

On behalf of Mayor Michael R. Bloomberg, I write to express the Administration's opposition to Introductory Number 272, which would suspend or revoke food vendor permits for certain specified parking violations.

Mobile food vendors – specifically vendors that operate mobile food trucks – have become a recent cultural phenomenon in large cities such as ours. Many of these trucks have loyal followers, and some well-established restaurants have even rolled out mobile food trucks in recent months. It is common to see mobile food trucks parked in areas of the City with a high volume of pedestrian traffic, most notably around parks and university campuses. They offer a variety of menu options at reasonable prices at almost every hour of the day and often draw many customers.

Many mobile food vendors are independent entrepreneurs and all are regulated by the City's Department of Health and Mental Hygiene ("Department"). They must apply for a mobile food vendor license for themselves as well as a mobile food vending permit for their cart or truck and pass a food protection course issued by the Department before they are allowed to handle and sell food. They are routinely inspected, whether stemming from a specific complaint or as part of the Department's permit renewal process. The Department also conducts unannounced health inspections of the carts and trucks. They are issued summonses or notices of violation and are assessed penalties if found to have violated applicable laws and rules.

Curbside parking is a limited resource and it is the City's responsibility to ensure a reasonable turnover of parked cars to avoid traffic congestion. Metered parking allows for the necessary turnover of cars based on the period of time posted and parking restrictions -- such as

no parking, standing or stopping during certain hours -- free up traffic lanes for vehicles during rush hours or allow for deliveries to businesses throughout the day.

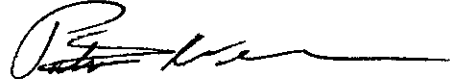
Introductory Number 272 specifically cites certain parking violations for purposes of suspension or revocation of food cart permits. Administrative Code Section 24-163 prohibits engine idling. Section 4-08(h)(5) of the Traffic Rules of the City of New York prohibits parking in meter spaces for longer than the time period permitted, and Section 4-08(n)(4) prohibits a peddler, vendor, hawker, or huckster from standing his car, wagon, or vehicle at a no stopping, standing, or parking zone or within 25 feet of a corner, or on a sidewalk, or within 500 feet of a public market or within 200 feet of school. While well intentioned, the bill's emphasis on the violation of Administrative Code Section 24-163 is misplaced. In many instances food vending trucks do not idle their engines and hence are not violating Section 24-163. They instead are legally running generators, which release less particulate matter into the atmosphere than vehicle engines. Furthermore, Local Law 4 of 2009 has served as an effective tool in expanding the City's ability to enforce idling violations. In addition, violation of Administrative Code Section 24-163 is not a parking violation and does not seem to belong in a bill that intends to address parking violations. Section 4-08(h)(5) of the Traffic Rules, for which the Police Department enforces, results in a summons of \$65 in Manhattan south of 96th Street and \$35 everywhere else.

The bill before your Committee would provide for suspension or revocation of a food vendor permit based upon a finding that a mobile food vendor has parked in a metered space for longer than the time permitted. However, it would be quite difficult for the Department to know that the owner of a vending truck has pled guilty or has been found guilty of such a parking violation. Parking summonses are issued and adjudicated according to registration plate numbers, which are not captured or separated by whether they belong to a food vending truck or any other type of vehicle. The information-sharing which would be required by Introductory Number 272 would necessitate a huge effort on the part of Department and the Department of Finance to attempt to link or cross-reference their very different databases to separate out the relatively small number of potential subject vehicles and parking summonses. In addition, license suspensions and revocations must be handled through the Office of Administrative Trials and Hearings ("OATH"). The gathering of records to determine when to commence OATH actions to suspend or revoke permits would be labor intensive and would certainly require additional Department resources.

More importantly, the penalties proposed by Introductory Number 272 are too punitive for such routine, and arguably, unrelated offenses. The loss of a food vendor permit is a serious matter. No other industry which operates vehicles on the City's streets, faces license revocation for the accumulation of parking tickets. Singling out food vendors for the loss of their livelihood for common parking offenses and anecdotal quality of life complaints is unnecessarily excessive. The Administration feels strongly that the best way to curb noncompliance of existing laws and regulations is to issue violations and educate the industry so as to avoid the same problems in the future. The Department has developed many educational documents for food vendors to make them aware of the various rules they must adhere to when operating in New York City. Similarly, the Police Department routinely updates its officers to changes in parking and vending regulations and enforces these rules as appropriate.

While the Administration is mindful that vendors of all types must be monitored and regulated throughout the City, and agrees with the Council that the idling law and parking rules must be uniformly followed by all motorists, we feel strongly that Introductory Number 272 does not appropriately balance the need for a congestion and pollution free environment with the need for small business owners and their employees to earn a living. We therefore oppose Introductory Number 272 and respectfully urge the members of the Committee to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick A. Wehle', with a long horizontal flourish extending to the right.

Patrick A. Wehle
Director

E86TH STREET association

June 16, 2010

My name is Michele Birnbaum, and I'm Chair of the Vendor Committee of the East 86th Street Association in Manhattan.

Thank you Council Members for hearing my testimony today.

The East 86th Street Association urges you to support Intro 272, the bill introduced by Council Members Lappin and Koslowitz which would amend the administrative code of the City of New York with reference to revoking mobile food vendor permits for parking violations, i.e. feeding the meter and engine idling.

Our street and surrounding blocks have been over-run by non-compliant vendors- mobile food trucks and fruit and general merchandise vendors whose trucks, filled with inventory, remain at one meter for as many as 18 to 24 hours a day. While, this certainly supports the narrative that the vendor community is hardworking and tenacious, it also speaks to the issue that their livelihood is at the expense of neighborhood merchants and residents.

Merchants pay substantial rents to be on a main street, such as 86th Street, and one of the benefits is that it is a high foot and vehicular traffic area. They have a right to expect that metered parking be available for use and rotation by their customers, and that the limited number of spots not be high jacked by vendors, whose oversized vehicles often take up more than one metered space and remain there all day, thus defeating the purpose of timed parking, which was put into effect to insure turnover.

Idling food trucks, by definition, contribute to both air and noise pollution, and should not be tolerated in light of the fact that the city, state and country are enforcing laws and creating legislation to mitigate pollution. The Mayor has pledged to plant 1 million trees towards this end.

This bill is simply putting teeth in the enforcement of existing laws. When fines or consequences are inadequate, they are non-punitive, and therefore, no deterrent to illegal behavior. This bill provides a link between the infraction and the enforcing agency, so that enforcement is more likely and the repercussions of non-compliance are significant.

The vendor community is very well-organized and speaks with one, strong voice, thus defying the notion that the typical vendor is a lone, unconnected operator who would be put out of business if any restraints were to be put on his behavior. Their solidarity is unquestionable, but they along with retailers should be put out of business if they don't follow the rules.

In this case, they have rallied to support their illegal behavior. They have rallied to say that they don't want to be held accountable for misdeeds, and that they are content to pay the low fine when they are in violation, as this fine has become the cost of doing business. But, the cost of doing business should be the cost of doing **NO** business, and that's the teeth that this legislation provides to the enforcement of existing no idling and no feeding the meeting laws.

Merchants in bricks and mortar stores have long been threatened with closure if they violate health and sanitation laws, and they have not rallied to protest this end result of non-compliance. They know that they have to obey the law and be community friendly in order to keep their customer base and remain in business.

Vendors have an opportunity to become part of the community by obeying the law, by self policing, by having a code of compliant behavior, and by respecting the streets and neighborhoods in which they do business.

Vendors should be supporting those communities that ask for compliance, and as professional sales people, they should take pride in the way they do business.

We "beg" you to support this bill, because life with street vendors has become very difficult as they set up shop in one location, provide delivery services (picture of menu attached), breach sanitation laws by leaving garbage at the location, obscure subway grates where rats have a field day with the food droppings, and deny other store merchants parking for their customers.

Rallying for illegality does not win them any friends and only pits communities against vendors and makes people want to treat them as a negative source to be reckoned with, instead of a willing participant in good quality street life for all.

Thank you, again, for hearing my testimony.

Sincerely,



Michele Birnbaum

A Vice President

Chair of the Vendor Committee

EAST 86th STREET ASSOCIATION

P. O. Box 206, New York, NY 10021 T. 212. 560. 2648 / F. 212.861.8246 / East86st@gmail.com



My name is Vadim Ponorovsky. I am the owner of Frites'N'Meats. We're a truck selling high quality burgers & fries. My truck directly helps support the lives of 10 people, and impacts the livelihood of 5 households. Similar to many small businesses in NYC.

I came to this country, specifically this city with my family in 1974 as an immigrant from Russia. We came to NYC because it represented everything that was great about America – opportunity, acceptance, & tolerance. What NYC said to us was “Work Hard and You Will Realize the American Dream, Nothing is Out of your Reach, and We, NYC, a City of Immigrants, Will Help You Achieve Your Dreams”.

In return for what this country, and specifically this City gave my family and me, we made our lives here, and give back in whatever ways we possibly can. Recently, Frites'N'Meats was called on to do its Civic Duty part.

On June 8, while parked at a Midtown location, an officer who identified himself as being part of the NYPD Anti-Terrorism Intelligence Unit approached us. He said that due to our mobile nature and the fact that being on a truck we had an elevated platform from which to observe our surroundings, would we more actively keep an eye on things and notify them if we saw anything. He then gave me several of the “If You See Something Suspicious” posters, and asked if we would laminate it and post it on our Truck. We, of course, agreed to this immediately and after we spoke to numerous other Trucks, they too agreed to this immediately. If the NYPD Anti-Terrorism Intelligence Unit sees both a strategic as well as tactical use for Food Trucks why can't NYC accept us?

All of us, New Wave Trucks (W&D, Schnitzel, CupcakeStop, Van Leuwen, and others), are all citizens of this great city. We all entered this business, not just for the profit, but also because we felt what we were doing was unique and would enhance the image of NYC as a global trendsetter. We all entered into this business with very high standards and concerns for the health of our customers and the environment of NYC. The concerns expressed by you, are also our concerns. The concern you express regarding idling, is one that is close and dear to our hearts. Many of us have children, young children, and the environmental damage being done to our world shocks us. We have all set out to do our little bit. None of the New Wave Trucks; idle our trucks when operating. We all made conscious efforts to limit our emissions and reduce our carbon footprint. We all use low emission, low noise generators to power our equipment. None of us powers our equipment by using the truck engine. We would support all efforts to ensure

that other trucks follow these same stringent, self-imposed and costly requirements that we have imposed on our selves.

We are a small community. There are possibly no more than 250 Food Trucks operating in NYC. The New Wave of Trucks, represents an even smaller subset of about 20. Surely on a macro-level, the 250, never mind our 20 Trucks, certainly do not represent even a blip when considered against the hundreds of thousands of commercial vehicles (moving trucks, cable/phone trucks, UPS, FedEx, and other services) parking and idling throughout NYC daily.

We support efforts to regulate Food Trucks – whether these regulations are health-oriented, parking, idling or otherwise. We have no intention of being a lawless, ungoverned entity. We want to be accepted and be a part of the mainstream NYC experience. We feel that while parts of this proposed legislation have merit, the severity of the punishment is truly shocking and unreasonable. Is it fair to lose ones business by getting a small number of parking tickets. Is there any other example of currently on the books that would have someone lose their business due to 3 parking tickets?

We ask that the NYC Council table this legislation for several months and work with us on developing guidelines that would regulate but not stifle this vital, new industry.

Thank you very much.

For Additional Information:

www.fritesnmeats.com

www.twitter.com/fritesnmeats

fritesnmeats.blogspot.com

917-776-0800

To: City Council Members Lappin and Koslowitz

I am a resident of councilmember Jessica Lappin's district, I would like to express my opinion on the Food truck issue.

I'd like to start by saying that I am very supportive of Ms. Lappin's stance on almost all major political and social issues including education, transportation, the environment, gay rights, reproductive freedom, and support of small businesses. This is why I was particularly surprised to find out that you are backing a law that would put all food trucks out of business.

Food trucks have been an integral part of NYC culture for years. The recent additions to the food truck repertoire are innovative and gourmet, reflective of our great city's food culture. In addition, food trucks offer a great affordable option for lunch. In many areas of the city, it's hard to come by a satisfactory lunch for under \$10. In these areas, food trucks may be the only option other than unhealthy fast food in this price range. They may also be the only option for those who don't have the liberty of taking a long lunch break.

You can tell how much New Yorkers love food trucks by reading a number of websites dedicated to this topic (like midtownlunch.com), or simply by looking at the number of people that patronize these trucks every day. I think this law would eliminate a very important part of NYC culture.

From a legal standpoint, I also feel that this law is discriminatory and unfairly targets a small group. If you are going to punish food trucks with 3 tickets by taking away their permit, then you would have to apply the same law to FedEx, UPS, Fresh Direct, and Time Warner Cable, all of which New Yorkers would be equally horrified to lose. In fact, Food trucks' parking offenses are not nearly as disruptive as those of FedEx and the like, who routinely double park, and disrupt traffic. Food trucks, on the other hand, park only in parking spots and do not block traffic at all. It is unfair and discriminatory to create a law specifically to punish a small sector while not applying the same law to similar businesses.

This law would be contrary to stated and longstanding city objectives:

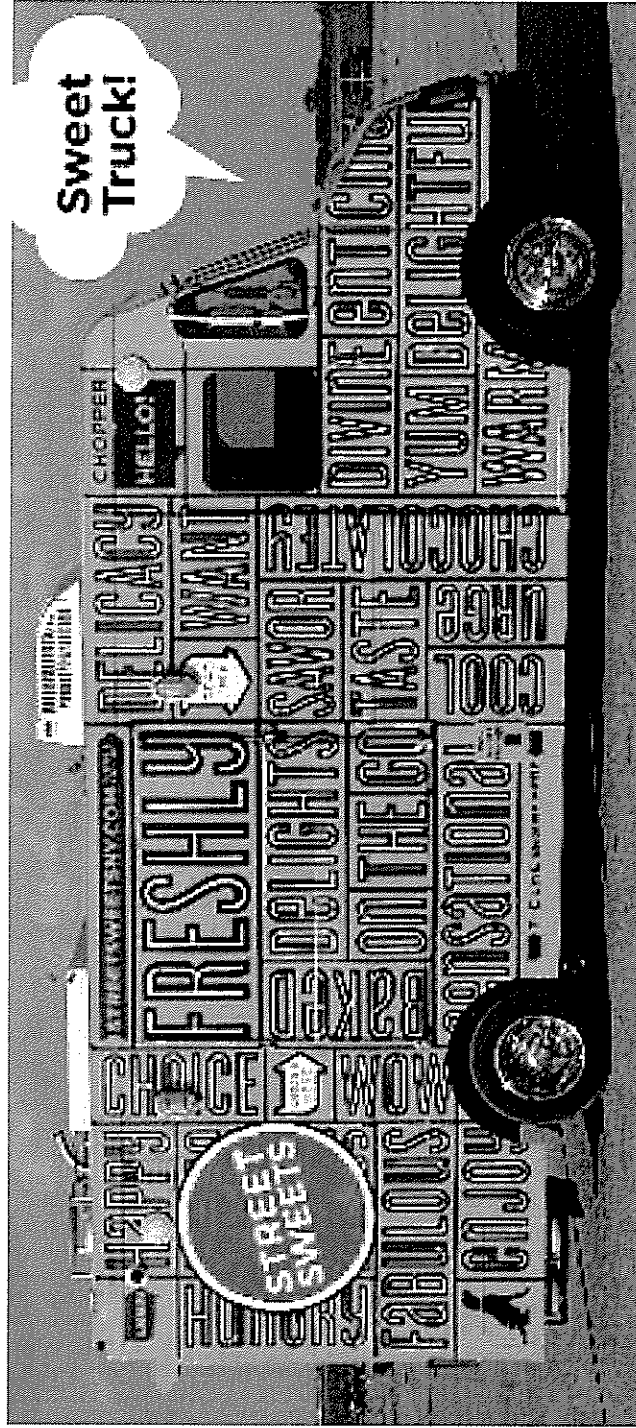
- 1) To encourage small business to come to NYC to keep economy growing
- 2) To support minority owned businesses, which many trucks are

If the reasoning behind this initiative is environmental, then simply make idling illegal. The vast majority of food trucks are parked legally and do not idle. Do not punish them all for the offenses of only a few.

I feel that the role of a council member is to reflect the goals and values of her constituents, and in this case, I do not feel you are doing so.

Sincerely,

Hayley Kaye



Sweet
Truck!

WORTHINGTON
PHOTOGRAPHY

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HELLO!

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STREET
SWEETS

DIVINE ENTICING
YUM DELIGHTFUL
WARM



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F: 212.888.3939

1040 First Avenue, Sweet 305,
New York, NY 10022

www.streetsweetsny.com

Grant Di Mille

- Born and bred New Yorker
- Extensively traveled all over the world
- Spent 24 years in the Graphic Arts and Advertising industry
- Director of New Business Development with concentrated efforts on fashion and luxury goods
- Co-founded concept of Street Sweets NY Inc – a mobile café/bakeshop
- Built and designed the Street Sweets truck
- Current responsibilities to develop and produce Special Events component of Street Sweets business

Samira Mahboubian

- Born in Iran and raised in New York since 1966
- Passion for baking
- Spent 20 years in the corporate arena as a Marketing professional
- Sr Director of Marketing at Polo Ralph Lauren for 11 years
- Helped develop the Kidfresh brand and launched retail concept in Manhattan's UES
- Co-founded concept of Street Sweets NY Inc – a mobile café/bakeshop
- Built and designed the Street Sweets truck
- Developed menu /offerings and branding



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June 15, 2010

Dear Ms. Lappin:

On behalf of my wife and I, we are writing this letter to you with the hopes that we can appeal to your better judgment to find a suitable alternative to the bill that you have put before the City Council pertaining to the "three parking tickets and you are out as a mobile food vendor", proposed Bill 272.

For a combined 44 years my wife, Samira, and I lived in the corporate world. Samira was a Senior Marketing Director, having spent many years at Polo Ralph Lauren, and I was a Director of New Business Development in the Advertising industry. We are both well educated New Yorkers, and were constituents of your Upper East Side district, living in 10022 up until recently and have moved to the 10016.

Almost two years ago as we began to see the world around us changing, we wanted to control our own destiny and have always wanted to own our own business. Both Samira and I decided to leave the corporate arena. With substantial, yet modest, resources by having leveraged a home that we own, we decided to bring a new twist to a quintessential New York experience. With a vision and a dream we embarked on a concept that we believed would be embraced by most New Yorkers and bring smiles to their faces. After enduring months of delays by an unscrupulous contractor, on June 2nd, 2009 our vision, that we put endless effort into, was finally launched, Street Sweets NY Incorporated.

Having worked extremely hard in our past careers we had little idea about the odyssey we were about to embark on. Realizing that 15-hour days, 7 days a week would be the norm was only a fraction of it. Having been intimidated and threatened with violence on countless occasions, including our fourth day on the street, being followed at night by three goons (one returning the next morning to ensure that my wife heard their message) threatening both our lives and our amazing mobile bakeshop, that we worked so very hard to build, we quickly understood that the business that we chose would not be an easy one.

All through it though, our vision was to build the cleanest, most inviting and visually appealing mobile café the city has ever seen. With the exception of having tables and chairs, every aspect of our business was built and run like an exceptional brick and mortar café. From the way we greet our customers, to the ultra professional service, to the incredible offerings that we bake on the truck or produce in a Brooklyn bakery, it was our desire to bring a wonderful new alternative to the streets of Manhattan. Our loyal customers are always ecstatic to see us return week after week.



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Like with any new business we struggled to get through our first year. Trying to re-coup a fraction of the investment that we made in our business, a business that has been legitimately acknowledged by the City of New York, we continue to push on. Although it has taken a monumental effort to date, little by little we are seeing the immense amount of effort and money that we have put forth, turning into a positive. However as we just entered our second year of business we are now confronted with what appears to be the greatest peril to our existence, proposed Bill 272.

My wife and I do not understand why you would champion a crusade pertaining “only” to food truck vendors, under the guise of freeing up parking spots and stopping trucks from idling. The bill you are proposing is absolutely discriminatory and food trucks are being unfairly singled out in this ruling. If we were to believe that your reasons for sponsoring this bill are about freeing up parking spaces, and stopping violators of the NYC idle law, why then pursue the very limited amount of food trucks as the biggest offenders? What about other commercial vehicles like contractor’s vans, locksmiths, plumbing trucks, and elevator repair trucks, etc? Everyday I witness contractor vans, overnight delivery services, push-cart vendors that park their vans with hitches all day long, repair trucks parked in front of their businesses, and passenger cars feeding the meter and remaining in a spot for considerably longer than the prescribed amount of time allotted. Will you be fostering a campaign to have those vehicles adhere to the same bill that you have put forth, and if they receive more than three tickets do they lose their contracting license to operate in NYC. What about the motorist that park in one spot, go to work and feed the meter all day, should they lose their driving privileges? The punishment that you are proposing is disproportionate and in no way, shape, or form does it fit the crime. Do you really feel that it is fair to lose one’s ability to earn a living and ruin one’s livelihood because they ultimately lose their business, for three parking violations? Also what constitutes a parking violation, that too must be clarified, or is any ticket written part of the three-strike plan?

Your proposed bill does not at all solve the problem. Food trucks are a very minute portion of all commercial traffic in NYC. Severely punishing food trucks won’t make a material impact on available parking. Let’s be honest, this is not a bill designed to provide more parking spaces, or cut down on carbon dioxide emissions (most, if not all, trucks do not run their engines especially at \$3.25 a gallon, they use generators to power their businesses.) This is about the restaurateurs & and big real estate that feel so threatened by the limited amount of trucks that are on the streets, so you have to devise a plan to rid the city of them.



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If you are to succeed in passing this bill where do you stop? Do you propose a bill to give out loitering summonses to the push carts, because guess what, when the permits are revoked from the trucks, who do you think will get them next once they are re-circulated? They will go to the push-carts, the hot dog, pretzel, and hallal vendors waiting to go to the very corners that the trucks occupied, essentially you have traded the trucks for the same old push-carts.

We truly believe that there are alternatives that can be reached as a solution to your disproportionate punitive measures. How can you possibly think that the punishment fits the crime, unless as we all believe, your bill is a pretext to ridding the City of all trucks?

You are violating one of the principle foundations of this City, the entrepreneurial spirit of building a business.

Sincerely,

Grant Di Mille
President

Samira Mahboubian
Vice-President

Testimony before the New York City Council Committee on Consumer Affairs in support of Intro 272 - 2010 submitted on behalf of the Lincoln Square Business Improvement District.

The Lincoln Square Business Improvement District (LSBID) supports legislation introduced by Councilmember Lappin and Councilmember Koslowitz to amend Section 17-317 of the Administrative Code of the City of New York by adding a new subsection (g) to the existing legislation that would allow for the suspension and eventual revocation of permits for food vendors who have committed two or more traffic violations as outlined in the proposed Intro.

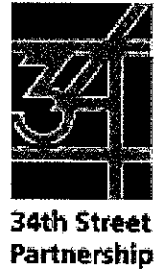
The Lincoln Square Business Improvement District does not take issue with food vendors who follow applicable laws while conducting business; however, the fact remains that many food vendors, both those with food trucks who conduct business from a parking spot or a hydrant and those who use a vehicle to tow a food cart, are often not in compliance with existing traffic regulations. Often times, food vendors and specialty cart vendors will remain parked at a location for extended periods of time and do not put any money in the parking meter unless a traffic agent comes by or the food vendor simply feeds the meters. In addition to monopolizing parking spots for which they are not paying, another unfortunate consequence is that the area around the food cart or truck becomes littered with napkins and other debris which the vendor does not clean up. We frequently have to remind food vendors of their obligation to keep the area litter free. Furthermore, some vendors leave their trucks idling while they conduct business adding pollution to the environment and noise and health risks for the public. Still others disregard posted signage indicating that a particular street has no standing any time or other regulations limiting the days and hours of on street parking. Frequently, food vendors will park in front of hydrants leaving their trucks idling, which while illegal is not addressed in this amendment. Other food vendors will park their mobile trucks in front of a business, often-times a competing one.

Subsection (g) does not create any new burden for the food vendor, but merely encourages him to comply with existing laws. The legislation provides due process affording the food vendor an opportunity to be heard before his permit is suspended or revoked, insuring that suspensions and revocations are not arbitrary and determined after a fair hearing.

Over the past year, we have received an increased amount of complaints regarding the proliferation of food vending trucks, particularly ice cream trucks, which do not comply with parking regulations or whose drivers feed the meters. In our district, as in many other areas of the city, ice cream trucks park either in parking spaces or next to fire hydrants and block pedestrian access to intersections. Our observations indicate that ice cream trucks and others always try and park as close to the corners as possible. These vendors return daily to the same locations acting as if the location were their private parking space – metered or not. The effect of this deprives shoppers and others of parking spaces and limits turnover which in turn negatively impacts merchants. These trucks also create a dangerous condition for pedestrians crossing the street by limiting the site line and forcing pedestrians to venture into the street past the truck to look for oncoming traffic.

We thank you for the opportunity to testify and enthusiastically support this legislation and commend Councilmember Lappin and Councilmember Koslowitz for seeking to address this ever growing problem.

**Wednesday, June 16, 2010
Committee on Consumer Affairs
16th Floor Hearing Room
250 Broadway, New York, NY**



**Testimony: Dan Biederman, President
 34th Street Partnership
 1065 Avenue of the Americas, Suite 2400
 New York, NY 10018
 212-719-3434**

Intro 0272: To amend the administrative code of the city of New York, in relation to revoking food vendor permits for parking violations.

- With respect to the issuing of parking violations for mobile food vehicles, the coordination of agencies involved (e.g.—Department of Health; NYPD; and etc.) and the court system needs to be in place to better facilitate enforcement.
- The idling of food vehicles creates a health hazard and endangers the environment.
- Desiring to operate in heavily-trafficked pedestrian areas, food vehicles further complicate moving traffic patterns.
- Efficient enforcement (e.g.—proper follow-up by the DOH) will relieve the NYPD to address more dangerous and important issues.
- Mobile food vendors take tax revenue away from the city and business away from permanent food businesses that pay sales tax, rent, real estate tax, and have payroll costs.
- Mobile food vendors are a source of sidewalk and street litter. Food trucks and mobile carts do not sweep the adjacent sidewalk (as restaurants are required to do), nor do they sweep and pick up litter in the street, where the vehicle is parked, thus burdening the overtaxed Dept. of Sanitation and BID services.

ROBERT D. COHEN
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June 16, 2010

PRESENTATION BEFORE CONSUMER AFFAIRS COMMITTEE
OF NEW YORK CITY COUNCIL ON VENDOR PARKING

My name is Robert Cohen and I've lived and worked in Manhattan after graduating college and time in the U.S. Army for close to 50 years-22 of the 50 in transportation with the City. I am very much in favor of your wanting to control better vender curb parking payment but feel your proposal as per the 2 NY Post articles is unrealistic and cruel by taking away a person's livelihood because of 3 parking violations when they are serving a public need. There would be no way for the vendors to change parking spaces every hour or so in crowded Manhattan, so if the city wants these services, another solution needs to be found. Therefore, you need to find a different approach to this feeding the meter/non-payment/selling merchandise from a metered space problem. This involves not only food trucks but coffee, fruit, soup, and merchandise sellers with carts on the sidewalk and vehicles nearby. From my vast experience, the vendors rarely pay and when they receive a summons, they quickly buy time and almost always get the tickets dismissed by PVB. In addition, traffic agents will rarely ticket them because the agents feel the vendors work long and hard as they do and a \$115 ticket is a lot.

Maybe a "rent fee" based on the number of hours times the meter rate times the number of days with the money going to DOT instead of a meter fee. This amount should be slightly discounted on a monthly or yearly basis, similar to a store owner paying rent. The parking rates below 60th st. are higher than above because of the commercial meter rates of \$ ⁵⁰2/5/9 for 1/2/3 hours.

This abuse has been bothering me for over 20 years but so has special MD, NYP, SPI [handicap] and permit abuses. There are many other parking issues I'd like to discuss with your committee or Transportation but not at a public forum. Also the Commercial abatement and other fine reduction programs by Finance should be studied.

Thank you for listening to this presentation.



**Testimony from the Street Vendor Project re: Intro 272
NYC Council Committee on Consumer Affairs
June 16, 2010**

My name is Tesfalam Kiflu, and I sell gyros, chicken and Eritrean food from a truck on the corner of Nassau and Anne Streets in downtown Manhattan. I'm a member of the Street Vendor Project, which is an organization of more than 1,100 people who sell food, merchandise and artwork on the streets and sidewalks of our city. Thank you for the opportunity to testify today.

The street vending community, and our millions of customers, strongly oppose Intro 272, an unfair law that would punish the smallest businesses in New York City while doing nothing about greater problems it claims to address.

First, although we are mobile food vendors, many of us cannot move from place to place each day. It is not easy to find a spot in the first place, because many streets are restricted to us by law. After I found my spot, it has taken me a year and a half to build up a steady customer base. Some of them buy food from me every day and rely on me being there. I have to get to my corner at 6:30 a.m. each morning even to find a parking spot, even though I do not begin working until lunch. To be at my spot at 6:30 a.m., I have to wake up at 4 a.m. I am providing a service to the community by offering a style of food that is not available from any restaurants in the area.

We do not believe that vendors who park illegally should be treated any differently from anyone else who parks illegally. Sometimes delivery trucks get 10 tickets a month – why are they not penalized the same way? Taking away our permit to work after three parking tickets is not fair. Street vendors already receive many tickets and penalties that are more severe than other businesses receive, from the police department, the health department, and parks department. In fact, it is very difficult to even get a permit to begin with. Now you want to take these permits away.

Finally, the language of the new bill is not clear. The way Intro 272 is written, it will not only apply to mobile food vendors who sell from trucks, as some people have claimed. It requires the permit to be revoked from any food vendor, whether they sell from a big truck or a small cart on the sidewalk, after 3 traffic tickets in one year. A hot dog or coffee or fruit vendor could have his or her permit taken away for conduct having nothing to do with his business, but because he or she receives three parking tickets, at home, on their personal vehicle.

We ask that you not pass this bill.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: Nicholas Karagiorgos

Address: 30-46 Hobart Street Woodside N.Y. 11377

I represent: Myself as a food vendor

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: Kenny Lao

Address: 307 E 124th St

I represent: Rickshaw Dumping Truck

Address: 61 W 23 St NYC NY 10010

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: Chrissy Michaels

Address: 15 Lawton St #28 Bk 11221

I represent: mobile vendors & food lovers

Address: NA

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16

(PLEASE PRINT)

Name: Melanie Schilt

Address: 100 Maiden Lane Apt 911

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6-16-10

(PLEASE PRINT)

Name: DOUGLAS QUINT

Address: 259 BENNETT AVE 10040

I represent: BIG GAY ICE CREAM TRUCK

Address: 259 BENNETT AVE 10040

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: DAN ROSSI

Address: _____

I represent: FOOD VENDORS

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/16/10

Name: Michelle Birnbaum (PLEASE PRINT)

Address: EAST 86th ST. Association

I represent: _____

Address: P.O. Box 206 NYC 10021

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16

Name: YASSIN Z. RAOUFI (PLEASE PRINT)

Address: 364 3RD AVE #6

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/16

Name: Lev Ekster (PLEASE PRINT)

Address: 183 Irwin St Brooklyn NY

I represent: Cupcakestop

Address: 144th Greenwood Ave NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/2010

(PLEASE PRINT)

Name: DAVID WEBER

Address: 163 PROSPECT PL

I represent: RICKSHAW DUMPLING BAR

Address: 61 W 23rd ST, NY, NY 10010

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: WILLIAM MARQUARDT

Address: _____

I represent: MY SELF

Address: P.O. Box 286966, NEW YORK, NY 10128

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: ROBERT QUINN

Address: 36 E 36th ST 7H.

I represent: Citizen

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: Oleg Voss

Address: 20 DeKalb, Brooklyn

I represent: Street Vendors

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

(PLEASE PRINT)

Name: Street Vendor Project (Terbala Tiflu)

Address: _____

I represent: Street Vendor Project

Address: 123 William St. (16th Fl.)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: June 16, 2010

(PLEASE PRINT)

Name: Kim Ima

Address: 100 Bank St #3A

I represent: The Treats Truck

Address: mobile (based in Brooklyn)
sells in NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

Name: Derek Kage (PLEASE PRINT)

Address: 211 E 14th St #1 NY NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

Name: Hayley Kaye (PLEASE PRINT)

Address: 301 E. 66 St #14L

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/16/10

Name: Richard Juliano (PLEASE PRINT)

Address: 184 Broadway

I represent: Lincoln Square Business Improvement District

Address: 184 Bway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 272
☐ in favor ☒ in opposition

Date: 06/16/10

(PLEASE PRINT)

Name: THOMAS DE GEEST
Address: 438 W 20th St #1 NY 10011
I represent: WAFELS & DINGERS
Address: SAME.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____
☐ in favor ☒ in opposition

Date: 6/16/10

Name: PETE VAN LEEUWEN (PLEASE PRINT)
Address: 248 DRIGGS AVE
I represent: VAN LEEUWEN ICE CREAM
Address: 946 LORIMER BROOKLYN, NY 11222

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____
☐ in favor ☒ in opposition

Date: 6/16/2010

Name: BEN VAN LEEUWEN (PLEASE PRINT)
Address: 946 LORIMER ST APT 1L
I represent: VAN LEEUWEN ICE
Address: CREAM

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

272

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

Name: AWNEY WONG (PLEASE PRINT)

Address: 78 GERRY STREET, BROOKLYN, NY 11206

I represent: SHANGHAI STAINLESS P & D, G.

Address: 78 GERRY STREET, BROOKLYN, NY 11206

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/10

Name: VADIM BOROVSKIY (PLEASE PRINT)

Address: 15 Broad St. NYC

I represent: Frites/Meats - Vendor

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. I 272 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/16/10

Name: VDan Biedermaier (PLEASE PRINT)

Address: 1065 Ave. of the Americas

I represent: ① 34TH ST. Partnership

Address: ② NYC BID ASSN.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)
Name: JACK B R UCCILEMI

Address: 18-11-42ST Astoria N.Y.

I represent: 31ST Merchant Assoc. - Queens

Address: 21-77-31ST Astoria 11105

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 272 Res. No. _____
☐ in favor ☐ in opposition

Date: 6/16/80

(PLEASE PRINT)
Name: GRANT D. MILLE

Address: 245 E 40ST NYC 10016

I represent: Street Sweets

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

272

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/16/2010

(PLEASE PRINT)

Name: Thomas Yang

Address: 952 57th St

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

272

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6.16.2010

(PLEASE PRINT)

Name: Mohand. Mohand -

Address: 596 W 50th St AP 4FG

I represent: Food Vendor Mohand. Mohand.

Address: 135 St Loxx Av

Please complete this card and return to the Sergeant-at-Arms