

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON SANITATION, TRANSPORTATION, AND PUBLIC
SAFETY

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March 9, 2011
Start: 1:10 pm
Recess: 3:43 pm

HELD AT: 250 Broadway
Committee Room, 14th Floor

B E F O R E:

LETITIA JAMES
JAMES VACCA
PETER F. VALLONE, JR.
Chairpersons

COUNCIL MEMBERS:

Michael C. Nelson
Eric Ulrich
Peter Koo
Sara M. Gonzalez
G. Oliver Koppell
Vincent Ignizio
Daniel R. Garodnick
David Greenfield
Jessica S. Lappin
Jumaane D. Williams
Stephen Levin
Erik Martin Dilan
Elizabeth Crowley

A P P E A R A N C E S

COUNCIL MEMBERS:

Ydanis Rodriguez
James G. Van Bramer
Gale A. Brewer
Daniel J. Halloran
Deborah Rose

A P P E A R A N C E S (CONTINUED)

Liz Weinstein
Director
Mayor's Office of Operations

Skip Funk
Director
Mayor's Office of Citywide Emergency Communications

Rachel Dickinson
Office of Emergency Management

Andrea Ciccone
Department of Sanitation

David Wallock
Department of Transportation

Susan Petito
NYPD

Caroline Kietz
NYFD

Anthony Crowell
Counsel to the Mayor

Malagros Franko

Robert Rappo

Matt Shockins

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2 [Off mic]

3 CHAIRPERSON JAMES: Good afternoon
4 and welcome to this joint hearing of the
5 Committees on Sanitation, Public Safety, and
6 Transportation. We anticipate the arrival of
7 Council Member Vacca, who I know I just saw in the
8 Housing and Buildings Committee hearing upstairs.
9 My name is Letitia James, I'm chair of the
10 Sanitation Committee.

11 Today we will be hearing a package
12 of 17 bills aimed at improving the city's
13 preparation and response to snow and other
14 weather-related emergencies. As most of us
15 already know, this process started in response to
16 the blizzard that hit the city on December 26th
17 and 27th. We have all come a long way from the
18 difficult days that followed the blizzard of 2010,
19 I know all of us are anticipating spring.

20 We can recall the ambulances stuck
21 in snowbanks unable to reach patients, people
22 around the city trapped in their homes and
23 neighborhoods unable to get to work or to see if
24 loved ones were safe from all the nightmare
25 scenarios that arose suddenly when the city failed

2 to manage what was a significant weather event,
3 leaving us in a state of emergency and paralysis.
4 We have come a long way from those unfortunate
5 days, but the memories certainly persist.

6 Over the last 10 weeks, the Council
7 has listened to the administration and to New
8 Yorkers from all around the city share input
9 regarding the storm. In particular, we held eight
10 different hearings, six of which were devoted
11 specifically to allowing the public to share their
12 stories from the days following the storm and to
13 allow their solutions to what went wrong.

14 Over roughly 30 hours of testimony
15 from more than 100 different witnesses, including
16 representatives of community boards, civic groups,
17 unions, elected officials, and regular citizens.
18 We put together a detailed picture of what
19 happened to our city during and after the
20 Christmas blizzard. The stories we heard told of
21 hardship, frustration, and even tragedy that
22 befell New Yorkers during and after the storm and
23 gave us insight into what should be done
24 differently in the future to ensure that these
25 things don't happen again.

2 Today we are here to put forward
3 several legislative ideas that grew out of that
4 process. Taken as a whole, the aim of these bills
5 is to establish a process for creating plans to
6 protect public safety that are transparent and
7 reviewable. They will provide the public with the
8 information it needs to understand what emergency
9 plans are in place, as well as what happens when
10 emergencies arise. They will require this in
11 subsequent administration to review and update
12 their plans on a regular basis in the light of
13 public scrutiny in order to respond to changing
14 circumstances and to problems that arise. These
15 bills make sure that those responsible for
16 planning for weather events and for weather-
17 related emergencies are accountable for their
18 actions and they keep the public firmly in the
19 public policy arena.

20 I emphasize that this hearing is a
21 first step in the process of improving our
22 planning in response to weather-related
23 emergencies in the future. We understand that
24 with input of the public and the administration,
25 we will need to refine and improve upon these

2 proposals to arrive at the best set of bills for
3 New Yorkers.

4 But let me be clear, we believe
5 that legislation is necessary to ensure that,
6 whatever the results are of this process, the
7 improvements we agree to are permanent and the
8 planning processes we create are more open and
9 transparent. We are hopeful that we can count on
10 the administration to be a partner in that
11 process.

12 With that in mind, I hope that the
13 representatives from the administration are here
14 to work with us and to keep this process moving
15 forward and to ensure that the changes we put
16 together are meaningful, permanent, and responsive
17 to the input we receive from our extensive hearing
18 process.

19 Before we hear from my co-chair
20 Council Member Vallone, let me introduce to my far
21 right, Council Member Nelson, Council Member Chin-
22 -no? No, I'm sorry, Council Member Vallone,
23 obviously, to my far left, Council Member Ulrich,
24 Council Member Koo, and Council Member Gonzalez.

25 And now we will hear from my co-

2 chair--and Council Member Koppell has just joined
3 us and Council Member Ignizio as well--now we will
4 hear from Council Member Vallone.

5 CHAIRPERSON VALLONE: Thank you,
6 Chair James, I'll be brief.

7 Welcome everyone to today's hearing
8 of three committees: The Public Safety,
9 Sanitation, and Transportation. Between these
10 three committees, we've held many, many hearings
11 that arose out of the December blizzard. We've
12 learned a lot from those hearings and those things
13 spurred many council members to put forth bills to
14 address problems and hopefully ensure they never
15 happen again.

16 Two examples, I put in a bill
17 which--well we learned that during the blizzard,
18 many individuals could not reach 911 or that 911
19 help was slow to arrive. So my bill would mandate
20 that a complete review be done of the 911 system,
21 both technical and operational, and report those
22 findings to the City Council so we can work
23 together with the administration to ensure that
24 never happens again.

25 Also, during our Emigrant Savings

2 Bank hearing, the commissioner of Office of
3 Emergency Management testified, as we all know,
4 and he testified that the Emergency Operation
5 Center, the EOC, was not open until after the snow
6 started to fall. That was the first and perhaps
7 biggest mistake upon which every other mistake
8 built as mistakes accumulated like the snowfall
9 did. We learned that when too much discretion is
10 involved, that discretion can be used unwisely.
11 So my bill would mandate that objective standards
12 be put forth as to when the Emergency Operations
13 Center will be open and that that information be
14 reported to us as to when it was opened and who
15 was present at that center.

16 So those are just some examples of
17 the many bills we'll be discussing today, and many
18 of them are put forth by different council
19 members, many who are here, and have worked very
20 hard on this, so we appreciate that. And I want
21 to thank everyone else for coming here today and
22 turn it back over to Chair James.

23 [Off mic]

24 CHAIRPERSON JAMES: And I apologize
25 to my colleague and good friend from Staten

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2 Island, Vincent Ignizio, I called him Council
3 Member Ulrich, who is also a very nice and good
4 looking man--

5 MALE VOICE: And a lot younger.

6 CHAIRPERSON JAMES: --and a lot
7 younger as well.

8 So now we're going to hear from Ms.
9 Liz Weinstein, the Director of the Mayor's Office
10 of Operations, who is joined by Anthony Crowell.

11 LIZ WEINSTEIN: He's on his way.

12 CHAIRPERSON JAMES: Okay.

13 [Off mic]

14 LIZ WEINSTEIN: Good afternoon, I'm
15 Liz Weinstein, Director of the Mayor's Office of
16 Operations. I will be joined by Anthony Crowell,
17 counsel to the Mayor, and two steps away, Skip
18 Funk, Director of the Mayor's Office of Citywide
19 Emergency Communications, and representatives of
20 the Office of Emergency Management, and the
21 sanitation, transportation, fire, and police
22 departments.

23 I would like to begin by thanking
24 the members of the Committee on Sanitation and
25 Solid Waste Management and Public Safety and

2 Transportation. In particular, I'd like to thank
3 Chair James and Vallone and Chair Vacca for their
4 time today and for the opportunity to comment on
5 the proposed legislation.

6 As you know, on the day after
7 Christmas the city was struck by one of the worst
8 blizzards in its history, dropping 20 to 30 inches
9 of snow across the city, with sustained snowfall
10 rates of two inches per hour, severely disrupting
11 transit and life throughout the five boroughs. As
12 the Mayor said, the city's cleanup and recovery
13 efforts did not meet the high standard that New
14 Yorkers have come to expect.

15 Mayor Bloomberg asked me to review
16 the city's operations during the storm and find
17 ways to improve interagency coordination and the
18 response to future severe storms. On January
19 10th, Deputy Mayor Goldsmith, along with
20 Commissioners Dougherty, Bruno, and Cassano,
21 testified before this body to offer the findings
22 of our review and the set of improvement steps the
23 city plans to take.

24 I'll use my time to address some of
25 the 15 points brought up by the--some of the

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2 points brought up by the council's proposed
3 legislation and briefly review the 15-point plan
4 presented at the January 10th hearing. I will
5 also update the committees on the city's progress
6 in implementing that plan.

7 Starting with the 15-point plan.

8 Our first recommendation was to amend the process
9 by which a snow declaration is declared. In order
10 to ensure deliberate decision making by critical
11 administration officials charged with responding
12 to winter weather emergencies. On January 11th,
13 the Mayor issued Executive Order 144, which
14 establishes a citywide protocol for responding to
15 winter weather emergencies.

16 EO 144 requires OEM to convene the
17 commissioners of Transportation, Sanitation, Fire,
18 and Police upon the forecast of extreme winter
19 weather. These commissioners are required to
20 evaluate policy options, including actions that
21 may be taken by individual commissioners or the
22 Mayor and to take action or advise accordingly.

23 Our second recommendation was to
24 develop a broader range of options that could be
25 part of an emergency declaration and make them

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2 clear and understandable to New Yorkers. Given
3 that weather emergencies are dynamic events that
4 require flexible responses, pursuant to EO 144,
5 OEM has developed a protocol by which the
6 commissioners of OEM, Transportation, Sanitation,
7 Fire, and Police will consider and evaluate all
8 winter weather actions to be taken. These range
9 from agency level decisions, such as suspension of
10 alternate side and parking meter regulations, to
11 mayoral decisions, such as whether to issue a
12 mayoral order to declare some form of emergency,
13 the contours of which should be determined based
14 on the attributes of the particular storm.

15 Our third recommendation was to
16 equip every Department of Sanitation truck with a
17 GPS device enabled with two-way communication.
18 Immediately after the storm, the city began
19 fitting DSNY trucks with this technology, which
20 was successfully piloted on 50 sanitation trucks,
21 starting with the January 7th snowstorm. Verizon
22 Communications is responsible for the eventual
23 installation of 2,500 units on all collection
24 trucks and salt spreaders. As of today, about
25 one-third of the 59 sanitation districts have GPS-

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2 enabled equipment, including over 800 vehicles and
3 workers have been trained on their use. Full
4 deployment is expected to be complete within 10 to
5 12 weeks.

6 Additionally, laptop computers will
7 be deployed with supervisors in the field to
8 monitor conditions and enable real-time strategic
9 coordination of resources. DSNY is also working
10 with Verizon to implement programs that could
11 digitally monitor plow routes and give sanitation
12 workers the ability to alert their supervisors
13 about street conditions, including obstructed
14 roadways, stuck equipment, accidents, and
15 injuries. DSNY continues to investigate advances
16 in locator technology.

17 Recommendation four was to improve
18 accountability protocols in the development of
19 plowing definitions by Sanitation. DSNY is
20 currently experimenting with a new system for
21 reporting plowing progress by measuring the real-
22 time percentage of completed streets during the
23 snowfall and not just after the snowfall has
24 ceased, as has been done in the past. This new
25 reporting tool is designed to be used when there

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2 is continuous snowfall occurring over two
3 consecutive work shifts, as during the January
4 27th snow event, when nearly 20 inches of snowfall
5 fell.

6 This tool provides uniformed field
7 managers entering a new work shift with the
8 plowing progress achieved by sanitation plow
9 operators on the previous work shift by
10 identifying routes that have been plowed at least
11 once but which are not yet cleared due to snow
12 that continues to fall. This system, along with
13 the alerts being created in tandem with Verizon,
14 will provide the department with a greater ability
15 to react to unforeseen circumstances in real-time.

16 Recommendation five was to
17 implement live monitors through the Street
18 Conditions Observation Unit, or SCOUT, Team to
19 stream video of trouble spots back to City Hall
20 and the city's EOC at OEM. The Street Condition
21 Observation Unit, or SCOUT, is deployed daily to
22 report quality-of-life conditions on city streets
23 and sidewalks to 311. Beginning with the January
24 7th snowstorm, SCOUT was successfully deployed to
25 monitor potential trouble spots as outlined in

2 this recommendation.

3 For future storms, the SCOUT teams
4 will be managed by OEM. We deploy these dedicated
5 teams throughout the city during winter weather
6 emergencies with handheld cameras. These cameras
7 stream live video feed which can be reviewed, not
8 only by OEM's OEC, but also by other city agencies
9 and will provide an additional mechanism for
10 situational awareness to help guide resource
11 deployment. SCOUT has been successfully
12 implemented four times since the December 26th
13 blizzard. During these events, SCOUT used city-
14 owned cameras and TLC SUVs equipped to handle
15 potentially difficult conditions.

16 Recommendation six was to enhance
17 the immediate availability of equipment critical
18 to recovery operations. The first step in
19 ensuring the availability of city equipment for
20 recovery operations is to provide critical
21 emergency decision makers with the knowledge of
22 the equipment that all city agencies have at their
23 disposal.

24 OEM's Citywide Asset and Logistics
25 Management System, or CALMS, is a web-based tool

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2 designed to capture information about available
3 assets to aid emergency response efforts. OEM is
4 currently expanding the functionality of CALMS
5 through a competitive solicitation to increase the
6 volume of equipment tracked by the system and add
7 features to better track the location and
8 availability of assets at any point in time.

9 Recommendation seven was to enhance
10 our ability to deploy personnel from other city
11 departments to assist in response operations. OEM
12 is currently working with DCAS, the Office of
13 Labor Relations, and other city agencies to
14 implement this enhanced staffing labor capability
15 for assistance in response operations, including
16 providing laborers to DSNY when needed.

17 Recommendation eight was to enhance
18 the EOC as the center of resource coordination.
19 Upon activation, the EOC serves as the emergency
20 command center in is the epicenter of operational
21 information flow and resource deployment. OEM is
22 currently working with agencies to clarify the
23 skill, experience level, and decision making
24 authority that a delegate to the EOC should
25 possess. This includes identifying a cadre of

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2 staff who have up-to-date agency data about in-
3 progress operations, are familiar with key agency
4 assets and operations, and have the authority to
5 deploy them if needed.

6 During a winter weather emergency,
7 depending on severity of conditions, the EOC may
8 dedicate representatives from dozens of city
9 government agencies including the Council. This
10 collaboration ensures that the City has a
11 comprehensive view of the emergency and enables a
12 rapid and informed deployment of resources.

13 Recommendation nine was to outline
14 steps to improve tow truck deployment. The tow
15 truck task force was created to centralize the
16 deployment of tow truck resources in instances
17 where significant numbers of emergency mass
18 transit and civilian vehicles became stuck in the
19 snow. The activation of the tow truck task force
20 comprised of representatives from Sanitation,
21 NYPD, and DOT, and other operating agencies as
22 needed, like DEP, Parks, MTA, FDNY, EMS, is among
23 the options to be considered by the interagency
24 meeting of commissioners pursuant to EO 144.

25 The task force, which is managed

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2 through the EOC, is charged with pooling agency
3 resources to effectively allocate and deploy tow
4 trucks based on real-time information streaming
5 into the EOC. The task force avoids duplication
6 of efforts by coordinating tow truck response
7 across agencies and pushing the assignments to the
8 designated agency for asset deployment.

9 Recommendation 10 is to improve the
10 city's ability to utilize private contractors for
11 assistance. DSNY is currently conducting outreach
12 to expand its list of private contractors to
13 assist in snow removal during extreme winter
14 storms and is exploring the cost of paying vendors
15 to be on standby for the city. This method has
16 been successfully implemented by the Port
17 Authority of New York/New Jersey.

18 Recommendation 11 is to improve the
19 process for hiring additional laborers not
20 currently employed by the city. During the
21 snowstorm, numerous logistical impediments
22 severely discouraged the participation of private
23 laborers. Since then, Operations has begun
24 working with DSNY to examine the process by which
25 temporary laborers are recruited, registered,

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2 deployed, and paid. Among the options being
3 weighed as a means of simplifying the process is
4 to outsource some or all of these administrative
5 functions to an outside resource that specializes
6 in this arena. We are also looking into the cost
7 and utility of using a third-party pay agent to
8 pay the laborers and bypass the difficult and
9 untimely process of payment directly from the
10 city.

11 Recommendation 12 is to improve
12 communications through a real-time public portal.
13 Within weeks of the December storm, the
14 administration launched NYC Snow Update, a website
15 dedicated to providing a one-stop portal for all
16 snow related information from the city and other
17 credible sources. At www.nyc.gov/snowupdate,
18 residents can find information on transportation
19 status, sanitation and collection information,
20 share their own snow related pictures and videos,
21 and subscribe for real-time news and
22 announcements. Additionally, NYC Snow Update
23 enables users to post locations of unplowed
24 streets and stuck vehicles--information that is
25 routed to the EOC and is used for situational

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2 awareness when deploying city resources. The
3 website is activated when the EOC is activated and
4 deactivated 12 hours after the EOC is deactivated.

5 Recommendation 13 was to provide
6 better methods for New Yorkers to request help.
7 The 311 call center experienced high call volume
8 during and after the storm, including a high
9 number of non-critical information requests.
10 Three-one-one now has enhanced web reporting
11 options that can handle most types of service
12 requests.

13 Additionally, we are encouraging
14 New Yorkers to sign up for Notify NYC, an
15 emergency messaging system that allows users to
16 register to receive information about citywide
17 emergencies and other vital information by mail,
18 phone call, or SMS text. We are working to
19 enhance 311's social networking options as a means
20 to disseminate information to New Yorkers. Three-
21 one-one already maintains two Twitter feeds, one
22 for 311 at 311 NYC, and one jointly with DOT for
23 alternate side parking, NYC ASP.

24 Moreover, in partnership with the
25 Mayor's Office of Media and Entertainment and the

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2 chief digital officer, 311 will continue to
3 explore opportunities to develop additional
4 channels to disseminate information.

5 We're also currently piloting 311
6 texting capabilities that will make information
7 available to the public through a text interface
8 where customers will be able to text a question to
9 a designated six digit code and receive a response
10 with information from the 311 database.

11 Recommendation 14 was to reform
12 dispatch protocols in extreme and high volume
13 events. After the blizzard, at the direction of
14 the mayor, the Mayor's Office of Citywide
15 Emergency Communications created the 911 call
16 processing review team to review the 911 system,
17 including the protocols and how to handle high
18 volume events. This team, comprised of subject
19 matter experts from outside the city and resources
20 from OCC, NYPD, and FDNY EMS, is analyzing how the
21 process works today, determining how the process
22 should work for best effectiveness in the future,
23 and mapping a plan to bridge the gap. This
24 comprehensive analysis will continue through the
25 end of May and final recommendations will be

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2 provided to the mayor by July.

3 And last, recommendation 15 was to
4 accelerate PSAC integration and implementation.
5 As you know, NYC operates the largest 911
6 emergency communication systems in the nation,
7 handling more than 11 million calls per year. The
8 city Emergency Communications Transformation
9 Program, or ECTP, was initiated in 2004 to address
10 the needs of the city's emergency public call
11 taking and dispatch operations. Mayor Bloomberg
12 recently created the OCC to accelerate the ECTP
13 project and ensure its success. At the direction
14 of OCEC, the integration of the city's dispatch
15 and telephony systems will be improved through
16 ECTP. This program will continue to transform a
17 30 to 40 year old system by implementing state-of-
18 the-art technologies.

19 Council legislation response. We
20 worked hard to learn from our mistakes during the
21 December 26 storm and to earn back our good
22 reputation in snow removal. We have created new
23 protocols to improve our storm response, made
24 alterations to agency standard operating
25 procedures, incorporated more technology into the

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2 snow removal operation, and enhanced our ability
3 to communicate with the public. As a result of
4 these steps, we firmly believe that storm response
5 has been and will continue to be enhanced.

6 Indeed, we successfully handled
7 storms of 9 to 13 inches on January 12th and 13th,
8 and 10 to 19 inches on January 26 and 27th. It is
9 with this in mind that the administration,
10 including all the relevant agencies involved in
11 such efforts, has considered the various
12 legislative proposals before us today. These
13 proposals contain worthwhile ideas that address
14 many of the administration's failures during the
15 storm. However, we are concerned by some of the
16 unintended consequences that some of these bills
17 are likely to have.

18 First, many of the proposals,
19 although based on sound reasoning, propose actions
20 that DSNY, OEM, FDNY, and DOT already perform in a
21 typical snow response. Various committee's
22 reports and decision structures are built into the
23 response mechanisms already in place. Although we
24 have identified areas where we could have
25 performed significantly better, we have made

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2 considerable progress in quickly implementing
3 material changes to these protocols. Proposals
4 that impose new reporting requirements, borough-
5 focused removal strategies instead of the more
6 effective sanitation district focus and the
7 displacement of agency functions from their
8 operational homes would duplicate our efforts.
9 What is worse is that they could make snow
10 recovery more inefficient by establishing rigid
11 rules and predetermined actions when a more
12 flexible response is necessary and advisable.

13 In addition, some of the proposals
14 attempt to legislate issues where agency
15 discretion is paramount. For example, OEM
16 intentionally incorporates flexibility into its
17 planning so it can address the unique and
18 unforeseen circumstances presented by new winter
19 emergencies. By imposing legislation that would
20 more narrowly define the instances in which OEM
21 mobilizes resources, we would be severely limiting
22 the courses of action that city agencies can take
23 and risk undoing the progress of some of our new
24 protocols.

25 With that in mind, I'll now provide

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2 comments on each of the bills.

3 First, annual snow response and
4 preparedness report, LS 1927. The first bill,
5 sponsored by Chair James, would require the
6 Mayor's Office of Operations to create an annual
7 snow preparedness and response report.

8 Currently, the New York City Winter
9 Weather Emergency Plan, developed and maintained
10 by OEM, guides the city's response to the hazards
11 that winter brings, including severe cold and
12 major snowstorms. The Winter Weather Emergency
13 Plan, like the city's heat plan, is a strategic
14 document that describes agency responsibilities,
15 key decisions, and interagency coordination. When
16 a National Weather Service forecast exceeds one of
17 the plan's thresholds, such as six inches of snow
18 or temperatures below 15 degrees for more than two
19 days, the OEM convenes a group of city, state,
20 federal, and nonprofit and volunteer agencies
21 called the Winter Weather Emergency Steering
22 Committee. Through this committee, the National
23 Weather Service provides the forecast and its
24 predicted impacts and OEM ensures that agency
25 preparations are in place. The OEM commissioner

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2 already has the power and duty to coordinate the
3 city's response to emergencies, prepare plans for
4 responding to emergency conditions, and potential
5 incidents, and operate the Emergency Operations
6 Center.

7 This legislation delves too deeply
8 into the tactical fine points of OEM's operations.
9 It is inappropriate to legislate the details of
10 OEM standard operating procedures, for future
11 modification or revision of the plans will be
12 arduous and could negatively impact upon the
13 city's preparedness and, as a result, the public
14 safety.

15 Second bill, OEM responses to
16 weather-related emergencies, LS 1928. The next
17 bill, sponsored by Chair James and Council Member
18 Vacca--or Chair Vacca, would require OEM to create
19 rules and regulations regarding weather
20 emergencies.

21 During emergencies of any nature,
22 OEM's job is to coordinate the city's response and
23 recovery and to collect and disseminate critical
24 information to key stakeholders in the government,
25 the private sector, and the public. Although

2 every emergency creates new and unforeseen
3 conditions, OEM has flexible plans in place that
4 define the city's coordinated response.

5 Emergencies in New York City are
6 managed under the Citywide Incident Management
7 System, or CIMS. CIMS establishes command
8 structures for a range of incidents, it assigns
9 the lead or command element, designates which
10 agency or agencies are in charge, and sets forth
11 roles and responsibilities for agencies involved
12 in emergency response. For example, under CIMS,
13 weather events such as snowstorms are managed by
14 unified command with the Department of Sanitation,
15 Department of Transportation, police department,
16 the fire department, and OEM.

17 The legislation addressed here is
18 already covered as a procedural responsibility of
19 OEM under CIMS, enforced by executive order and
20 detailed in the city's Winter Weather Emergency
21 Plans and other plans. OEM continuously monitors
22 the weather through its watch command. When the
23 potential exists for a significant weather event,
24 OEM takes actions, which range from the standard
25 monitoring of the situation through watch command

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2 which operates 24/7 365, enhanced watch command,
3 activation of the winter weather plan, situation
4 room activation, modified Emergency Operations
5 Center activation or full EOC activation. The EOC
6 through watch command is always activated and at a
7 state of readiness at one of these levels of
8 monitoring and response.

9 The standard operating procedures
10 of the OEC, its composition, and many of the tasks
11 related to a potential activation focus on
12 interagency communication.

13 It is inappropriate for the
14 commissioner to create rules and regulations
15 because the very nature of emergency response is
16 not an exact science and the plans OEM creates are
17 intentionally flexible to address
18 unpredictability.

19 Third, comprehensive snow removal
20 plan by borough, LS 1923. The third bill,
21 sponsored by Council Member Palma, would require
22 the Department of Sanitation to develop borough-
23 based snow removal plans to be updated annually
24 and submitted to local community boards and
25 council members for comment.

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2 Every year, Sanitation consistently
3 applies the same protocol and procedures for salt
4 spreading and snowplowing operations throughout
5 the entire city. DSNY modifies its snow plan on
6 an as needed basis. Plowing operations in every
7 borough must first begin along the primary roads
8 and arterial highways, followed by secondary
9 streets that feed into the primary roads, and
10 last, the tertiary streets that feed into the
11 secondary streets in every borough.

12 Requiring a separate plan for each
13 borough is unnecessary and duplicative because
14 DSNY district superintendents already meet with
15 each community board district manager every month
16 at the district service cabinet meetings mandated
17 by the New York City Charter, during which time,
18 the plan for snow operations for each community
19 district is reviewed and discussed directly
20 between them.

21 The charter also requires the
22 Office of Management and Budget to publish and
23 furnish annually to each community district the
24 department's District Resource Statement which
25 identifies equipment allocated to each community

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2 district. Therefore, it is the opinion of the
3 administration that this legislation is
4 unnecessary.

5 Number four, establish OEM borough
6 supervisors, managers, LS 1982. The fourth bill,
7 sponsored by Council Member Comrie, would require
8 OEM to appoint borough commissioners or
9 supervisors.

10 OEM does not handle emergencies in
11 a decentralized way, it operates on a citywide
12 basis and surges as needed. OEM has the ability
13 to cover all boroughs through deployment of
14 citywide incident coordinators as an incident
15 requires. These responders can be deployed
16 anywhere in the city for additional situational
17 awareness, watch command monitors information by
18 borough for all emergencies.

19 While utilizing a borough approach
20 for monitoring works to enhance situational
21 awareness, it does not work for coordinating or
22 deploying resources. OEM has both citywide and
23 borough responsibly and addresses incidents that
24 cross borough lines or are contained in a single
25 borough. OEM is a coordinating agency and

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2 utilizes the borough structure of operating
3 agencies to enhance its own efforts.

4 Further, in addition to adding
5 unnecessary costs during a period of deficits,
6 having a borough structure does not augment OEM's
7 coordination responsibilities and could even have
8 a negative impact, as it is charged with
9 coordinating the requests for resources and
10 determining and ensuring that resources go where
11 they are truly needed most.

12 Fifth, Emergency Operations Center,
13 LS 1981. The fifth bill, sponsored by Chair
14 Vallone, would require OEM to create rules and
15 regulations regarding the EOC.

16 The purpose of the EOC is to bring
17 all the agencies involved in an incident together
18 to provide the city with a common operating
19 procedure and to identify and solve problems. In
20 addition, when an agency needs assistance to do
21 its job, it can request resources through the EOC
22 and OEM will get them from other city agencies,
23 neighboring counties, states, and the federal
24 government, or the private sector.

25 The decision to activate is an

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2 executive decision based upon expertise,
3 experience, and circumstance and should not be
4 legislated or bound by narrowly focused rules
5 regarding an inexact weather prediction. These
6 decisions are inherent in the duties of the OEM
7 Commissioner under the City Charter.

8 For any emergency, including winter
9 weather, the EOC is opened after the OEM
10 Commissioner, with the advice of his or her
11 executive staff, has reason to believe weather
12 conditions will be such that EOC activation will
13 support the city's agencies' operational efforts
14 and that criteria and/or thresholds outlined in
15 the Winter Weather Emergency Plan will likely be
16 met. After action reports following activation
17 further address questions the City Council may
18 have related to planning and coordination.

19 Furthermore, by requiring the
20 disclosure or reasons certain actions were not
21 taken, the bill as drafted implicates the
22 deliberative privilege that is well recognized
23 under state and federal law. This privilege
24 protects the ability of agencies in the executive
25 branch to perform their Charter-mandated functions

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2 by not requiring disclosure of official's
3 deliberations that result in policy or operational
4 decisions.

5 Number six, OEM calls for aid, LS
6 1980. The sixth bill, sponsored by Council Member
7 Crowley, would require OEM to create rules and
8 regulations regarding requests for aid from the
9 state Office of Emergency Management and mutual
10 aid from the state and other jurisdictions.

11 Logistics is a core mission of OEM
12 and a primary role of the EOC. Through this
13 function, the city has the ability to reach out to
14 a wide range of resources, including city
15 agencies, private businesses, and surrounding
16 counties, state, and the federal government. The
17 introduction of rules to regulate mutual aid
18 offers no logistical improvements to OEM's
19 process. OEM has detailed procedures in place
20 which outline the process for obtaining resources
21 from city agencies, vendors, or state and federal
22 partners. All emergency resource requests from
23 the city agencies to the state are channeled
24 through OEM to reduce competition for resources,
25 duplication of requests, and to serve as a central

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2 resource coordination center.

3 In addition, 2010 New York State
4 legislation entitled the Intrastate Mutual Aid
5 Program, IMAP, allows NYC to contact other New
6 York state counties to seek mutual aid. The
7 protocols are now being defined by a committee, of
8 which OEM is a member, and will be sufficiently
9 specific to provide answers for the City Council
10 related to mutual aid. An additional request
11 mechanism for mutual aid is available for a state
12 to state requests under the Emergency Management
13 Assistance Compact, or EMAC.

14 EMAC membership consists of all
15 U.S. states and territories and is similar in
16 scope to the IMAP, but on an interstate level.
17 Under EMAC, protocols and processes are in place
18 for request, reimbursement, liability, etc. None
19 of the above options for resource requests for
20 mutual aid--PSMA, IMAP, EMAC, etc.--preclude New
21 York City from entering into any other specific
22 MOUs with partners, however, attempting to
23 legislate any such process will duplicate and
24 complicate current mechanisms already in place at
25 the city, state, and federal levels.

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2 As I noted in discussing the
3 previous bill, as drafted this will require
4 disclosure of certain information that implicates
5 the deliberative privilege long recognized under
6 both state and federal law rendering it an
7 inappropriate subject for legislation.

8 Number seven, notice of service
9 changes, LS 1912. The seventh bill, sponsored by
10 Council Member Gentile, would require Operations
11 to notify the public of the status of any
12 government services that are disrupted due to
13 severe weather or other emergencies.

14 As it stands, the public is already
15 informed by coordinated media releases from OEM,
16 DSNY, DOHMH, City Hall, and MTA. Those same
17 messages are posted on social media sites,
18 NYC.gov, and agency websites. In addition, the
19 information is sent through Notify NYC, provided
20 to 311, and distributed to OEM's e-mail subscriber
21 list.

22 The new snow website also allows
23 the public to provide direct feedback and submit
24 photos of conditions to the EOC.

25 Number eight, street snowplow

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2 priority designations, LS 1916. The eighth bill,
3 sponsored by Council Members Vacca and Gentile,
4 would require DSNY to post on its website no later
5 than October 1, 2011, a report identifying all the
6 snow routes and snow removal priority designations
7 of all city streets by community district.

8 The administration has already
9 committed to make data and information accessible
10 to the public on a dedicated city website by
11 collecting and compiling maps and more than 1,000
12 snowplow routes across the city. However, the
13 deadline of October 1st, 2011, is unrealistic
14 given the amount of data that must be processed.

15 Number nine, review of 911, LS
16 1979. The ninth bill, sponsored by Chair Vallone,
17 would require the NYPD to conduct a comprehensive
18 operational and technical review of the city's
19 emergency 911 communications system and report its
20 findings to the council.

21 The administration objects to
22 legislation requiring operational and technical
23 reviews of 911 with report to the council. Such a
24 requirement is duplicative of the administration's
25 efforts already underway, as described both by

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2 Deputy Mayor Goldsmith at the hearing on January
3 10, 2011, and also in the Mayor's Action Plan
4 regarding emergency communications.

5 Number 10, borough specific snow
6 event coordinators, LS 1978. The tenth bill,
7 sponsored by Council Member Williams, would
8 require the sanitation commissioner to designate a
9 borough snow event coordinator during snow season
10 to communicate directly with other agencies,
11 elected officials, and community boards, and
12 coordinate DSNY snow response with other agencies.

13 Every district garage and borough
14 office is sufficiently staffed with both
15 managerial officers and workers and within this
16 hierarchy every employee executes their assigned
17 snow duties and responsibilities during snow
18 season. In addition, the department's Office of
19 Customer Services and Government Relations
20 communicates regularly with elected officials and
21 community boards during snow events and manages
22 the intake of hundreds of service related issues
23 by constituents which it routes directly to the
24 field and tracks for completion.

25 Moreover, OEM, through its EOC,

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2 already has in place a system to coordinate among
3 agencies the city's response during snow events.
4 Creating a separate snow event coordinator is
5 unnecessary because it overlaps with these
6 existing and well-established responsibilities and
7 protocols.

8 Eleven, snow removal volunteer
9 registry, LS 1977. The eleventh bill, sponsored
10 by Council Member Koo, would require DSNY to
11 establish a registry of volunteers who will remove
12 snow on behalf of others who are unable to do so
13 and to accept requests for snow removal.

14 As drafted, the bill raises
15 significant operational and legal issues.
16 Operationally, the bill would require DSNY to
17 oversee and manage this effort. We believe that
18 it would be more appropriate to assign this role
19 to NYC Service, whose experience with volunteer
20 recruitment and management makes it better
21 position to evaluate volunteers, thus helping to
22 ensure that they are qualified and do not pose a
23 threat to the individuals this bill aims to help.

24 We should also be mindful that
25 there are nonprofit organizations that are already

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2 doing great work in this area and we should be
3 careful not to interfere with the success of these
4 groups.

5 The bill could impose liability on
6 the same property owners whom we are looking to
7 assist should a volunteer fail to clear the
8 sidewalk in a manner required by the
9 administrative code. The bill could also impose
10 liability on the city. State law provides that
11 volunteers who are expressly authorized to
12 participate in a city-sponsored volunteer program
13 shall be considered an employee of the city. If a
14 volunteer hurts him or herself while removing
15 snow, then liability would rest with the city and
16 is likely to have costly ramifications.

17 An alternate approach is to allow
18 NYC Service to develop a plan that would achieve
19 the bill's objectives in a manner that is
20 efficient, effective, and consistent with existing
21 law. A model to replicate is in an initiative
22 called NYC Cool Roofs whereby NYC Service worked
23 with nonprofits, city agencies, and building
24 owners to craft a pilot program that recruited
25 volunteers to apply white reflective surfaces to

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2 rooftops, reduce building cooling costs, and save
3 energy.

4 Number 12, annual inventory of
5 emergency equipment resources, LS 1976. The
6 twelfth bill, sponsored by Council Member Mealy,
7 would require operations to conduct an annual
8 inventory of snow and weather emergency management
9 equipment.

10 As I noted earlier, OEM has a
11 similar capability through the Citywide Asset and
12 Logistics Management System, or CALMS, a web-based
13 tool designed to capture information about assets
14 that can be used to aid emergency response and
15 recovery efforts. Since its launch CALMS has
16 served as the city's only combined database for
17 emergency resources.

18 Given the broad purview of the bill
19 as drafted, the administration has particular
20 concerns regarding the required disclosure of
21 potentially sensitive or confidential information
22 about agency operations and equipment.

23 Additionally, while we agree that we need to
24 improve our ability to utilize private contractors
25 during emergencies and are working to do so, the

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2 scope of the required inventory of privately owned
3 equipment presents an undue burden.

4 Thirteen, the suspension of parking
5 meters, Intro 169. The thirteenth bill, Intro
6 169, is sponsored by Council Member Recchia and
7 would require the Department of Transportation to
8 suspend parking meters when alternate side parking
9 rules and street sweeping are suspended by DSNY
10 due to snow fall. The parking meters would not be
11 permitted to be reactivated for at least 24 hours
12 and until street sweeping is resumed.

13 We understand that the intention of
14 this bill is to avoid people having to move their
15 cars when it could interfere with snow removal
16 operations. However, we are concerned that the
17 suspension of parking meters would have unintended
18 consequences for business owners who rely on
19 customers being able to park in front of their
20 stores. If parking meters were suspended, people
21 would leave their cars in place. After
22 snowplowing on the street where the car is
23 located, the car would be difficult to move--
24 forcing the car to stay in place for even longer.
25 Without turnover of these parking spots,

2 businesses would suffer.

3 Furthermore, in the winter of 2009,
4 2010, street sweeping was suspended due to weather
5 on 11 days. Parking meters were not suspended on
6 any of those days and DOT received very few
7 complaints. In fact, this winter was the first
8 time that meters have been suspended over the past
9 few years and it was only because of the severity
10 and accumulation of snow.

11 We believe the impact on business
12 owners is too great to suspend parking meters
13 every time street sweeping is suspended due to
14 snow fall and, therefore, oppose this bill.

15 Number 14, clearing crosswalk curb
16 cuts on primary streets, LS 1910. The fourteenth
17 bill, sponsored by Council Member Koslowitz, would
18 require DSNY to develop a plan for removing snow
19 and ice from curb cuts and pedestrian medians on
20 primary roadways. For the purpose of addressing
21 curb cuts, DSNY assumes that the sponsor intends
22 that this bill cover only crosswalks at
23 intersections and not cuts into the curbs for
24 driveways.

25 There are over 344,000 crosswalks

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2 in the city, of which nearly half are along
3 primary roadways. DSNY workers do not manually
4 shovel out crosswalks. Once they complete plowing
5 and salt spreading operations, and provided there
6 are no other predicted snowstorms, Sanitation
7 workers must resume garbage and recycling pickups.

8 DSNY relies on a pool of available
9 temporary laborers to undertake the task of
10 clearing crosswalks, but there's no guarantee year
11 after year that there will be a sufficient number
12 of laborers who will sign up for temporary work
13 during major snow events. DSNY is reluctant to
14 assign temporary laborers to shovel out pedestrian
15 medians because those medians are usually located
16 along primary roadways, where median where--sorry,
17 where multiple lanes of fast-moving traffic on
18 each side of the median potentially place them in
19 harms way.

20 DSNY proposes that as part of any
21 policy for shoveling snow from publicly used
22 areas, legislative or otherwise, it should be
23 mandated that every corner property owner or his
24 or her lessee located on a primary, secondary, or
25 tertiary street be responsible for shoveling out

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2 the curb cut, as well as the first couple of feet
3 on the portion of the crosstalk directly abutting
4 his or her property. Other large cities already
5 impose some form of responsibility on such
6 property owners, including Boston, Ann Arbor, and
7 the Milwaukee.

8 Fifteen, 311 high call volume
9 protocol, LS 2037. The fifteenth bill, sponsored
10 by Council Member Williams, would require the
11 Department of Information Technology and
12 Telecommunications to develop a high call volume
13 protocol for 311.

14 Despite the challenges presented by
15 the December blizzard, given the record number of
16 calls received in the storm's immediate aftermath,
17 311 functioned exceedingly well. The system
18 proved to be a robust and effective means of
19 informing New Yorkers on the status of storm-
20 related conditions, updates, and instructions,
21 having received more than one million calls from
22 December 26, 2010, through January 2nd, 2011.

23 The standard practice for 311 to
24 increase personnel during high volume call
25 periods. The protocol for adding personnel to 311

2 to answer calls during emergencies--excuse me--has
3 been executed as needed, since system launch in
4 2003. The call center facility, as well as its
5 underlying technology, is built to allow quick
6 scale up for exigent circumstance, including
7 storms, emergencies, or citywide events.

8 Additionally, 311 has implemented
9 other innovations to relieve the strain of high
10 call volume. The 311 automated messaging system
11 heard by callers before they reach call takers is
12 an effective means of delivering status,
13 instructions, and updates to New Yorkers. It has
14 also introduced thousands of customers to 311
15 online--a quick alternative to making a phone
16 call--through recordings encouraging callers to
17 use this option. Three-one-one online proved
18 especially valuable during and after the storm,
19 receiving 108,842 site visits from December 26th
20 to December 31st, 2010.

21 As per usual, staff at 311 worked
22 with OEM to ensure that notifications created by
23 OEM and distributed through a Notify NYC were
24 consistent with alerts and updates on 311's
25 automated messaging system, the call center, and

3 online channels.

4 In partnership with the Mayor's
5 Office of Media and Entertainment and the chief
6 digital officer, 311 continues to explore
7 opportunities to develop additional alternate
8 channels to disseminate information on a regular
9 basis, as well as during high demand periods.

10 Sixteen, snow removal from bus
11 shelters, LS 1994. The final proposed bill,
12 sponsored by Council Member Gonzales, would
13 require DOT to remove snow and ice from all bus
14 shelters in the timeframe established in Section
15 16-123 of the Administrative Code.

16 We understand that the purpose of
17 this bill is to ensure the public can wait safely
18 for buses and we agree that is important.
19 However, we have a few concerns with this bill.

20 Cemusa is the company that has a
21 franchise with DOT for the installation and
22 maintenance of 3,300 bus stop shelters. Cemusa
23 owns these structures during the term of the
24 contract. As the property owners and as part of
25 its franchise agreement, Cemusa is already
obligated to remove all snow and ice from DOT's

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2 bus shelter locations within the timeframe
3 mandated by the administrative code, which
4 requires all property owners to remove snow and
5 ice from sidewalks in front of their properties.
6 Accordingly, the terms of the Cemusa franchise
7 agreement include provisions for the payment of
8 liquidated damages for failure to maintain
9 shelters. This winter, Cemusa paid the city
10 nearly \$100,000 in liquidated damages.

11 It is important to note that since
12 clearing their property is an owner's
13 responsibility, DOT does not maintain personnel on
14 staff to clear sidewalks of snow and ice.

15 Finally, the bill defines bus
16 shelter as any covered location where the public
17 waits to board a NYC transit authority vehicle.
18 This definition would apply to many more
19 structures than the 3,300 Cemusa bus shelters that
20 fall under the jurisdiction of the NYC Department
21 of Transportation.

22 Bus shelters outside the Cemusa
23 program are not under DOT's control, often they're
24 controlled privately or by other government
25 jurisdictions. DOT cannot be held responsible for

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2 removing precipitation from all of these
3 locations.

4 Finally, in conclusion, we've
5 worked hard since the December blizzard to earn
6 back the public's trust. We believe that the 15-
7 point plan presented at the January 10th hearing
8 and reiterated today actively addresses the areas
9 of concern voiced by the Council and the people of
10 New York City.

11 We believe that to preserve
12 flexibility in the face of unforeseen
13 circumstances and to build on the progress made
14 with our new plans, the Council should not move
15 forward with these legislative proposals. Rather,
16 the Council should use its oversight role to
17 continue to monitor the city's future response to
18 snow events and to work with various city agencies
19 to ensure that the 15-point plan is implemented
20 and that we deliver the snow cleanup response that
21 New Yorkers expect and deserve.

22 Thank you for your attention.
23 We'll now be happy to answer your questions.

24 CHAIRPERSON JAMES: Thank you.
25 We've been joined by Council Member Garodnick,

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2 Council Member Vacca, who will return shortly,
3 Council Member Greenfield, Council Member Lappin,
4 Council Member Williams, and Council Member Levin,
5 who is joining us now.

6 I thank you for your testimony.
7 Would it be fair to conclude that the
8 administration opposes every bill that the City
9 Council has put forward? You don't like any of
10 them?

11 [Off mic]

12 LIZ WEINSTEIN: I think we're ready
13 to start talking [off mic].

14 CHAIRPERSON JAMES: Okay. Very
15 good, let's start talking. So you mentioned in
16 your testimony the New York City Winter Weather
17 Emergency Plan, which was updated on December
18 21st, 2006, and the New York City Winter Weather
19 Emergency Plan is a detailed citywide plan that
20 New York City agencies will use to respond to
21 severe winter weather ranging from low temperature
22 to freezing rain to snow storms. This event
23 scenario describes how agencies will use the
24 operational protocols and strategies in the plan
25 to respond to back-to-back record snowfalls. Is

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2 that a correct description of this plan?

3 Could you introduce the rest of
4 your panel--

5 LIZ WEINSTEIN: Sure, yeah--

6 CHAIRPERSON JAMES: --since you've
7 been joined by--

8 LIZ WEINSTEIN: --absolutely. So
9 Anthony Crowell, who's counselor to the Mayor is
10 here, Skip Funk, who I mentioned before, who is in
11 charge of emergency communications review--I'm
12 going to sort of screw up all the agency folks,
13 but we have OEM, Sanitation--

14 CHAIRPERSON JAMES: [Interposing]
15 Can they introduce themselves--

16 LIZ WEINSTEIN: Sure--

17 CHAIRPERSON JAMES: --perhaps?

18 LIZ WEINSTEIN: --absolutely. Go
19 ahead.

20 RACHEL DICKINSON: Good morning,
21 I'm Rachel Dickinson from the Office of Emergency
22 Management--

23 SERGEANT-AT-ARMS: [Interposing]
24 Hold on a second [off mic] microphone.

25 [Off mic]

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2 FEMALE VOICE: She doesn't have a
3 microphone.

4 [Off mic]

5 SERGEANT-AT-ARMS: So let's try and
6 do this--

7 [Off mic]

8 SERGEANT-AT-ARMS: Go ahead.

9 ANDREA CICCONE: [Off mic] I'm
10 Andrea Ciccone from the Department of Sanitation.

11 RACHEL DICKINSON: I'm Rachel
12 Dickinson from the Office of Emergency Management.

13 DAVID WALLOCK: David Wallock from
14 the Department of Transportation.

15 [Off mic]

16 SUSAN PETITO: Susan Petito from
17 the police department.

18 CAROLINE KRETZ: I'm Caroline Kretz
19 from the fire department.

20 CHAIRPERSON JAMES: Question
21 relates to your current New York City Winter
22 Weather Emergency Plan which was last updated in
23 2006 which establishes operational protocols. Is
24 that plan still in effect?

25 LIZ WEINSTEIN: Yes.

2 CHAIRPERSON JAMES: Was that plan
3 in effect during the holiday blizzard?

4 LIZ WEINSTEIN: Yes.

5 CHAIRPERSON JAMES: Was that plan
6 adhered to during the holiday blizzard?

7 LIZ WEINSTEIN: Yes.

8 CHAIRPERSON JAMES: Did you say
9 yes?

10 LIZ WEINSTEIN: I think so, yeah.

11 CHAIRPERSON JAMES: [Off mic] just
12 go through the rules that you--

13 LIZ WEINSTEIN: Sure.

14 CHAIRPERSON JAMES: [Off mic]. I
15 noticed that in at least six of the
16 recommendations that you put forward--I counted
17 one, two, three, four, five, six, seven
18 recommendations you anticipate to some degree some
19 use of technology.

20 [Off mic]

21 CHAIRPERSON JAMES: How much would
22 that cost taxpayers in the city of New York?

23 LIZ WEINSTEIN: I don't have a
24 total number, if there's one that you're
25 particularly interested in, we can certainly try

2 to get you that number, I don't have a total for
3 all of the--for the costs.

4 CHAIRPERSON JAMES: The
5 recommendations that have been put forth by the
6 City Council do not basically require that we
7 legislate some of the protocols that are put forth
8 already in your plan which is currently in
9 existence, and there is not a fiscal note attached
10 to our bill, but I would argue that it is less
11 costly than what the administration has put forth
12 and does not depend to a certain degree upon this
13 use of technology.

14 Let us begin with the GPS systems
15 in recommendation number three. Equipped every
16 Department of Sanitation truck with a GPS device,
17 which is a good idea. My question to you, what is
18 the cost of equipping every sanitation truck with
19 a GPS device?

20 [Off mic]

21 CHAIRPERSON JAMES: And is that
22 currently within the budget?

23 LIZ WEINSTEIN: At the time of the
24 January 10th hearing, which is the latest numbers
25 we have, the pilot program was going to cost

2 approximately \$30 per month per truck.

3 CHAIRPERSON JAMES: So what's the
4 total cost?

5 LIZ WEINSTEIN: I don't have it in
6 front of me, someone could probably do the
7 arithmetic, but as I mentioned in the testimony,
8 we are looking to see as we implement that to make
9 sure that it works and it's what we want to do and
10 it works for what the agency needs. We are
11 working with DoITT to figure out if there are
12 other opportunities that either are less expensive
13 or make more sense. So we're considering this the
14 first phase and a pilot and are certainly
15 continuing to explore our options.

16 CHAIRPERSON JAMES: Recommendation
17 five, implement live monitors through the Street
18 Conditions Operation Unit. My first question is
19 how many SCOUTs are available throughout the city
20 as of today?

21 LIZ WEINSTEIN: So the Mayor's
22 Office of Operations has 15 SCOUTs currently.

23 CHAIRPERSON JAMES: Fifteen for the
24 entire city?

25 LIZ WEINSTEIN: Exactly, and those

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2 are agency employed, so they come to my office but
3 they are actually agency employees, there were no
4 new hires made for that program.

5 CHAIRPERSON JAMES: Can you just
6 tell me, can you break it down in terms of each
7 borough?

8 LIZ WEINSTEIN: They're deployed
9 centrally and it's not by borough so--

10 CHAIRPERSON JAMES: [Interposing]
11 So it depends upon the conditions that day?

12 LIZ WEINSTEIN: It depends on what
13 they see in each time. We don't deploy all of
14 them during snow, we deploy about five of them
15 during the snowstorm.

16 CHAIRPERSON JAMES: And do we have
17 a cost of how much to stream video of
18 troubleshoots back to City Hall?

19 LIZ WEINSTEIN: That's all part of
20 the NYCWiN system, there's no additional cost for
21 a snow SCOUT, they're using city vehicles, they're
22 using city titles, there's no additional funding
23 for them.

24 CHAIRPERSON JAMES: Let's go to
25 recommendation six, the CALM system, Citywide

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2 Asset and Logistics Management System, a web-based
3 tool designed to capture information about
4 available assets to aid emergency response
5 efforts. The cost of that?

6 LIZ WEINSTEIN: Rachel, do we know?

7 RACHEL DICKINSON: No, I can get
8 you that number, though, for the total cost, it's
9 been in existence for several years. So--

10 [Crosstalk]

11 CHAIRPERSON JAMES: [Interposing]

12 Okay. Are we seeking to expand that?

13 RACHEL DICKINSON: We are seeking
14 to expand it.

15 CHAIRPERSON JAMES: And the cost of
16 the expansion then?

17 RACHEL DICKINSON: Well we have an
18 RFP out right now to look at different types of
19 enhancements to that system, and so I will get you
20 that number as well.

21 CHAIRPERSON JAMES: And how much is
22 that contract?

23 RACHEL DICKINSON: I can get you
24 that number.

25 CHAIRPERSON JAMES: Okay. Are the

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2 funds in this year's budget, capital budget?

3 RACHEL DICKINSON: For the
4 expansion--

5 [Crosstalk]

6 CHAIRPERSON JAMES: Yes, no?

7 RACHEL DICKINSON: But again, this
8 an ongoing grant funded, federally funded program.

9 CHAIRPERSON JAMES: Could you speak
10 into the mic--

11 [Crosstalk]

12 RACHEL DICKINSON: [Interposing]
13 It's an ongoing federally funded grant program.

14 CHAIRPERSON JAMES: Is there any
15 city funds in associated--included in the
16 expansion?

17 RACHEL DICKINSON: No, not at this
18 time.

19 CHAIRPERSON JAMES: So the federal
20 government will pick up all of the costs related
21 to the expansion?

22 RACHEL DICKINSON: Well we'll see,
23 we'll continue to apply for it and we'll look to
24 grow the program, but at this point it is funded
25 for another three years.

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2 CHAIRPERSON JAMES: Another three
3 years? If you can get that cost back to me, that
4 would be appreciated.

5 RACHEL DICKINSON: Sure.

6 CHAIRPERSON JAMES: Recommendation
7 number 12, a real-time public portal. Again, the
8 administration launched New York City Snow Update,
9 a one-stop portal for all snow-related information
10 from the city and other credible sources. Is
11 there costs associated with that technology?

12 LIZ WEINSTEIN: That was done with
13 current existing DoITT resources, no outside
14 resources were used for that.

15 CHAIRPERSON JAMES: That was within
16 DoITT's budget?

17 LIZ WEINSTEIN: Yes, ma'am.

18 CHAIRPERSON JAMES: And do you know
19 the cost associated--

20 [Crosstalk]

21 LIZ WEINSTEIN: [Interposing] I
22 don't, but we could get you the associated staff
23 time.

24 CHAIRPERSON JAMES: And is there
25 recurring cost in this year's budget for its

2 operation and its maintenance?

3 LIZ WEINSTEIN: No, it's just
4 within whatever the NYC.gov budget currently is,
5 no new needs for that.

6 CHAIRPERSON JAMES: Recommendation
7 number 13, which talks about Tweeter feeds, and I
8 guess some sort of modernization somewhat of the
9 311 call center. Is there costs associated with
10 that--

11 [Crosstalk]

12 LIZ WEINSTEIN: [Interposing] No,
13 those are all ongoing programs that we were able
14 to leverage for snow when that became a concern.

15 CHAIRPERSON JAMES: And what is the
16 cost of that since no one anticipated that we
17 would experience all of these rapid number of
18 snowstorms?

19 LIZ WEINSTEIN: We could get you--I
20 don't know if Twitter--to use Twitter costs money,
21 I don't think it does. So those are free
22 resources, social media resources that anyone can
23 leverage for free and the city does so as well.

24 CHAIRPERSON JAMES: And operation
25 and recommendation number 15, accelerate PSAC

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2 integration and implementation, the city Emergency
3 Communications Transformation Program, how much
4 does that cost?

5 SKIP FUNK: There are no additional
6 costs associated with that recommendation. The
7 costs that are in the program now are the costs.
8 This is a programmatic and operational
9 acceleration, not an additional cost initiative.

10 I might add that we're actually
11 taking some cost--looking to take costs out of
12 that program yet to be identified specifically,
13 but no additional cost to the taxpayers for that
14 recommendation.

15 CHAIRPERSON JAMES: Okay. So
16 again, if you could provide me a fiscal impact
17 statement with respect to all of the technology
18 associated with this in terms of expansion and in
19 terms of operation, I would greatly appreciate it.
20 There are some costs associated with the
21 implementation of these recommendations and during
22 these austere times, I'm sure taxpayers would want
23 to know the bottom line.

24 Why does the administration have
25 problems just basically codifying the New York

2 City Winter Weather Emergency Plan for subsequent
3 administrations?

4 LIZ WEINSTEIN: I would say that
5 it's less about wanting to codify it for
6 subsequent administrations and more about wanting
7 to protect a degree of discretion and flexibility
8 at the department. So right now, the plan, as you
9 mentioned, and you have it, you held it up, allows
10 the department to sort of mandate exactly what
11 happens with interagency coordination and some
12 specific things. I think our concern is that once
13 that was codified or legislated, we would lose
14 some of the flexibility that the OEM commissioner
15 has when he or she is confronted with a situation
16 to take that plan and to modify it and use it in
17 the best possible way, depending on the situation.

18 CHAIRPERSON JAMES: At this time
19 I'm going to return to questions in a minute, but
20 we want to hear from Council Member Vacca, who has
21 joined us, the Chair of Transportation. Council
22 Member Vacca?

23 CHAIRPERSON VACCA: I thank you,
24 Chair James, and I apologize for being at another
25 hearing right downstairs.

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2 I thank you for your input and your
3 testimony, which I read as you were reading it
4 along with you, but I couldn't help but notice
5 that you opposed all 16 measures. I hope you
6 understand that we have a responsibility here at
7 the Council to do what we think is right and I
8 think that we had oversight hearings because we
9 fulfilled our oversight role. We had an important
10 snow hearing, and now we're introducing important
11 legislation, because that's the role of this body.

12 We know something went wrong on
13 December 26 and the days afterward, we had a
14 blizzard and we had a blizzard blunder. There's
15 no other terminology for it, I think everyone
16 realizes that. So now the council wants to go
17 forth--I'm Chairman of Transportation, Councilman
18 Vallone, Tish James, all of our respective
19 committees.

20 Now I want to speak briefly about
21 legislation before my committee and legislation
22 I've introduced. And I know you opposed it also,
23 I hope you will reconsider. The first bill is LS
24 1912 and that deals with how we designate streets,
25 what streets are primary, secondary, and tertiary.

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2 And I have to tell you that when Commissioner
3 Dougherty testified at the snow hearing, he
4 publicly stated that for 20 years the list of what
5 streets are primary, secondary, and tertiary has
6 not been updated--for 20 years. We have people in
7 our city who do not know if they live on a
8 primary, secondary, or tertiary street. They
9 don't know--there's no transparency, there's no
10 way to find out.

11 Yet when the blizzard hit,
12 residents in the boroughs outside of Manhattan got
13 a rude awakening as they quickly realized that the
14 vast majority of streets in Manhattan are primary
15 streets and the vast majority of streets in the
16 other four boroughs are secondary and tertiary.
17 We learned that the hard way. We waited days for
18 our snow to be cleared.

19 Tertiary streets, I call them
20 taxpayer streets--that's where people live.
21 People who pay taxes live on tertiary streets,
22 they're predominately residential streets. People
23 need to get them plowed to get to work. Yet after
24 the blizzard of December 26, a lot of our
25 residents felt they were getting a snow job,

2 literally and figuratively. They waited for days
3 and they had every right to be upset. While many
4 streets in Manhattan were pristine, our streets
5 were not done, you couldn't get a Humvee down many
6 of our streets.

7 Now knowledge is power, but
8 knowledge as to where these streets are is
9 important to the people of the city of New York.
10 So I hope that you'll reconsider that.

11 Now Council Member Gonzalez has a
12 bill that she's introduced, and I know you oppose
13 that for the record as well, that would require
14 DOT to remove or cause to be removed snow from bus
15 shelters within four hours of the conclusion of
16 snow. Now I can't underscore the importance of
17 this because of what I know I saw in my own
18 community and what I heard throughout the city of
19 New York. How is it that we have a bus stop
20 shelter franchise and that that franchisee is
21 responsible for removing snow, but we saw, I saw
22 people employed by the city at other agency levels
23 shoveling the snow from the bus stop shelters?
24 They should have been shoveling crosswalks and
25 they should have been clearing other

2 intersections. That company or DOT, worse comes
3 to worse, is responsible for making sure that we
4 have access to bus stops and that people are not
5 standing in the streets.

6 So I'm hoping that you'll
7 reconsider. I think much of this legislation is
8 very good. I think we have to codify where the
9 council wants to go. I realize the administration
10 realizes--I realize that this administration knows
11 that mistakes were made at the December 26 storm,
12 but when we codify things through legislation for
13 future generations, there will be policy and there
14 will be procedure that this body has established
15 with your assistance as we go forth.

16 We can't have what happened
17 December 26th happen again, we just can't. And if
18 this council does not act on the hearings we held
19 and if we don't act on what we heard from the
20 public, then this council will be negligent in its
21 responsibility to the people who elected us. So I
22 hope you'll reconsider.

23 CHAIRPERSON JAMES: Thank you,
24 Council Member Vacca. We've been joined by
25 Council Member Ulrich, who I mentioned earlier by

2 mistake, Council Member Dilan, Council Member
3 Crowley, and Council Member Rodriguez.

4 Under what circumstances would you
5 use legislation to create snow and emergency
6 plans? Under any circumstance or do you see a
7 role for the City Council in legislating some snow
8 and/or emergency plans or not?

9 LIZ WEINSTEIN: I think we believe
10 that within the 16 that-- [off mic] you're
11 speaking more broadly about that specific piece of
12 legislation, but certainly within the 16 we do
13 think that this, as you mentioned, is the
14 beginning of a conversation, I think--

15 CHAIRPERSON JAMES: Yes.

16 LIZ WEINSTEIN: --we just want to
17 get to a place where the administration feels that
18 we have the flexibility to address what we need to
19 address given the circumstances and work with you
20 to find what the right language is and the right
21 opportunities are. I think here clearly, as we've
22 stated and as you've recognized, we're not at that
23 comfort point right now.

24 CHAIRPERSON JAMES: Okay. I mean,
25 obviously, you see the benefits of a written

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2 emergency plan, which is very detailed--and this
3 was my homework last night--it is very detailed,
4 very organized, and it provides the
5 responsibilities of each agency in the city of New
6 York and establishes protocol with a fine tooth
7 right down to the role of the Mayor of the City of
8 New York and it's an excellent document, and I
9 wish it had been followed during the blizzard. I
10 disagree with you, I don't think it had been
11 followed.

12 But the problem that I have with
13 this document is that on every page it says, Not
14 for Circulation For Official Use Only. And so my
15 question is, what about transparency and why
16 shouldn't the public have access to this document?

17 LIZ WEINSTEIN: I think that's a
18 good question and a good point, and I think
19 there's probably something in between that
20 document itself being public and your point about
21 no transparency into our plans, which I don't
22 think is currently the case, but certainly there's
23 more we can do. I think our concern with that
24 document besides the flexibility pieces, which
25 I've mentioned, is that there are things there,

2 which it's wonderful to have elected official
3 input in other things, but it is a document that
4 gives a high level of specificity about agency
5 operations.

6 And so we would be happy to work
7 with you and think about how we can fine tune
8 something that gives the public and your
9 constituents and our constituents better insight
10 into what our plans are, but perhaps isn't the
11 operational playbook that we depend on. So
12 there's probably a middle ground that we would
13 work with you on.

14 CHAIRPERSON JAMES: And the
15 legislation that is before you today for
16 consideration was the result of recommendations
17 from the public, and I guess my question is to
18 what extent was the public involved in the
19 drafting of this document?

20 LIZ WEINSTEIN: Rachel, can you
21 speak to the OEM sort of outreach process?

22 RACHEL DICKINSON: I think in terms
23 of that specific document, I would have to go back
24 and check with our planning division. But what I
25 will say about that plan, earlier you had said

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2 that it was updated in 2006, there have been
3 updates to that plan since December, and we've
4 done a lot of work on some pieces of that plan as
5 well. And we've done a lot of work with the
6 Mayor's Office of Operations, obviously, and on
7 the 15 points in incorporating and improving that
8 plan. But the reason that I say that is because
9 every one of our plans is always being updated and
10 revised and we do look at events afterwards and we
11 do make revisions to our plans on a constant
12 basis.

13 The other piece about the plan
14 specifically that's relevant to what you were
15 asking for is that, in terms of dissemination of
16 the plan or the plan being the guide document, the
17 plan is the guiding document, but the plan is one
18 of many, many plans that we use or it's a tool
19 that we use in a winter weather event, but there
20 are other tools that we add, we pull in. In this
21 particular--in recent times we've added different
22 task forces or different pieces or...

23 It's part of an all hazards
24 planning approach and we're always adding in and
25 we're always trying to bring new thinking and

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2 we're always part of the national dialogue on
3 planning and trying to learn from what's going on
4 in other parts of the country, learn from our own
5 experiences, learn from what's happening in other
6 parts of the country as well. There's a national
7 response framework for planning. We're plugged
8 into a lot of different information about planning
9 that we're trying to bring to bear to create the
10 best plan as possible.

11 CHAIRPERSON JAMES: My last
12 question before I turn it over to my co-chair,
13 Council Member Vallone, and we have a number of my
14 colleagues here who have questions as well, is but
15 what is the process for revising it? When was the
16 last time you revised it and to what extent did
17 you engage in outreach to the public and to
18 members of this body?

19 We've been joined--excuse me--by
20 Council Member Van Bramer and Council Member
21 Brewer.

22 RACHEL DICKINSON: So as I said, I
23 mean, I can get you an answer in terms of the last
24 time that the public was engaged specifically on
25 that plan, but I would certainly say that the

2 series of hearings that we did after the initial
3 hearing and the conversation that we've been
4 having is a part of this revision process for us.
5 And, as Liz was saying earlier, it's not in
6 opposition to concepts, it's that a lot of these
7 things, a lot of these great ideas are being put
8 into the work that we're doing now.

9 And we were out there at those
10 community meetings in this most recent time, so I
11 would say the most recent time is that, hearing
12 some of that would be probably the most recent
13 time and that work is ongoing. It's still--

14 [Crosstalk]

15 CHAIRPERSON JAMES: I only remember
16 one or two individuals from the administration at
17 most of these hearings, his name was Izzy, I'm
18 forgetting his last name--

19 [Crosstalk]

20 CHAIRPERSON JAMES: --Iggy, I'm
21 forgetting his last name.

22 MALE VOICE: Terranova.

23 CHAIRPERSON JAMES: Terranova, he
24 was at every hearing, I believe he was the only
25 member of the administration that was present.

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3 That notwithstanding, the fact is
4 that the public for the most part shaped a number
5 of these legislative items before you for
6 consideration and I believe that their voice
7 should be represented in any document that's put
8 forth by this administration. Council Member
9 Vallone?

10 CHAIRPERSON VALLONE: Thank you,
11 Chair James. I'm going to try to be brief and
12 just discuss my two bills and let the other
13 council members discuss theirs, 'cause they'll be
14 waiting a while. Thank you, Liz, I don't envy the
15 fact that you have to answer questions about every
16 one of these bills.

17 Let's start with my bill that would
18 mandate a review of the 911 system and what went
19 wrong and how we can ensure that doesn't happen
20 again. You said you're opposing that because it's
21 duplicative is what you said, but you testified
22 that your bill says that you will provide a copy
23 to the mayor by July and mine says you'll provide
24 a copy to the Council, so it's not completely
25 duplicative. Will you be providing a copy of your
report in July to the City Council? By the way,

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2 is this Skip Funk?

3 [Off mic]

4 CHAIRPERSON VALLONE: This is Skip
5 Funk--

6 [Crosstalk]

7 CHAIRPERSON VALLONE: --finally,
8 I've heard this name 1,000 times, but I've never
9 seen Skip Funk. Nice to meet you.

10 [Off mic]

11 CHAIRPERSON JAMES: --your role
12 and--

13 [background noise]

14 CHAIRPERSON JAMES: --job and
15 title, Mr. Funk?

16 SKIP FUNK: I am the Director of
17 the Office of Citywide Emergency Communications, I
18 work for Deputy Mayor for Operations Goldsmith,
19 and I am primarily oversight for the ECTP program,
20 and the new technologies will be installed in both
21 PSAC I facility and PSAC II facility.

22 CHAIRPERSON JAMES: [Off you're
23 your office [off mic]?

24 SKIP FUNK: I have an office at 59
25 Maiden Lane and I work out of City Hall and we're

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2 moving to Brooklyn where the PSAC I is located. I
3 have many offices, I try to stay in between them
4 as much as possible.

5 CHAIRPERSON JAMES: Okay. Thank
6 you--

7 [Off mic]

8 [Pause]

9 CHAIRPERSON VALLONE: I assume you
10 were going to answer my question?

11 SKIP FUNK: The question again was
12 relative to why we oppose--

13 [Crosstalk]

14 CHAIRPERSON VALLONE: [Interposing]
15 Well basically I'm just asking if you want to
16 provide a copy of your report to the City Council
17 in July?

18 [Crosstalk]

19 SKIP FUNK: The plan and the plan
20 that has been in place since the tasking that I
21 received from the mayor on the 7th of January,
22 within days of the storm the mayor immediately
23 recognized that we had to do this, we had to do
24 exactly what you outlined in your bill and more,
25 and I was tasked to do that on the 7th of January,

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2 and we put together a subject matter expert team
3 to do that, commissioned them, gave them the
4 charter to go forward on the 10th of January, the
5 same day that the snow hearings were going on.
6 That plan has always been to take 15 weeks to
7 provide a very comprehensive analysis, out of
8 which will come detailed findings and
9 recommendations that would be forwarded to first
10 the agencies because they're the individuals
11 involved in 911 and response, and then on to City
12 Hall and the Mayor's office. So we're just
13 responding to the fact that that has been the
14 plan.

15 The plan all along had not been to
16 give that to City Council, it doesn't mean it
17 can't be given, it just means that that has not
18 been in the plan to date.

19 CHAIRPERSON VALLONE: Okay. Well
20 that's why my bill is necessary until we decide
21 whether you're going to give it to the City
22 Council, and it's not exactly duplicate it. But
23 I'm glad you're doing that and I look forward to
24 seeing your results at some point.

25 I'm going to move on to my next

2 bill regarding setting up objective standards is
3 when the Emergency Operations Center is called
4 into existence. You oppose that. First of all,
5 you said you put in Executive Order 144 in
6 January. Was that Executive Order made public in
7 any way, was there a press release, was it given
8 to the Council? 'Cause I'm completely unaware of
9 it.

10 MALE VOICE: Yeah, the Executive
11 Order which was signed by the Mayor on January
12 11th was filed with the city clerk, it was also
13 given to the press, and I believe we did share it
14 with the Council.

15 CHAIRPERSON VALLONE: I have not
16 heard about that, I'll have to check on that.
17 That Executive Order apparently--and I'm just
18 going by your testimony because I haven't seen it--
19 -says that OEM shall convene the three
20 commissioners that it mentions when extreme winter
21 weather occurs. Again, I know you want
22 flexibility, but there was flexibility in place
23 during the blizzard and it wasn't used properly.
24 Convened can mean anything, extreme winter
25 weather, I'm not sure what that means. Our bill

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2 would actually force you to put some standards out
3 there which determine whether it's going to be in
4 effect when there's a winter storm outlook, a
5 blizzard watch, a winter storm watch, a blizzard
6 warning, a winter storm warning, and so on and so
7 forth without leaving the flexibility to do what
8 happened during the Christmas blizzard and just
9 not even put it into existence until after the
10 snow was falling.

11 You also objected because you said
12 it's improper to legislate these details 'cause
13 you're the experts, absolutely correct, you're the
14 experts, we are not and that's why we're not
15 legislating any details. We are just asking you
16 to come up with the details and make them public,
17 as opposed to putting them in documents that no
18 one knows where they exist or they're official
19 documents, and an Executive Order which could be
20 changed tomorrow with another Executive Order that
21 we may or may not know about. Some rules that are
22 out there, promulgated, and the public knows
23 exactly what your playbook is when winter weather
24 is approaching.

25 So, again, you've said it's

2 improper to legislate details, we're not
3 legislating the details, we want to work with you
4 to come up with objective standards, would that
5 ameliorate your objections any?

6 LIZ WEINSTEIN: Certainly we should
7 continue the dialogue. I think our fear would be
8 that those very standards are often the ones that
9 the service guide posts but can often limit the
10 flexibility. So in other words, because of the
11 nature of weather, because of the nature of how we
12 get forecasting it can be very tricky to know when
13 those standards really--how those standards should
14 play out in any given situation. So it sounds
15 rational, I think we would just need to consider
16 it sort of on a case-by-case--

17 [Crosstalk]

18 CHAIRPERSON VALLONE: [Interposing]
19 I appreciate that--

20 LIZ WEINSTEIN: --how it works.

21 CHAIRPERSON VALLONE: --I mean, you
22 said you wanted to meet in a middle ground and
23 hopefully we can do that without legislation,
24 because I think we can agree that if a blizzard
25 warning is in effect, the command center should be

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2 in effect. There is some simple low-level things
3 here that we can work together on. And obviously
4 it gets complicated and you do need flexibility
5 when it comes to other things, but we can't let
6 what happened last time happen again, which was no
7 command center until well after the blizzard
8 began, which I said was the first mistake upon
9 which every other mistake built.

10 My bill would also mandate that you
11 explain to us who is at the command center, we
12 can't mandate who's there, we understand that, but
13 we would like to know who you have decided to be
14 there. You mentioned in recommendation eight that
15 you're looking into and working with the different
16 agencies to figure out who should be there. It's
17 been a while, I mean it is the first day of Lent
18 and Easter's coming, at what point are we going to
19 figure out who should be in the emergency command
20 center?

21 RACHEL DICKINSON: Okay. So I'm
22 going to start with your last point in terms of
23 who should be in the command center. I think we
24 have had many, many activations of the city's
25 Emergency Operations Center to great success on

2 numerous different kinds of emergencies and the
3 liaisons that have been sent from agencies have
4 done great work. We've worked very hard to train
5 them to give everybody a common language, to train
6 them in our command and control software, to have
7 them understand the protocols--we've done a lot in
8 that area.

9 I think specifically what we were
10 referring to in the testimony is that taking a
11 hard look at it as we have after this particular
12 event, it's always in our interest to have the
13 highest level decision makers there, it's always
14 in our interest to have the best trained people
15 there. And it's not that the best trained people
16 and the highest level decision makers across the
17 board were not there in the past, many, many
18 excellent agency representatives have worked with
19 us including representatives now from the City
20 Council since December 26. But what we're trying
21 to do now is to ensure a little bit of a higher
22 level of decision making. So that's one thing.

23 As to sort of this fine line of
24 opening the Emergency Operations Center and having
25 that be sort of a moment in time, I think without

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2 going back to the blizzard, but just addressing
3 the legislation and how we work with that, many
4 things happen before the Emergency Operations
5 Center opens. There is watch command is
6 constantly monitoring an event. If an event rises
7 to the level of needing eyes on the ground, a
8 response, a citywide incident coordinator is sent
9 from OEM. If there's a job or an event or an
10 incident in a community that's going on that
11 requires additional eyes, our response units are
12 going out there. Whether that's coming or may be
13 coming, as we know, it's a very inexact science,
14 we're convening calls, we're having conference
15 calls, we're taking actions.

16 There are a lot of actions that
17 happen before the EOC opens, they might happen in
18 a situation room, they may happen as course of
19 business because we've done so much training with
20 agencies. For example, there are vulnerable
21 populations in New York that we are looking out
22 for through our advance warning system, so we're
23 having a call with all the human services
24 providers two to three days before. We're doing
25 that whether the EOC is open, whether there's a

2 situation room; no matter what's happening, we're
3 doing that, and those human services agencies are
4 reaching out to people in their communities and so
5 forth. That's one example.

6 If we know heavy rains are coming,
7 we're going to activate our flash flood plan, it
8 doesn't require anybody to be in the EOC; it
9 requires us to liaise with our folks, our experts
10 in the agencies at DOP--at DEP, I mean, to clean
11 the catch basins, do this, do that. There are
12 concrete actions that are associated with many,
13 many things that happen before the opening of the
14 EOC.

15 So I think that's part of the
16 dialect that we're talking about. There are a lot
17 of actions that don't require 30 agencies to be
18 there, and oftentimes the weather service is
19 wrong. So we're working really hard with them to
20 try to fine tune what does this mean, what does
21 that mean, what are the implications at each
22 different level of effect. So I think that's an
23 area where we're really trying to focus--

24 [Crosstalk]

25 CHAIRPERSON VALLONE: [Interposing]

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2 I appreciate all that and let's say all that work
3 you do goes to waste because the next
4 administration comes in and changes everything and
5 that's why we want some rules out there that we
6 all can see, and if they change them, they'd have
7 to actually go through a process of changing the
8 rules as opposed to just doing it however you do
9 it that we don't know about.

10 So I agree you need some
11 flexibility, I also agree that there are probably
12 some easy benchmarks, like perhaps if the
13 Philadelphia Eagles cancel their football game, we
14 open up the operations center, something simple
15 like that.

16 But I do want to say that we all
17 realize mistakes were made, as do you, and all of
18 your agencies have done a great job coming up with
19 these 15 points, preparing for and getting through
20 the subsequent storms that we've had without one
21 problem. And I think everybody in this room just
22 wants to continue to work with you to make sure
23 that we not only fix these things now, but for the
24 future so we don't have to go through this again.
25 Some of us will be here, I won't, after this

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2 administration's over and you guys won't, but some
3 people up here will and no one wants to have this
4 conversation over so the more we can put down
5 through law and writing, the better so we don't
6 have to redo history. So thank you all for the
7 work that you've been doing.

8 CHAIRPERSON JAMES: We've been
9 joined by Council Member Halloran and Council
10 Member Gentile. Now we will hear from Council
11 Member Gonzalez.

12 COUNCIL MEMBER GONZALEZ: Thank
13 you, Chairs. I just want to make a brief
14 statement on my bill, if you bear with me. As you
15 may all recall, in the Speaker's State of the City
16 address, the Speaker spoke about a contract that
17 the city had with Cemusa to clear snow around bus
18 shelters. The Department of Sanitation spent
19 hundreds of thousands of dollars hiring people to
20 remove snow around bus shelters even though Cemusa
21 is required to remove the snow.

22 Unfortunately, this
23 miscommunication between the city and Cemusa
24 resulted in many city residents, including senior
25 citizens and people with disabilities, being

2 stranded. Specifically, I can speak about Deborah
3 Grief [phonetic] who testified at the 2010
4 blizzard hearing about her difficulties accessing
5 the bus on Ocean Parkway and Neck Road Avenue.
6 Recovering from a broken ankle, Mrs. Grief
7 testified about her experience having to stand in
8 the middle of the street at two bus stop
9 locations. Many of my constituents experienced
10 similar difficulties and I am submitting testimony
11 from leading disability advocates who are in
12 support of this legislation which include Jean
13 Ryan, Vice President for Public Affairs, Disabled
14 in Action of Metropolitan New York, Edith
15 Prentiss, President of 504 Democratic Club, and
16 Marvin Wasserman, Executive Director, Brooklyn
17 Center for Independence of the Disabled.

18 My bill would require the
19 Commissioner of New York City Department of
20 Transportation to ensure the clearing of
21 facilitation of snow from bus shelters. While I
22 recognize that the city will have an opportunity
23 to possibly recoup funds and re-examine their
24 contract with Cemusa, this bill would ensure New
25 Yorkers' safety first and foremost.

2 I look forward to working with you,
3 and also especially the Speaker and my colleagues
4 to implement this bill.

5 And I just have, I guess, more a
6 comment or maybe a question on your testimony,
7 which is Lisa Weinstein. You spoke here about in
8 reference to my bill, finally, the bill defines
9 bus shelter, and you spoke here about covered
10 location, public waits to brand the New York City
11 Transit Authority. My question is, you spoke also
12 about this definition would apply to many more
13 structures from, besides the 3,300 Cemusa bus
14 shelters. Okay, I understand their contracted for
15 3,300, so the rest of them, who accounts for them
16 and could you give me examples when you spoke
17 about that they fall under the jurisdiction of New
18 York City Department of Transportation, but some
19 of them have other private or other governmental
20 jurisdictions? I didn't quite understand that.

21 [Pause] Hi.

22 DAVID WALLOCK: Hi, Council Member.

23 COUNCIL MEMBER GONZALEZ: How are
24 you?

25 DAVID WALLOCK: Good. There are

2 about give or take 15,000 bus stops in the city,
3 there are some shelters that Cemusa is responsible
4 for, at about 3,000. There are other locations
5 that have shelters and there are bus stops that
6 serve buses provided by New York City transit or
7 MTA bus that aren't part of the Cemusa program. I
8 think they're, off the top of my head, there are
9 some at Staten Island College, there's one in the
10 mall near Co-Op city in the Bronx, just to give
11 you a couple, I don't have a full account of what
12 all those locations are. But those are bus stops
13 to which the bill would apply that are not covered
14 under the Cemusa agreement and they should be the
15 responsibility of the adjacent property owner.

16 COUNCIL MEMBER GONZALEZ: Okay.

17 But this is coming from a perspective of who
18 should be responsible though, this is what I'm not
19 getting. If it is the city of New York and people
20 are waiting there for buses that are our citizens,
21 our residents, who should be responsible, how is
22 it that we don't know who should be cleaning? It
23 sounds like we have 3,300 Cemusa and then who
24 else? I mean, and if they don't do it, then
25 sanitation steps in, we use city dollars to pay

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2 for it. Is it not our responsibility?

3 DAVID WALLOCK: The large majority
4 of the shelters in the city, almost all of them,
5 are the responsibility of Cemusa and there's a
6 franchise agreement that you reference that
7 prescribes Cemusa's responsibilities.

8 I think the point in the testimony
9 is there are a few exceptions that are not their
10 responsibility and should not be included. So
11 that was one issue that was referenced in the
12 testimony.

13 I think the larger issue is that we
14 have a mechanism through the franchise agreement,
15 it's clear that there have been points during the
16 snow season where Cemusa did not do what they were
17 supposed to do and that's why a significant
18 liquidated damage charge was incurred against
19 them, and they paid that. And it's clear that
20 there is more work for Cemusa to do to live up to
21 their responsibilities and we're going to make
22 sure they do that.

23 COUNCIL MEMBER GONZALEZ: Thank
24 you. And perhaps this is not the right time for
25 this question, but I'm going to throw it out there

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2 anyway. This money that's recouped, is there any
3 way that that can go back to residents and seniors
4 in respect to what's happening? Where does that
5 go in the budget? Maybe at some point we could
6 talk about that.

7 DAVID WALLOCK: I hate every time I
8 have to say this, but it goes into the general
9 fund, that's the way.

10 COUNCIL MEMBER GONZALEZ: Okay. It
11 goes into the general.

12 DAVID WALLOCK: Yeah.

13 COUNCIL MEMBER GONZALEZ: Thank
14 you.

15 CHAIRPERSON JAMES: You're welcome.
16 Thank you, Council Member--

17 [Off mic]

18 CHAIRPERSON JAMES: --Gonzalez.
19 Before I turn to Council Member Greenfield, let me
20 again refer back to the New York City Winter
21 Weather Emergency Plan. Since was indicated that
22 all of the protocols were followed during the
23 winter blizzard, let me ask you this question:
24 Did NYPD monitor the city for individuals in need
25 of shelter and transport them to the nearest

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2 Department of Homeless Shelter or 911 receiving
3 hospital? According to the plan, that was
4 operational strategy number one, was that done?
5 Does anyone know? Yes or no?

6 [Off mic]

7 CHAIRPERSON JAMES: I didn't see
8 any evidence of it.

9 SUSAN PETITO: Well, Council
10 Member, I would have to confer with our
11 communications division, but my short answer is,
12 yes, that the 911 system and the communications
13 folks in the communications division were [off
14 mic] priorities, changing priorities as jobs came
15 in, but for a detailed explanation of that, I
16 would have to get back to you.

17 CHAIRPERSON JAMES: Operational
18 strategy number two, according to this document,
19 the Winter Weather Emergency Strategy, it says
20 Sanitation received weather reports every six
21 hours from three weather service providers. When
22 all three providers agree on a forecast,
23 Department of Sanitation will issue an internal
24 snow alert 36 to 48 hours prior to the expected
25 snowfall. Was that done during the blizzard?

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2 ANDREA CICCONE: Yes, Council

3 Member James, that is absolutely correct. We
4 began to mobilize as early as three days before
5 that storm by calling in staff, I believe that a
6 little bit of that was touched upon during the
7 January 10th hearing, but, yes, we did begin to
8 mobilize within 36 hours at a minimum prior to the
9 actual first snowflake. We had called in staff,
10 we had begun to attach plows to the equipment, we
11 had notified all of the different agencies, as is
12 part of our protocol, all agencies including state
13 agencies such as the MTA and others.

14 CHAIRPERSON JAMES: Okay. Just two
15 other questions--

16 [Crosstalk]

17 CHAIRPERSON JAMES: --related to
18 DSNY. It also says, again, on page 31 of this 147
19 document entitled New York City Winter Weather
20 Emergency Plan that the Department of Sanitation,
21 upon notification they operated a full plow
22 spreader operation that was underway and 311
23 suspended taking complaints of unplowed or city
24 streets until such time as notified by DSNY that
25 the operation had been completed. Was that

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2 conducted during the winter blizzard?

3 ANDREA CICCONE: I would have to
4 get back to you on that.

5 LIZ WEINSTEIN: Yeah, I can chime
6 in. That is one part of the plan that's been
7 amended over the years. So we do now take, as
8 many of you know, we do take 311 reports during a
9 storm and after, so that has been revised since
10 that plan came out.

11 CHAIRPERSON JAMES: And last
12 question before I go to Council Member Greenfield,
13 it says again on page 31 of 147 when conditions
14 warrant the mayor, after consulting with the
15 commissioners of DOT and DSNY, will issue a
16 citywide snow emergency declaration to restrict
17 traffic movement on snow emergency streets. I
18 guess I know the answer to that, that was not
19 done.

20 Council Member Greenfield.

21 COUNCIL MEMBER GREENFIELD: Thank
22 you, Madam Chair. I want to thank all of you for
23 coming out here and taking the time to testify
24 today. I don't know all of you, but I know many
25 of you; those of you that I know, I actually like,

2 so I just hope you don't take my concerns
3 personally.

4 I happen to think, I've just been
5 reading through this New York City Winter Weather
6 Emergency Plan, which I've never seen before, I
7 guess 'cause it's classified, and I happen to
8 think it's a great plan, it really is, and I've
9 been reading through it. The problem is that it
10 wasn't followed, right, and so if we stuck to the
11 plan, we wouldn't have a problem. For example,
12 I'm looking at page 16 regarding snow emergency
13 declaration, citywide declaration issued by the
14 mayor after consulting with the commissioners of
15 DSNY and DOT. You folks told us at the hearings
16 that we had that the mayor wasn't even informed
17 about the lack of a snow emergency decision. And
18 so the issue that I have is not that you're not
19 good people, you're good people and I think you're
20 trying to do the right thing, but the reality is
21 that significant mistakes were made by the agency
22 heads and coming up with a new plan--and by the
23 way, your new plan is very good too, I give you a
24 lot of credit, the 15-point plan is very good, but
25 just because there's a 15-point plan doesn't mean

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2 it's going to be followed. And I think that's
3 really where the Council comes in and why we feel
4 the need to pass legislation to ensure that plans
5 that are actually made are actually followed.

6 And I'm Jewish, and as is the mayor
7 and I know that today is the start of Lent, but
8 I'm pretty sure that the mayor can't give up the
9 Council for Lent, I don't think that's--I mean, I
10 don't know is there a Catholic expert over here.

11 [Off mic]

12 COUNCIL MEMBER GREENFIELD: I don't
13 think that's doable, I think you can give up a lot
14 of things for Lent but you can't give up the New
15 York City Council.

16 [Crosstalk]

17 MALE VOICE: It's not a--

18 [Crosstalk]

19 COUNCIL MEMBER GREENFIELD: You
20 can't do that, am I right, Vinny? Okay. Vinny is
21 our expert as acknowledged by the ashes on his
22 forehead. And so I know it's annoying and nobody
23 likes to be told what to do or that you made
24 mistakes, but the reality is you guys made a
25 mistake, you didn't follow this plan, you're going

2 to have a new plan, we have no assurances that
3 you're actually going to follow the new plan, and
4 that's why we pass legislation 'cause that's the
5 job of the New York City Council and that's sort
6 of the concept of separation of powers and checks
7 and balances and that's what we do.

8 And so I'm just going to pick one
9 bill because I don't want to take a lot of time,
10 but just as an example, all right? Clearing the
11 crosswalk--and literally I just picked this bill
12 and I actually don't have any personal stake here
13 'cause I haven't introduced any bill, although I
14 like a lot of them--clearing the crosswalk curb
15 cuts on primary streets. So this is a bill
16 sponsored by Council Member Koslowitz, the reality
17 is that a lot of crosswalks were not cleared. And
18 it's funny, I wasn't sure about this bill and so
19 during the hearing I tweeted about it and someone
20 replied to me during the hearing and said if you
21 leave it to business owners, crosswalks won't get
22 cleared, it has to be the city's responsibility.

23 But the city's position, right, and
24 which I'm reading, is that other large cities
25 already impose some form of responsibility on such

2 property owners such as the very large city, I
3 believe, known as Tree Town, Ann Arbor, Michigan,
4 population of 116,000 people, of which one-third
5 of the population are college students. Come on
6 folks, I mean, you know, I don't know why we've
7 suddenly downgraded the city of New York that
8 we're comparing ourselves to Ann Arbor, Michigan.
9 This is New York City, this is 8 1/2 million
10 people, we have a lot of elderly people and, A,
11 it's not fair to expect that the 90-year-old woman
12 who lives on the corner is somehow going to be
13 able to not just clear her sidewalk, but also the
14 crosswalks. Not to mention the fact that our
15 population in general struggles--many seniors who
16 live struggle during a storm to get around.

17 So this is a perfect example of a
18 bill where I just don't think you're being fair in
19 the comparison. I mean do you really think it's
20 fair to compare New York City, Liz, to Ann Arbor,
21 Michigan, population of 116,000?

22 LIZ WEINSTEIN: Well--

23 FEMALE VOICE: Boston--

24 [Crosstalk]

25 LIZ WEINSTEIN: --look, I think the

2 comparison is supporting a document about another
3 way to go in terms of tackling this issue, it's
4 not about comparing the cities, as you know. But
5 I think the issue is getting the resources and
6 figuring out the right legal framework for doing
7 this.

8 Right now, as you know, property
9 owners are responsible for their sidewalk, so one
10 of the options is taking that and making them
11 responsible further so that we don't have this
12 line that stops in the middle of the property
13 where folks are experiencing problems.

14 The tradeoff to that is having
15 Sanitation do more, and so our answer is we think
16 at this time it's not appropriate for sanitation
17 to be doing that work and that it is the property
18 owner's responsibility, similar to how it is in
19 almost every other piece of sidewalk and property
20 in the city.

21 MALE VOICE: Council Member, point
22 of information, obviously they do because
23 Copenhagen is our model for bike lanes, so it's
24 the same principle.

25 [Off mic]

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2 COUNCIL MEMBER GREENFIELD: And so
3 I mean, the point, Liz, is that I don't want you
4 to view this that we're trying to micromanage the
5 administration, we're really not. In the end of
6 the day, you guys made mistakes, and you try to
7 rectify those mistakes and we appreciate that, and
8 we know that you folks are the best and the
9 brightest and that's why you have your jobs and we
10 appreciate that as well. But this, for example--
11 I'm just using this one as an example--is a
12 reasonable piece of legislation that seeks to
13 ensure that there is clarity, which right now
14 there isn't, and the way we would do that is--and
15 the response, which is there may not be enough
16 temporary laborers, yeah, we can pay a few more
17 dollars, we could get some more laborers. These
18 are not the kinds of issues that a college town
19 and a bunch of kids all in a frat house, it's
20 pretty easy after they knock back a couple of
21 beers to go and clear the sidewalk, my 90-year-old
22 neighbor is not going to have the same ease.

23 And so that's why from our
24 perspective--I hope you understand that I'm
25 optimistic and in fact, I challenge my colleagues

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2 that we should pass lots of these pieces of
3 legislation, and I'm hopeful that the mayor will
4 sign them. And if he doesn't, I hope that we do
5 our part and we take the rare step of overriding
6 an anticipated veto because these are some common
7 sense pieces of legislation that we're really not
8 trying to micromanage, we're just trying to make
9 the city a little bit friendlier for folks and
10 trying to get some more clarity in terms of what
11 happens during snowstorms.

12 CHAIRPERSON JAMES: Thank you,
13 Council Member Greenfield. Again, the legislative
14 package that is before you is in response to the
15 failure of the administration to call some type of
16 public emergency; the lack of protocols for
17 opening and operating the emergency operations
18 system center; the failure of the commissioners to
19 communicate the severity of the storm to the
20 deputy mayor and the mayor; the lack of knowledge
21 within the Department of Sanitation of the slow
22 rate of snow removal throughout the five boroughs;
23 the city's failure or inability to secure
24 assistance from the state or the federal
25 government; the city's failure to properly

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2 disseminate information to and receive information
3 from community boards and elected officials.

4 And speaking to that issue, again,
5 referring to the document, the New York City
6 Winter Weather Emergency Plan page 49 says during
7 a winter weather emergency, the External Affairs
8 Coordinator will notify local, state, and federal
9 elected officials in the affected areas, notify
10 district managers of the community boards,
11 activate and deploy CERT teams, work with public
12 information officers, organize conference calls,
13 respond to calls from elected official, etc.,
14 etc.. Was any of this done during the blizzard?
15 Because I did not receive one call.

16 LIZ WEINSTEIN: Yes, a lot of that
17 was done, but we can have OEM speak to
18 specifically how those things roll out.

19 [Crosstalk]

20 CHAIRPERSON JAMES: --my number?
21 I'm listed.

22 RACHEL DICKINSON: You're referring
23 to the task list, the--

24 [Crosstalk]

25 CHAIRPERSON JAMES: [Interposing]

2 No, I'm referring to--

3 RACHEL DICKINSON: --task list--

4 [Crosstalk]

5 CHAIRPERSON JAMES: --page 49 of
6 the New York City Winter Weather Emergency Plan,
7 point one, it says the External Affairs Emergency
8 Support Function Coordinator will notify local,
9 state, and federal elected officials in the
10 affected areas.

11 RACHEL DICKINSON: Okay. So what
12 that means, and, again, we're always doing
13 revisions here, but what that means is it means
14 that we notify your liaison--

15 CHAIRPERSON JAMES: [Interposing]
16 My liaison?

17 RACHEL DICKINSON: Yes, you have a
18 City Council liaison.

19 CHAIRPERSON JAMES: Who is that?

20 RACHEL DICKINSON: It is Edgar Moya
21 of Christine Quinn's staff who--

22 [Crosstalk]

23 CHAIRPERSON JAMES: [Interposing]
24 Was he just designated that?

25 RACHEL DICKINSON: No, he's been

2 that for about three years.

3 CHAIRPERSON JAMES: Okay.

4 RACHEL DICKINSON: And we do notify
5 that individual each time that we activate the
6 Emergency Operations Centers so--

7 CHAIRPERSON JAMES: [Interposing]
8 What about the district managers?

9 RACHEL DICKINSON: District
10 managers.

11 CHAIRPERSON JAMES: That's point
12 two.

13 [Off mic]

14 RACHEL DICKINSON: I don't know, I
15 would have to talk to CAU about that. But the way
16 that this plan is written, these are scalable
17 plans and not every single thing on each of these
18 lists is going to be done every single time
19 depending on what the event is, so I'd have to
20 look at the specific event and then I could
21 answer--

22 [Crosstalk]

23 CHAIRPERSON JAMES: [Interposing]
24 So are you saying that this plan is aspirational?

25 RACHEL DICKINSON: No, I'm not

2 saying it's aspirational.

3 CHAIRPERSON JAMES: Okay. Council
4 Member Koppell.

5 COUNCIL MEMBER KOPPELL: Thank you.
6 It does strike me that the testimony today is we
7 messed up, but trust us in the future, we'll do it
8 right. That's what all your comments suggests to
9 me. The idea of this legislation is, not only for
10 this administration, but for future
11 administrations, that we don't trust them to
12 necessarily exercise their discretion
13 appropriately without some fixed rules. And also
14 I think everybody agrees that if you don't pay
15 attention to the past, you're doomed to repeat its
16 mistakes. And in fact the process that we're
17 going through here is the process that we are
18 trying to enforce with respect to the future, with
19 respect to snow emergencies.

20 You know, I've been in public
21 office long enough to realize that two snow
22 emergencies, in one case ruined the career of a
23 mayor and in this case certainly wounded it.
24 There was a snow emergency back in the Lindsay
25 administration that I remember that probably ended

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2 John Lindsay's political career because no one
3 forgot that he messed up so badly, especially in
4 Queens.

5 But this first bill which requires
6 that there annually be a report on the way in
7 which snow emergencies have been handled and then
8 a recommendation of what might be done to improve
9 that response if it's lacking is exactly what
10 we're going through here. And all this says is we
11 should do that every year what we're doing here.
12 That whatever administration is in place should do
13 what we're doing here, what we did this year which
14 we did because we had a particularly egregious
15 problem, but every year we should evaluate.

16 Now all this bill says is that
17 there should be a mandatory evaluation of how snow
18 emergencies have been handled in the past 12
19 months and then recommendations as to how maybe
20 that conduct should be improved, there's
21 absolutely nothing wrong with that. In fact, to
22 some extent--well you did it right this year, you
23 did it with respect at least to the Christmas
24 storm, and you should probably do it with others.
25 There's nothing wrong with this legislation. It's

2 a good idea, we did it this year, we should do it
3 every year. To some extent, the Mayor's
4 Management Report does that with everything, so in
5 a way you do it already. So there's nothing wrong
6 with this bill.

7 Then I want to talk about another
8 bill that you--I don't want to go to each one, but
9 that first one I think your objections to it, it
10 gives you complete discretion to say what you want
11 to say and then you say it has too much detail,
12 doesn't have any detail. It's completely open-
13 ended with respect to what it ask you, this mayor
14 and future mayors to do.

15 But then let's look at the Vallone
16 bill which says that the commissioner should
17 promulgate rules detailing under what weather
18 conditions and pursuant to what timetable the
19 Office of Emergency Management will open the
20 Emergency Operations Center. Well I guess you've
21 admitted, certainly it looks clear to me, that it
22 should have been opened earlier at the Christmas
23 time. All this says is that there should be some
24 rules and standards and you object--I mean, I
25 can't understand why you would object to there

2 being some rules. Clearly, because there weren't
3 rules, a mistake was made.

4 And then you actually object to
5 this 'cause you say that it interferes with the
6 deliberative privilege. The deliberative
7 privilege doesn't have anything to do with asking
8 an administration to explain why they didn't do
9 something, we certainly have the right to ask you
10 why you didn't do something. Deliberative
11 privilege may prevent us from demanding the text
12 of the statement of Commissioner X or Commissioner
13 Y, but it doesn't prevent us from asking you to
14 explain why you didn't do it. So if, let's say,
15 in the future you didn't open the Emergency
16 Management Center because--and notwithstanding the
17 commissioner saying it should be open during a
18 snow--after there's a warning, a snow, a warning,
19 and the commissioner says--or the rule is it
20 should be opened and then after the event it turns
21 out it wasn't opened. Do you think it's
22 inappropriate for us to find out why it wasn't
23 opened? Maybe it wasn't an opened for legitimate
24 reasons because the warning was canceled, because
25 there was another warning, or maybe it was a

2 mistake and then the mistake should be admitted.

3 There's absolutely nothing wrong with asking
4 whatever administration, not only the Bloomberg
5 Administration, to explain why something that was
6 in the rules wasn't followed. We did it this year
7 with this emergency.

8 So I just pick out those two bills,
9 there's nothing wrong with them, there may be a
10 word here or there that we should change, but the
11 concepts there's just nothing wrong with. And I
12 would ask you to review all of them, keeping in
13 mind that what we're trying to do is not have a
14 situation where any future mayor, not only Mayor
15 Bloomberg, any future Mayor has too much
16 discretion and, because there's too much
17 discretion or not enough rules in place, problems
18 occur. That's what happened.

19 Listen, it didn't only happen with
20 the city. I'm on the Transportation Committee and
21 we sat with the MTA. In some ways, some of the
22 things they did or didn't do is even more
23 horrendous than what the city did or didn't do.
24 They left people sitting on a train for seven
25 hours without the ability to get off the train or

2 to perform normal bodily functions, I mean that's
3 pretty horrible and that could have been easily
4 alleviated.

5 So anyway, there should be rules,
6 all these bills do is require that those rules be
7 put in effect and they're carefully drafted to
8 give a great deal of discretion to the
9 administration in creating those rules. Just
10 saying, those rules should be there. Thank you.

11 CHAIRPERSON JAMES: You're welcome.
12 Before I call on Council Member Williams, Ms.
13 Weinstein, are you okay? Do you need to take a
14 break at this point? Okay. Thank you. Council
15 Member Williams.

16 COUNCIL MEMBER WILLIAMS: Thank
17 you, Madam Chair. Thank you for the testimony
18 from everyone. Ms. Weinstein, I don't want you to
19 get [off mic], but I have to say, the arrogance of
20 this administration can't even fit in this room,
21 it's an amazing thing. You come in here and not
22 even 1 of 17 bills that have been proposed, 17,
23 not even one can be supported. And not just, not
24 even one did you have a suggestion to make better
25 so that you could support. That's absolutely

2 amazing to me.

3 And then the testimony ended off
4 with this: The Council should not move forward
5 with the legislative proposals, rather, the
6 Council should use its oversight role to continue
7 to monitor the city's future response to snow
8 events and to work with the various city agencies
9 to ensure that the 15-point plan that you created
10 is implemented and that we deliver the snow
11 clearing response that New Yorkers expect and
12 deserve. That's amazing. To sit here and tell us
13 what we should, shouldn't do and we should only
14 take the time to push your plan.

15 So I have a equally arrogant
16 question. Is the Mayor's Office of Operations
17 perfect? That's my unofficial question.

18 LIZ WEINSTEIN: No.

19 COUNCIL MEMBER WILLIAMS: Is the
20 Mayor's Office of Operations the only agency that
21 can find solutions to the problems?

22 LIZ WEINSTEIN: No, certainly not,
23 and I think that sort of just guessing where
24 you're going here, the plans come from a lot of
25 feedback and a lot of folks not just from us

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2 looking inside, but from us listening the same way
3 that you all try to do to what's going on and it's
4 not the end-all be-all of what we should be doing,
5 there's a lot more we could do.

6 COUNCIL MEMBER WILLIAMS: Well one
7 of it is to listen to the Council or at least try
8 to work with the Council. This testimony is not
9 working with the Council telling us to dash away
10 the 17 bills that we put forward and only push
11 your 15-point plan. Is that an idea of working
12 together with the Council?

13 LIZ WEINSTEIN: This is a
14 beginning, it's a beginning of a conversation and
15 I think--

16 COUNCIL MEMBER WILLIAMS:
17 [Interposing] It's a terrible beginning to a
18 conversation, you just have to--

19 LIZ WEINSTEIN: That's--

20 COUNCIL MEMBER WILLIAMS: --know
21 that a terrible way to begin a conversation.
22 Someone mentioned about the hearings they said
23 that you did, and I have to say that you didn't do
24 any hearings as far as I remember, we did
25 hearings. There was a Iggy, who's very nice, but

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2 a lower level person who attended the hearings
3 said the same statement, answered no questions.
4 So to try to throw that in to as part of the
5 process that you use, again, it's also just
6 amazing to me.

7 Now why not anticipate future
8 problems based on the horrible things that
9 happened in this snowstorm, why not codify it? So
10 even if 20 years later we can save a life, 'cause
11 people died here, wouldn't you think that then
12 that's worth it? That's also a question.

13 LIZ WEINSTEIN: Yes.

14 COUNCIL MEMBER WILLIAMS: So why
15 not support some of these bills so we can codify
16 and possibly save someone's life 10 or 20 years
17 from now?

18 LIZ WEINSTEIN: I think there
19 certainly may be things that we want to codify
20 together, I think the way the bills are now, we
21 don't feel that these are the appropriate set of
22 things.

23 COUNCIL MEMBER WILLIAMS: Well do
24 you have any suggestions on what those set of
25 things are?

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2 LIZ WEINSTEIN: I think--

3 [Off mic]

4 LIZ WEINSTEIN: --yeah, I think we
5 believe that a lot of things that we've outlined
6 are there and then we are ready to start a
7 discussion.

8 COUNCIL MEMBER WILLIAMS: All
9 right, I'm not finished but I just want to suggest
10 if you come to a conversation and you're going to
11 tell the people that you're talking to that all
12 they did is wrong and they should follow yours,
13 then you should have some suggestions on perhaps
14 what they can do so that you can work together.
15 That would probably be a better way to begin the
16 conversation.

17 Also, my two bills in particular,
18 the 311 is also to be used, not just for snow, but
19 hopefully for all emergencies. God forbid, I
20 think it was Peter Vallone that mentioned what if
21 this was a terrorist attack or something of that
22 magnitude. We should learn the lessons from here
23 so that if these things happen they won't--if
24 these emergencies happen, the failsafes that
25 failed and everything that didn't happen won't

2 happen again. So it's just difficult for me to
3 understand the refusal to codify these things,
4 like the 311 to make it better.

5 Like I learned through these
6 hearings and speaking with my community that not
7 all of the borough has been plowed the same, for
8 years, they just never complained about it. So
9 having a direct person in charge of the boroughs,
10 I think very much helps.

11 And all these things ought to help.
12 And the Mayor, to my knowledge, has not held
13 anyone accountable for what has happened, so as
14 far as I'm concerned, he's done nothing to say,
15 yes, I was wrong and this is what I'm going to do
16 to hold people accountable. And yet when we're
17 trying to do stuff to codify, all we get is push
18 back. We're trying to save lives literally 'cause
19 people died.

20 I think these 17 points were very,
21 very well thought out, I think all of them are
22 very good. At the minimum, there has to be one
23 that was good.

24 And I did want to ask, Mr. Funk,
25 were you in town during the blizzard?

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2 SKIP FUNK: Was I in town
3 personally in the city--

4 COUNCIL MEMBER WILLIAMS: Yeah.

5 SKIP FUNK: --I was not.

6 COUNCIL MEMBER WILLIAMS: Okay. I
7 had a feeling because most people weren't. I'm at
8 a loss for words. I still feel the administration
9 is still disrespecting the city of New York by not
10 holding anyone responsible, and in further coming
11 here to say that all of the work that the Council
12 has done is in error and is not usable, and to
13 tell us only to use the 15-point plan that was
14 created in his office, which is the one that made
15 the mistakes in the first place.

16 And you keep saying that the
17 emergency plan you had was in effect, everything
18 was in effect, please stop saying that because
19 there was huge errors. So either these things
20 were in effect and people ignored them, which
21 means people should be fired, or they were not in
22 effect, but they could not have been--and if they
23 were in effect, then that means they're not good
24 enough, which means we should be codifying some
25 more things. So your things, they don't add up,

2 they were in effect, if what you're saying is
3 true, they didn't work, then we have to change it,
4 which is what we're trying to do.

5 So I'm trying to say all these
6 things with a smile. But I would really like also
7 to work with the mayor's office and the mayor's
8 administration, but you have to start off the
9 conversation in a way that makes it more able to
10 do so. At least come with some positive
11 contributions about the things that all of us here
12 have worked very hard--like you just slapped it
13 around. It was many, many hours that were put
14 into these bills based on the feedback we heard,
15 based on the hours that many of us here were at
16 the hearings when you only sent one lower level
17 person who didn't even answer questions. And then
18 to dismiss that completely, I think further goes
19 along the line of I think what this administration
20 has been about and I hope at some point it will
21 change a little bit. Thank you.

22 CHAIRPERSON JAMES: Thank you.
23 We've been joined by Council Member Rose. Ms.
24 Weinstein, you still okay?

25 LIZ WEINSTEIN: Yeah.

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2 CHAIRPERSON JAMES: No break?

3 Okay, you'll let me know?

4 LIZ WEINSTEIN: Sure.

5 CHAIRPERSON JAMES: You indicated
6 that some bills you think are workable. Can you
7 identify those bills?

8 LIZ WEINSTEIN: Well I think just
9 building off of what everyone is saying, I think
10 there's probably things related to a few of the
11 different bills that would be interesting or worth
12 discussing sooner rather than later. With a few
13 of the bills, there are specific things that I
14 think if they were changed we could work with. I
15 don't have a thorough analysis, I'm looking
16 through my notes here, but--

17 CHAIRPERSON JAMES: [Interposing]
18 Are there any bills that you basically--which are
19 just totally unacceptable at this juncture? And
20 that are not subject to any possible amendment or
21 compromise, so we can take those off the table?

22 [Off mic]

23 LIZ WEINSTEIN: Right, I wouldn't
24 say that there's any--look, your intention is
25 clear, it's obviously from the right place, I

2 don't think they're very different than a lot of
3 things that we're doing already, and that's part
4 of what the issue is. So--

5 [Crosstalk]

6 LIZ WEINSTEIN: --in agreement.

7 But I think there are pieces in many of the bills
8 that we would want to work through with you before
9 they could be passed.

10 [Off mic]

11 LIZ WEINSTEIN: Right, or added to
12 a plan or figure out a way to make sure they get
13 done in a way that you feel satisfying.

14 CHAIRPERSON JAMES: As I stated at
15 the outset of the hearing, I don't understand,
16 since you already have a plan in place and since
17 you think that writing a plan down is a good
18 thing, why we cannot codify some of this
19 legislation that is before you as part of this
20 package.

21 Specifically, let me just speak
22 about each of the bills and some of your
23 objections. The first and second--well before I
24 get to that, what is the legal import of an
25 executive order? You often referred to an

2 executive order that the mayor was issued, what is
3 the legal import of that and is it not true that a
4 subsequent mayor can override, overrule more...?

5 MALE VOICE 2: As a general matter,
6 an executive order is a policy that has an effect
7 of law that's issued by the mayor that generally
8 regulates the internal workings of the mayoral
9 administration. So it's a mayor either governing
10 how his office, the mayor's office would work or
11 how it relates to other agencies are given
12 specific orders to how commissioners must either
13 develop and implement programs or react under
14 certain circumstances, that's what an executive
15 order does.

16 CHAIRPERSON JAMES: Is it not true
17 that a subsequent mayor could rescind that order
18 the first day of his or her administration?

19 MALE VOICE 2: As a general matter,
20 most mayors come into office and Executive Order
21 number one of that mayoral administration is a
22 reenactment of all prior executive orders, but
23 it's conceivable that one could be pulled out and
24 not reenacted.

25 CHAIRPERSON JAMES: Okay. With

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2 regards to one and two, do you understand--I'm
3 sure you understand that this is nothing more than
4 a framework and does not restrict the ability of
5 the administration, the annual snow response and
6 preparedness report, which is basically a
7 codifying of the emergency plan, which is already
8 in place, but not in effect in law?

9 LIZ WEINSTEIN: I think that's the
10 kind of understanding we would want to come to
11 with you.

12 [Crosstalk]

13 LIZ WEINSTEIN: I think we don't
14 have an understanding now, we would be open to
15 understanding more about that.

16 CHAIRPERSON JAMES: And my
17 intention in drafting this legislation again is
18 for subsequent administrations and also not to tie
19 your hands, but so that there is some sort of set
20 of rules and some sort of record keeping, is that
21 okay? Is that something we can work on?

22 LIZ WEINSTEIN: Sure.

23 CHAIRPERSON JAMES: Thank you. As
24 well as number two, which is also a bill that I
25 drafted as well. Again, you speak to executive

2 order, but I just want to codify it so that for
3 subsequent administrations they can continue to
4 adhere to that. Is that something that you think
5 that we could work with?

6 LIZ WEINSTEIN: I think the rules
7 and regulations piece is--

8 CHAIRPERSON JAMES: Yes.

9 LIZ WEINSTEIN: --the language that
10 we would want to work with you on--

11 CHAIRPERSON JAMES: It's
12 acceptable, okay.

13 LIZ WEINSTEIN: --but yeah, I think
14 all of it is open for discussion.

15 CHAIRPERSON JAMES: Number four
16 which talks about, you basically opposed that
17 because you say we are in a period of deficits and
18 having a borough structure does not augment OEM's
19 coordination responsibilities and could even have
20 a negative impact. And my argument to that is in
21 your proposals you put forth a lot of technology
22 and it suggests to me that there's not that much
23 concern with respect to technology for the bottom-
24 line so why should you have concern with regards
25 to this bill?

2 LIZ WEINSTEIN: Yeah, I mean I
3 guess a couple things on that, and this one, I
4 think probably would require a bit of conversation
5 and dialogue. But one is that the--as we went
6 through and we'll get you the specific numbers,
7 the technology is reasonably inexpensive, but
8 we'll get you the numbers on that.

9 The second is that the resource
10 spend is just a piece of what we're concerned
11 about here, the other is that OEM really is set up
12 to be citywide and to have a holistic perspective
13 and, while it can and often does have a very local
14 focus, we really think the strength in it is its
15 central command and the fact that it can rely on
16 other agencies who do have more borough
17 breakdowns. But a borough breakdown we don't
18 think necessarily would have helped in the
19 situation that you were concerned about and going
20 forward.

21 So we would want to talk more about
22 trying to address your concern without going to
23 that level of administration.

24 CHAIRPERSON JAMES: Jumping to
25 number 11, snow removal volunteer registry, you

2 speak about liability issues. Could we not pass a
3 piece of legislation in Albany that would immune
4 volunteers from tort liability, could we not do
5 that?

6 LIZ WEINSTEIN: I don't know that
7 answer, but I do think here is an example of where
8 we are trying to offer something that we think
9 might work and there is something workable here,
10 which is often when we do go through these
11 umbrella organizations it helps relieve us a lot
12 of the concerns that we have.

13 So I think we like the volunteer
14 idea, we think there is a place for them in these
15 things, we didn't leverage it as much as we could
16 have in the past, it's just the mechanics of
17 getting to those volunteers we may need to sort of
18 work with you on how that works.

19 CHAIRPERSON JAMES: Moving to
20 number 13, Intro 169, could we not just limit the
21 suspension of parking meters to severe storms?
22 Specifically, I mean, particularly given in light
23 of the fact that you did suspend parking meters
24 during the last winter blizzard because of the
25 severity of the storm? Is that something that we

2 could talk--

3 LIZ WEINSTEIN: [Interposing] Yeah,
4 I mean, David can jump in if--this one to me seems
5 trickier, but I don't want to speak--

6 [Crosstalk]

7 CHAIRPERSON JAMES: [Interposing]
8 Is this something that we can work out, David?

9 [Off mic]

10 CHAIRPERSON JAMES: He's my
11 constituent so I have to be nice. You look very
12 nice.

13 DAVID WALLOCK: I have to be
14 careful. It's a topic I think we're happy to
15 continue to talk about. I don't think we see a
16 legislative solution necessarily, but happy to
17 keep talking to you about it.

18 CHAIRPERSON JAMES: Okay. With
19 regards to number 14, clearing crosswalk curb
20 cuts, your primary objection is that this is
21 potentially dangerous, but we have a significant
22 number of--we put forth a number of volunteers
23 already on the streets clearing crosswalks and
24 curb cuts and so I don't really understand some of
25 your objections here.

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2 LIZ WEINSTEIN: Yeah, this is both
3 the danger issue of the volunteers, but also a
4 resource issue, and so we would have to talk about
5 what the implications are, if we really want
6 sanitation workers to take this on. They don't do
7 it now and so from what sort of pool of folks and
8 from what job responsibilities do we take the time
9 to do this so...

10 CHAIRPERSON JAMES: And my last
11 question before I move on to Council Member
12 Halloran is with respect to local law--the
13 proposed law 2037, you speak to Cemusa's franchise
14 agreement which required them to clear the
15 shelters and some damages were levied against
16 Cemusa in the amount of \$100,000, but to me that
17 is a rather paltry sum. And so why was it only
18 \$100,000? They should have been hit with a higher
19 fine, they should have covered the cost of all of
20 the volunteers that we employed.

21 DAVID WALLOCK: Yeah, I don't think
22 \$100,000 is necessarily that small a sum, but I
23 get the point. There was a lot at stake here.

24 CHAIRPERSON JAMES: I mean, it's
25 not small to me and you, but to Cemusa, it's

2 pennies.

3 DAVID WALLOCK: Well not quite
4 pennies, but--

5 CHAIRPERSON JAMES: [Interposing] I
6 think they should have been hit harder in their
7 pocket given their failure to act and the fact
8 that we had to hire volunteers and others--not
9 volunteers, we had to hire day laborers to do
10 their work.

11 DAVID WALLOCK: Sure. Understood,
12 and I think clearly the message has been sent to
13 them. They're going to be putting more resources
14 into this than they have in the past and if they
15 don't get their act together they're going to be
16 paying--they're going to have more liquidated
17 damages.

18 CHAIRPERSON JAMES: Is it a
19 graduated liquid damage clause?

20 DAVID WALLOCK: I'm not sure what
21 it is precisely, I can get--

22 [Crosstalk]

23 CHAIRPERSON JAMES: [Interposing]
24 And does \$100,000 cover the cost of the day
25 laborers that we employed?

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2 DAVID WALLOCK: I will have to get
3 back to you on that.

4 CHAIRPERSON JAMES: Council Member
5 Halloran.

6 COUNCIL MEMBER HALLORAN: Thank
7 you, Madam Chair. First I'd like to go to
8 recommendation number three, equipped every
9 Department of Sanitation truck with a GPS-enabled
10 device. I believe the chair had a hearing back in
11 October in which that issue was discussed and was
12 pooh-poohed by the administration because it was
13 unnecessary, it was--yeah, well it's a quasi legal
14 term, pooh-pooh-- because it was unnecessary and I
15 and another Council Member from Staten Island had
16 pointed out the various inequities and how street
17 sweeping went on and whether we could follow these
18 street sweepers. And I'm glad to see that all of
19 a sudden now that it seems like a good idea to
20 this administration to have the GPS devices
21 enabled. But realistically speaking, if you have
22 the supervisors in the field following routes and
23 those routes are on route sheets, will the GPS
24 devices tell you anything that you shouldn't have
25 already known, given the deployment method, the

2 deployment schedules that the mayor used on the
3 Monday after the storm to stand in Staten Island
4 at 2:45 and declare the secondary streets of the
5 city of New York have been plowed?

6 LIZ WEINSTEIN: So there's a couple
7 things, and I appreciate the feedback. We have
8 had a pilot, as you probably know, going on for a
9 couple years. So I wasn't at the hearing and I'm
10 not familiar with the hearing that you mentioned,
11 but it is something that the city is interested
12 in, other city fleets have piloted it as well.

13 With the GPS, there is a couple of
14 things that we get and it's implementation of both
15 the GPS and also a communication device with the
16 folks who are out there, and so we get a couple
17 things that we think are useful and that we think
18 would have helped in the storm on December 26th.
19 One is we get real-time information about where
20 our folks are, so if they're stuck, so even if you
21 have the best plow sheet, that doesn't tell your
22 supervisor if you're stuck immediately. So this
23 allows the driver to communicate directly and
24 gives supervisor or the district command--or the
25 borough command, rather, information about where

2 that truck is exactly and what they're seeing and
3 whether they're stuck or not.

4 COUNCIL MEMBER HALLORAN: Can I ask
5 you a question just--

6 LIZ WEINSTEIN: Sure.

7 COUNCIL MEMBER HALLORAN: --with
8 regards to that, and obviously I know there's
9 pending litigation so you may not be able to
10 answer this question, but was the Department of
11 Sanitation, various garages receiving phone calls
12 from their sanitation workers telling them I'm
13 stuck, the street isn't plowed? I mean, we live
14 in an age of cell phones so I don't think anybody
15 can realistically sit here and tell me that if my
16 plow is stuck on 14th Avenue and 150th Street I'm
17 going to wait for a supervisor to get to me since
18 I don't have a radio in my truck.

19 LIZ WEINSTEIN: Absolutely, folks
20 [off mic] all the time and they do find ways to
21 use their personal devices to do that, the
22 administration believes there's quicker and better
23 ways to do that--

24 COUNCIL MEMBER HALLORAN: Sure.

25 LIZ WEINSTEIN: --and also

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2 supervisors, as we mention in the testimony, who
3 have laptops, and it sounds like you're an
4 advocate of this yourself, but can get a
5 perspective on a map of where folks are. So yes,
6 there were ways of doing it before. Do we think
7 there are better ways? We do.

8 COUNCIL MEMBER HALLORAN: And those
9 supervisors, they would probably need something
10 other than a Prius to get around in a snowstorm,
11 don't you think?

12 LIZ WEINSTEIN: Sure, yes.

13 COUNCIL MEMBER HALLORAN: Okay. So
14 during the snow emergency, does the sanitation
15 department have sufficient numbers of four-wheel
16 drive vehicles for its supervisors to prevent the
17 kind of disasters we saw of hybrid cars that have
18 20 horsepower trying to get around the city of New
19 York?

20 LIZ WEINSTEIN: We can certainly
21 get back to you if you want specific numbers on
22 that, but the point's taken, yeah.

23 COUNCIL MEMBER HALLORAN: All
24 right. Another question, moving on to
25 recommendation number four, improve the

2 accountability protocols by changing the plowing
3 definitions. I was actually shocked and amazed to
4 hear that a street could be declared plowed that
5 is completely impassable, but apparently that is
6 in fact the case. In the new definitions that
7 you're going to promulgate, will those definitions
8 be available to us, will they actually have
9 significance and meaning, and will there be other
10 variables which you will be using to control the
11 data? Because it seems to be that the city could,
12 in all good faith, say it had plowed every street
13 in the city of New York, but none of them would've
14 been impassable and somehow or another that would
15 have been acceptable as a press release, but it
16 certainly wasn't acceptable to the citizens of
17 this city.

18 LIZ WEINSTEIN: Absolutely, this
19 was one of our major points of concern and
20 recommendations and I think we're looking at
21 technology and also, to your point, some policy
22 calls that would make those definitions very
23 clear, help them to be communicated within the
24 department and externally.

25 COUNCIL MEMBER HALLORAN: Would you

2 say it was disingenuous to tell the citizens of
3 the city of New York that all the streets had been
4 plowed when your definition of plowed did not mean
5 impassable? Do you think maybe that that was not
6 really the right thing to say during the
7 snowstorm?

8 LIZ WEINSTEIN: I wouldn't use the
9 word disingenuous, I think that mistakes were
10 made, as we've said, and communication was a piece
11 of that and so certainly we want to be as clear
12 and accurate as possible going forward, and now
13 that we have new tools and we'll have new tools to
14 do that, that's always our goal.

15 COUNCIL MEMBER HALLORAN: Okay.
16 You also stated that we have a liaison and, of
17 course, Edgar Moya does a hell of a job for this
18 Council, but he's responsible to 51 Council
19 members. Is it really the administration's
20 position that you only need to talk to one person
21 at Council and hope it gets disseminated to 51 of
22 us?

23 LIZ WEINSTEIN: Yeah, I think that
24 Edgar as a representative and talking about the
25 plan is one way that we ensure we're doing that.

2 But as you know and we know, there's
3 communications that are going on back and forth
4 all the time. If you have other suggestions for
5 sort of formalizing different approaches, we're
6 open to--

7 [Crosstalk]

8 COUNCIL MEMBER HALLORAN:

9 [Interposing] Well I'm just thinking that not just
10 this snowstorm, which in my district was
11 particularly bad, but right before that we had a
12 little thing called a tornado, and you might've
13 heard of it, although I know apparently the rest
14 of the city didn't, some of our districts did.
15 And for them to go through Edgar Moya at City
16 Hall, who had nothing to do with my Council
17 district directly, when my district, Liz Crowley's
18 district, Karen Koslowitz's district were the path
19 of the storm, it just seems to me rather
20 ridiculous to have to go through a layer of
21 bureaucracy to get to the actual people who are
22 involved. So I would hope as you're parsing out
23 this plan that you take into effect that there are
24 51 Council members whose districts span
25 geographically a huge distance from the tip of

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2 Staten Island to Nassau County, and it's sometimes
3 not so easy to call City Hall and expect us to get
4 the information.

5 Recommendation number five, you
6 indicate that you're going to implement more live
7 monitors through the SCOUT program and I think
8 that's fantastic, except the SCOUTs all drive
9 hybrid electric, two-wheel, five horsepower--

10 LIZ WEINSTEIN: Yeah--

11 COUNCIL MEMBER HALLORAN: --boxes--

12 LIZ WEINSTEIN: --we noticed, yeah.

13 COUNCIL MEMBER HALLORAN: --it's
14 called scooter carts that--

15 LIZ WEINSTEIN: Yes.

16 COUNCIL MEMBER HALLORAN: --we
17 hated at the police department, because--

18 LIZ WEINSTEIN: Yes.

19 COUNCIL MEMBER HALLORAN: --it was
20 like taking your life into your own hands. Do we
21 have some plan for something other than that to be
22 utilized during a snowstorm when this would be
23 absolutely useless?

24 LIZ WEINSTEIN: Of course, so
25 actually when they were deployed in January we

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2 were able to borrow from TLC, one of our sister
3 agencies, they're four-wheel drive vehicles that,
4 because of snow, they didn't need to use those
5 days. So yes, I would not send that team out in
6 those scooters.

7 COUNCIL MEMBER HALLORAN: Well I'm
8 glad--

9 [Crosstalk]

10 COUNCIL MEMBER HALLORAN: --to hear
11 you say that, I'm not going to take anything for
12 granted, and I think the 17 pieces of legislation
13 we have are because we don't want to take things
14 for granted anymore.

15 Recommendation number six--I'm not
16 going to go through each one--enhance the
17 availability of the critical equipment in the
18 recovery operations. My understanding of the
19 process and the staging process once the winter
20 weather advisory is declared is that you do that
21 already. That in fact, I recall not this storm
22 cycle but a prior storm cycle where the mayor
23 stood in front of some salt piles and told us
24 about how everybody was getting ready and trucks
25 were lined up and it was a great media shot. I

2 assume that didn't happen right before the
3 blizzard in 2010 because, had there been a great
4 media shot with all those plows ready to go, I
5 guess we wouldn't have found ourselves where we
6 were. But what is different about your enhancing
7 the immediate availability of equipment critical
8 to recovery operations from December the 26th,
9 2010, to now?

10 LIZ WEINSTEIN: So one of the key
11 pieces here that we talked about at the January
12 10th hearing is tow trucks and that clearly
13 becoming an issue, and during the December 26
14 storm, not that day, but very quickly thereafter,
15 I think it was the 27th possibly or the 28th, a
16 tow truck task force was formed, which now has a
17 permanent fixture of all of our storm response,
18 which basically says where are our tow trucks,
19 what agencies deploy them, are they available for
20 snow help. So that's one specific piece I can
21 give you that's different today than it was then
22 and I think would have made a difference.

23 COUNCIL MEMBER HALLORAN: All
24 right. The chairman indicates to me I can only
25 get one more question in 'cause I could be here

2 probably for the rest of the week. I want to talk
3 just about recommendation 14, the 311 and 911
4 routing process. We all know, and Chairman
5 Vallone and I have been involved in the public
6 safety hearings on the failures of 311 and 911
7 system--those happened, by the way, in case you
8 didn't remember, also during the tornado and we
9 pointed out that the system was not able to handle
10 them, in fact our Council district offices had to
11 field calls because 311 was down and 911 wasn't
12 able to handle the overloads. We know that there
13 are software issues with regards to the 911
14 system, we know that there was implementation
15 issues. Are there specific protocols for once the
16 911 and 311 calls come in, for you to route them
17 now to the local agencies? 'Cause we were told
18 that if 311 makes a phone call--if there's a phone
19 call into 311, for example, saying that my street
20 hasn't been plowed, that might get to the garage
21 or to the community board, but then the garages
22 were not able to do anything 'cause obviously
23 there was no two-way communication to trucks. So
24 effectively only at the end of a shift would
25 somebody be aware that street A or B hadn't been

2 plowed. Will your implementation of this new GPS
3 two-way communication system be coupled with
4 specific directives and will you give us those
5 directives so we know what the routing plan of
6 information is? Nine-one-one call comes in, gets
7 sent to here, here, here, here, here, so that we
8 can explain to constituents and we can understand
9 from a funding perspective how this money should
10 be spent to allocate in the communication system?

11 LIZ WEINSTEIN: So I can speak to
12 the 311 piece of it. Just to be clear, a call to
13 311 about an unplowed street does get to the
14 sanitation department. In terms of timing for
15 reaction, we could map that out for you, but the
16 challenge would be that the sanitation would be
17 balancing that out against what it's supposed to
18 be doing in terms of its plow sheets and also
19 other calls that are coming in.

20 But part of our plan is absolutely
21 to do what you said, which is to get information
22 from you, from the constituents, from New Yorkers
23 about what's going on in quicker time and get that
24 out to the folks who can help. So 311 is one
25 example of that, our snow website where you can

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2 actually post on the map where you're seeing
3 issues is one example of that that goes directly
4 to the EOC. I should say that the EOC also gets
5 copied on the 311 calls that are going to
6 Sanitation, so they access to that data.

7 But the snow scat is an example of
8 that. And then all of our existing operations
9 that did exist previous to December 26 are also
10 supposed to do that, so we've added enhancements
11 to it.

12 So there should certainly be an
13 expectation that if you're contacting the city, we
14 are doing something about it. Whether it's
15 exactly what you would want done in the order you
16 would like it done or--you being the Joe on the
17 street--obviously depends.

18 COUNCIL MEMBER HALLORAN: I
19 appreciate that and again, for example, in my
20 district we had power outages and Con Edison
21 wasn't able to get the locations and we weren't
22 able to really get that information out there. I
23 appreciate very much the change in the protocol.
24 I'm sure that our chairs will do an excellent job
25 of following up on data and information.

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2 Just on that front, as you just
3 said, you will be sharing information more, making
4 sure that it's routed properly. Will there also
5 be oversight to know that the supervisors in
6 sanitation who have the responsibility of
7 deploying the units that are sent to them from
8 other agencies--DOT and whatnot--will there be a
9 control mechanism for that as well? Because my
10 understanding is that there was a breakdown in
11 coordination with the Department of Transportation
12 in terms of getting its plows and such out to the
13 secondary streets during the storm. So will those
14 vehicles also be included in that?

15 LIZ WEINSTEIN: I'm actually not
16 familiar with that breakdown, that didn't come up
17 in our analysis, so I'm not sure about that.
18 However, when Transportation or Parks or DEP sends
19 equipment to Sanitation, it is managed by
20 Sanitation supervisors and so the question about
21 technology, I would have to get back to you. To
22 the extent they're using Sanitation equipment, it
23 would have it; but if they're using their own
24 equipment, I would have to get back to you on
25 that.

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2 CHAIRPERSON VALLONE: Thank you,
3 Council Member. This panel has been here since
4 one, so we only have one Council Member left, who
5 I'm sure will be briefer than Dan at least, I'm
6 sure about that, that's pretty safe. So I just
7 want to add very quickly that you have reached out
8 in addition to Edgar Moya, the administration has
9 reached out to pretty much all of the Council
10 members during all the subsequent storms, I
11 received calls one or two every time, so you're
12 doing a much better job. Council Member Rose.

13 COUNCIL MEMBER ROSE: Thank you,
14 and I will be brief. In your comprehensive snow
15 removal plan by borough--well, our suggestion, LS
16 1923--you state that every year DSNY consistently
17 applies the same protocol and procedures for salt
18 spreading and snowplowing operations throughout
19 New York City. And one of the things that you say
20 is that all of the primary roads are done first.
21 So could you please define for me, what is a
22 primary road?

23 LIZ WEINSTEIN: [Off mic] do you
24 want to talk about that, Andrea?

25 ANDREA CICCONE: Council Member

2 Rose, I don't have the exact definition in front
3 of me from the snow manual, but typically a
4 primary road--and I understand your question
5 insofar as primary, secondary, tertiaries, and why
6 it's set up that way, and why we don't change that
7 frequently--but primary roads are basically
8 roadways, main roads where bus routes are located,
9 schools could be located, hospitals, emergency
10 facilities such as police stations, firehouses.
11 That's not to say every single street that has a
12 firehouse or a police station is definitely a
13 primary road, but it's one that's heavily
14 traveled, they tend to be two lane type of
15 roadways, they could be one lane roadways, but
16 often it's where a bus route is located and there
17 is commercial strips or--I'm looking at the
18 definition right here. It's a main traffic
19 artery--thank you very much--or main thoroughfare.
20 It's a lifeline street, it would also include
21 highways, expressways, but those are typically
22 arterial highways. But again, as I said, the bus
23 routes, private and--

24 [Crosstalk]

25 COUNCIL MEMBER ROSE: [Interposing]

2 But basically it's a citywide definition of what a
3 primary street--

4 ANDREA CICCONE: [Interposing] Yes,
5 yes--

6 COUNCIL MEMBER ROSE: --would be.

7 ANDREA CICCONE: --that's correct,
8 and the primary roadways need to be plowed first
9 in order to open up the secondary roads that feed
10 into those primary roadways. And then
11 subsequently the tertiary streets, which tend to
12 be more dead-end streets, those streets that feed
13 into the secondary roads.

14 COUNCIL MEMBER ROSE: Because on
15 Staten Island, and why I believe that it's so
16 important that we have a borough plan, snow
17 removal plan, is our topography is very different
18 from some of the other boroughs--

19 ANDREA CICCONE: Yes.

20 COUNCIL MEMBER ROSE: --and primary
21 roads on Staten Island are, as you define them,
22 would have bus routes and during the snowstorm we
23 were actually left with no buses running at all
24 because our primary roads were not done. We have
25 a very specific type of topography, which is

2 somewhat different and we also have a very
3 different transportation system. We are relegated
4 to surface transit, we don't have a subway, and as
5 a result of not having a specific borough plan, I
6 believe, we were not able to get to our main
7 transportation hub, which was the ferry terminal.
8 People were not able to get there by public
9 transportation, nor by private transportation.
10 And so how is it that you feel that a specific
11 borough plan is not advantageous to us having a
12 snow removal plan that would be beneficial to our
13 specific district?

14 ANDREA CICCONE: Well as the
15 proposed bill is written it would require a
16 borough plan to be developed at each borough, but
17 the point that Director Weinstein had raised
18 insofar as the actual bill itself is that the
19 Department of Sanitation, we actually do one
20 better than that, we have plans on every single
21 district. There are 59 sanitation districts and
22 those districts are coterminous with each
23 community district. Now in Staten Island there
24 are three community districts, there is a plan for
25 each one of those districts which is more detailed

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2 than a borough wide plan. It's actually more
3 comprehensive, more detailed, and that is done
4 through the monthly district service--

5 COUNCIL MEMBER ROSE: [Interposing]

6 Borough board--

7 [Crosstalk]

8 COUNCIL MEMBER ROSE: --meetings?

9 ANDREA CICCONE: --the borough
10 board meetings, right, whereby the district
11 superintendent assigned to each of your districts,
12 Staten Island one, two, and three will meet with
13 your community board manager in those respective
14 districts. They meet on a monthly basis, as you
15 know, could be a set date every month and plans
16 are discussed at each meeting.

17 In particular though with respect
18 to snow, those are discussed specifically during
19 the autumn months. Each year that could change--

20 [Crosstalk]

21 ANDREA CICCONE: --to--

22 COUNCIL MEMBER ROSE: [Interposing]

23 And is there an opportunity to modify these plans?

24 ANDREA CICCONE: Absolutely,
25 because the community board manager, as well as

2 the district super, they really are hands-on with
3 all of the details of that community district.
4 They know block by block, for instance, where
5 construction is going on, where the steel metal
6 plates have been placed for excavation and that
7 corresponds back to our district operations, the
8 plow operators are specifically told you have to
9 raise the plow and look for the sign because there
10 always has to be a sign, raise the plow.

11 COUNCIL MEMBER ROSE: How then did
12 we have this breakdown? How was it that my entire
13 district could not access the ferry terminal? How
14 is it that none of my primary roads were passable
15 for three days--

16 ANDREA CICCONE: That--

17 COUNCIL MEMBER ROSE: --if there is
18 in fact a borough--a district by district plan?

19 ANDREA CICCONE: That's correct, a
20 district by district plan is what is in place. At
21 that particular event during the snowstorm in
22 December, we have looked at all of the different
23 issues, we're still continuing to look at the
24 issues that affected everyone's borough, not just
25 Staten Island. We're aware too of the issues

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2 involving the transit, the buses, buses that had
3 also gotten--

4 [Crosstalk]

5 COUNCIL MEMBER ROSE: [Interposing]

6 And does this plan take into consideration also
7 what equipment should be used--

8 ANDREA CICCONE: The plan--

9 [Crosstalk]

10 COUNCIL MEMBER ROSE: --for--yes.

11 ANDREA CICCONE: --district wide--

12 yes, yes, the allocation of equipment resources,
13 personnel, that's all shared with the community
14 board manager, and the community board manager and
15 the district super, they discuss whatever
16 additional needs might be required, depending on
17 unique circumstances.

18 COUNCIL MEMBER ROSE: And so
19 because you have this district wide plan where you
20 are not considering a borough wide plan which
21 would make it larger, we will not see this type of
22 breakdown again, where who gives the district
23 plan, who implements it?

24 ANDREA CICCONE: The district plan
25 itself is implemented by the Department of

2 Sanitation--

3 [Crosstalk]

4 COUNCIL MEMBER ROSE: [Interposing]

5 No, I know the Department of Sanitation, what
6 individual at what level?

7 ANDREA CICCONE: At the district
8 superintendent level and above. As you know,
9 there's a hierarchy within each district
10 operations at each garage beginning with, of
11 course, the borough chief who's in the Staten
12 Island borough--

13 [Crosstalk]

14 ANDREA CICCONE: --there's one
15 borough office on Staten Island, beginning with
16 the borough chief--

17 COUNCIL MEMBER ROSE: [Interposing]

18 So there's three--

19 ANDREA CICCONE: --and that is
20 filtered--

21 [Crosstalk]

22 COUNCIL MEMBER ROSE: --there's
23 three people--

24 ANDREA CICCONE: There's three--

25 COUNCIL MEMBER ROSE: --on Staten

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2 Island who are responsible to make the call to
3 implement the plan.

4 [Crosstalk]

5 ANDREA CICCONE: --partly true,
6 there are three district superintendents manning
7 each garage and then above the district super is
8 an assistant chief, we also have a deputy chief--
9 sorry, the district superintendent, the deputy
10 chief, the assistant chief, and the borough super.
11 So those are borough wide operations as well as
12 individual, the three district operations in your
13 district.

14 COUNCIL MEMBER ROSE: And just one
15 other question, who made the call to send out the
16 supervisors in Priuses that were so ineffective
17 that supervisors could not get around the district
18 to make the necessary judgment calls that needed
19 to be made while people with the four-wheel drive
20 were sitting in City Hall at some control center?
21 Would this individual district plan have addressed
22 the use of the appropriate equipment so that
23 people could in fact make the right calls and make
24 sure that the district was getting cleared in a
25 manner that was expeditious?

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2 ANDREA CICCONE: Well to answer
3 your first question, I would have to ask my
4 principals in my agency who would have made that
5 specific call. But insofar as Staten Island,
6 Staten Island actually was the hardest hit borough
7 next to the Brooklyn South zone, so Staten Island
8 received upwards of 30 inches that was measured
9 after the complete snowfall had ceased.

10 I think that even in those district
11 plans that are discussed monthly between the
12 district super and the community board manager,
13 it's not as if a 30 inch storm is impossible, but
14 it's such a rarity, so now that given that the
15 current--

16 [Crosstalk]

17 COUNCIL MEMBER ROSE: [Interposing]
18 I just want you to know, I was out there in a
19 four-wheel drive and I actually rescued the
20 sanitation supervisor--

21 [Crosstalk]

22 ANDREA CICCONE: Yes.

23 COUNCIL MEMBER ROSE: --who was
24 stuck in a Prius who could not get out--

25 ANDREA CICCONE: We've--

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2 [Crosstalk]

3 COUNCIL MEMBER ROSE: --to make the
4 necessary judgment calls or provide the
5 supervision that was required for that storm. And
6 really if you're going to provide them with
7 equipment, then you need to provide them with the
8 equipment that is--

9 ANDREA CICCONE: [Interposing] We
10 know that, we know that, yes.

11 COUNCIL MEMBER ROSE: All right.

12 CHAIRPERSON JAMES: Thank you. So
13 that concludes all of the questions. I hope that,
14 again, we could work with the administration and
15 that we can be a partner in this process and move
16 and begin to start negotiating some of these bills
17 forward. I think that's a reasonable request. I
18 believe that the plan that you have in place
19 should be codified and that we should work
20 together in creating a transparent process so that
21 all can see and that there's checks and balances
22 in place. I thank you for this opportunity and,
23 Ms. Weinstein, I hope you are okay.

24 LIZ WEINSTEIN: I'm fine.

25 CHAIRPERSON JAMES: Okay. Thank

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2 you. Yeah, they should not have put you out here,
3 but anyway, thank you. And Anthony Crowley should
4 have answered more questions. Thank you, thank
5 you.

6 Next panel, it's our last panel,
7 Robert Rappo [phonetic], Matt Shakia, and I
8 apologize if I'm--Shockins [phonetic], I apologize
9 if I mispronounce your name--and the last witness
10 is Malagros Crane.

11 FEMALE VOICE: You can take the one
12 I was reading from.

13 [Off mic]

14 CHAIRPERSON JAMES: In downtown
15 Brooklyn?

16 [Off mic]

17 ROBERT RAPPO: --my comments, I got
18 no problem--

19 [Crosstalk]

20 ROBERT RAPPO: --don't want to be
21 on camera.

22 [Crosstalk]

23 CHAIRPERSON JAMES: It's my
24 understanding you do not want to be on camera, so
25 all the cameras will be focused on me, is that

2 okay?

3 ROBERT RAPPO: That's fine, Chair
4 James.

5 CHAIRPERSON JAMES: Thank you. So
6 they're going to be positioned this way, so if you
7 want to sit at the table, that's fine.

8 [Off mic]

9 CHAIRPERSON JAMES: So Ms. Crane?

10 MALAGROS FRANKO: It's Franko,
11 sorry for the chicken scratch.

12 CHAIRPERSON JAMES: Oh, oh, it's
13 Franko, I--

14 MALAGROS FRANKO: Yeah.

15 CHAIRPERSON JAMES: --apologize.

16 MALAGROS FRANKO: It's okay.

17 CHAIRPERSON JAMES: So you want to-

18 -

19 [Crosstalk]

20 MALAGROS FRANKO: It's my chicken
21 scratch.

22 CHAIRPERSON JAMES: That's okay,
23 would you like to begin, ma'am?

24 MALAGROS FRANKO: Yeah, thank you
25 for the opportunity to present this testimony.

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2 I'm here to share my personal experience as a
3 result of the first snowstorm. I know I wasn't
4 the only one held hostage by the storm, but even
5 when they so-called plowed the streets, I still
6 couldn't get to work. I had to take a week of
7 vacation time because I couldn't get to work.

8 I don't know who said on the last
9 panel that it's not important to shovel the curb
10 cuts, but that is why I couldn't get to work
11 'cause even after they so-called plowed it, the
12 curb cuts are never addressed. I don't know who's
13 held responsible for dealing with the curb cuts in
14 New York City, but how am I supposed to get off my
15 block if the sanitation department continuously
16 puts snow on the curb cuts? And Access-A-Ride
17 cannot access any of the sidewalks if they push
18 everything against the sidewalk.

19 Again, if I didn't have--if I
20 wasn't such a hoarder in my vacation time, I
21 would've lost pay for a whole week, not just for
22 three days, a whole week. And again if I didn't
23 have someone who came in to get me groceries, I
24 would have had no food.

25 I'm just going to give you a copy

2 of my testimony, but those are the basic things
3 that I wanted to bring up. Those curb cut issues
4 and Access-A-Ride issues, they're not just for
5 people with disabilities, they're for the elderly,
6 they're for people who have to deliver to the
7 stores and stuff like that. This is crazy not to
8 think that the curb cuts are not important.

9 And when they do so-called shovel
10 the bus shelters--

11 CHAIRPERSON JAMES: Yes.

12 MALAGROS FRANKO: --it's a straight
13 single line, not enough space for a wheelchair
14 person or for the bus to deploy its ramps.

15 CHAIRPERSON JAMES: Do you support
16 the legislation that we put forward?

17 MALAGROS FRANKO: Damn skippy.

18 CHAIRPERSON JAMES: Okay. I guess
19 that means yes.

20 MALAGROS FRANKO: Yes.

21 CHAIRPERSON JAMES: Thank you.

22 Next, next. Do you want the cameras off?

23 ROBERT RAPPO: I appreciate that.

24 CHAIRPERSON JAMES: Okay.

25 ROBERT RAPPO: Only Madam Chair,

2 Madam James, is because the issues--

3 [background noise]

4 CHAIRPERSON JAMES: Yes, sir.

5 [background noise]

6 SERGEANT-AT-ARMS: --but you have
7 to speak into the mic--

8 [Crosstalk]

9 ROBERT RAPPO: Okay.

10 CHAIRPERSON JAMES: Have a seat,
11 relax yourself.

12 ROBERT RAPPO: Okay. Thank you.

13 CHAIRPERSON JAMES: Okay. Take
14 your time.

15 ROBERT RAPPO: Thank you. I'd stay
16 here 12 hours if I had to, but--

17 [Crosstalk]

18 ROBERT RAPPO: you don't want to
19 know.

20 SERGEANT-AT-ARMS: Say your name.

21 CHAIRPERSON JAMES: It's okay.

22 ROBERT RAPPO: My name is Robert
23 Rappo, I'm a social member of [off mic] Paramus
24 [phonetic] Veterans Administration they used to
25 formerly, they're now United Spano [phonetic]

2 Association. I am just an associate member, not
3 being a veteran or anything like that. But I just
4 support all disability groups, Brooklyn Center for
5 Independent and Disabled and whatnot.

6 I feel for that young lady,
7 although I am not permanently in a wheelchair. I
8 find it also appalling, and I found it appalling
9 that these people--that all these representatives
10 from the city who the taxpayers of New York pay
11 who put the politicians into office...

12 And I thank you all very, very much
13 for holding these hearings, all the many, many
14 hours that you gave, Chair James, to hear the
15 public speak.

16 I have pictures here that are
17 appalling, they're discriminating to people with
18 disabilities, that they cannot get off their
19 sidewalk.

20 [Off mic]

21 CHAIRPERSON JAMES: --Sergeant-at-
22 Arms, can we see copies of the pictures that the
23 gentleman has?

24 [Crosstalk]

25 ROBERT RAPPO: I also--

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2 CHAIRPERSON JAMES: --for our
3 benefit?

4 SERGEANT-AT-ARMS: Do you want to
5 see these?

6 CHAIRPERSON JAMES: Yes.

7 ROBERT RAPPO: Thank you. I just
8 appreciate it, I just wanted to just say one other
9 thing. I support what Council Member Vallone as
10 the Public Safety chair is doing. And the other
11 chair members, I thank you all very, very much.

12 You never want me to be your--this
13 is off the record, you never want me to be your
14 personal photographer, Madam Chair. But, [off
15 mic] just thank you for the opportunity, I
16 appreciate it very much.

17 And as that girl, damn skippy, it's
18 damn skippy yippy doo, pass it all. Thank you.

19 CHAIRPERSON JAMES: Thank you, sir.
20 Next?

21 MATT SHOCKINS: Good afternoon.
22 I've been before this Council many, many times and
23 appreciate the fact that you're holding this
24 follow-up hearing today. Please act on my last
25 testimony and provide me with a copy of T 2105,

2 which is about snowplow removal put out by
3 Councilwoman Gonzalez and Councilman Vacca is also
4 a cosponsor of this snowplow removal bill.

5 CHAIRPERSON JAMES: Do you support
6 those bills?

7 MATT SHOCKINS: Yes, I do with--
8 yes, I support even this clearing bus stops
9 removal snow bus shelter bill put out by Council
10 Member Gonzalez aforementioned testimony put out
11 there by Marvin Wasserman of BCID. And I also
12 want to say that I think that the clearing bus
13 stops and the bus--the snow removal of the bus
14 stop is necessary so that a person like myself can
15 walk up to the bus stop without encountering snow
16 and climb onto the bus.

17 And the last thing that I'll say
18 during this very brief testimony is that I am a
19 person with a disability and don't drive a car,
20 but I am in support of a parking meter suspension
21 bill that would enable a person who does drive to
22 make it illegal for a person to park his car on a
23 snowy day. Thanks for your time today.

24 CHAIRPERSON JAMES: Thank you, sir.
25 Council Member Vallone, you want to close?

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2 CHAIRPERSON VALLONE: No [off mic].

3 CHAIRPERSON JAMES: Okay. Well
4 this concludes this hearing, we thank everyone for
5 their testimony, we will take everything into
6 consideration, and hopefully we can move forward
7 in negotiations with the administration. I thank
8 the Council, I thank everyone here today, and I
9 think my co-chairs. Thank you.

10 [Off mic]

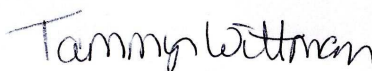
11 CHAIRPERSON JAMES: Oh, adjourned.
12 Thank you, Jarret, thank you, Dan.

13 [Off mic]

14 CHAIRPERSON JAMES: Thank you.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date March 22, 2011