

NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
HEARING BEFORE THE CITY COUNCIL COMMITTEE ON TRANSPORTATION
April 10, 2018

Good afternoon Chairman Rodriguez and members of the Transportation Committee. I am Polly Trottenberg, Commissioner of the New York City Department of Transportation. With me are Assistant Commissioner for Intergovernmental and Community Affairs Rebecca Zack and Senior Project Manager for Transportation Planning and Management Kessia De Leo. And I am joined by Inspector Dennis Fulton and Inspector Scott Hanover of the NYPD's Transportation Bureau.

Thank you for inviting us here today on behalf of Mayor de Blasio to testify on the Mayor's Congestion Action Plan. Separately, I will also speak on an unrelated bill before the Committee today, Introduction 210-A.

Congestion Action Plan

Facing greater congestion than ever before, New York City is a victim of its own success. With its thriving economy, a record 8.6 million residents, and 62 million tourists last year, the City is experiencing a period of remarkable growth that strains our transportation system daily.

At the same time, the booming economy has fueled a surge in construction, resulting in travel lane closures to both put up new buildings and upgrade aging underground infrastructure.

The rapid growth of the for-hire vehicle industry has also contributed to congestion, particularly in the Manhattan core. In just two years, from 2015 to 2017, TLC data show that active for-hire vehicle trips have quadrupled to over 400,000 per day, growth that is both extraordinary and arguably unsustainable.

And from 2010 to 2016, vehicle registrations in New York City rose from 1.7 million to 1.9 million. New registrations outpaced the rate of population growth in every part of the City except Manhattan.

When I sat before you at a Council hearing on congestion nearly a year ago, I gave an overview of all the City was doing to combat congestion, with a focus on creating alternatives to driving. And today I will simply reiterate that our commitment remains just as strong in the Mayor's second term: from working with the MTA to speed up bus service, to creating more bike lanes, to promoting shared mobility options like bikeshare and carshare.

We also expect more dramatic changes in the year ahead that you have heard about in other hearings, including the L train tunnel shutdown. And of course, EDC will introduce their fifth and sixth new ferry routes this summer—from Soundview in the Bronx to the Upper East Side

and down to Wall Street, and from Long Island City, to 34th Street, down to the Lower East Side and also ending at Wall Street.

As we all know, the Governor and state elected officials have begun addressing congestion by enacting a for-hire-vehicle fee in the recent state budget, but as the Governor has said, it is only a first step. The City plans to work in partnership with the State and the MTA as the debate on congestion pricing continues.

But in the meantime, the City is moving forward with the tools at our disposal. As the Mayor said when he announced the City's Congestion Action Plan back in October 2017, congestion affects quality of life, economic efficiency, and our environment. And it impacts both New Yorkers in personal and for-hire-vehicles and those who ride the bus, with 2.5 million trips each day, as well.

As you all may remember, the Mayor's plan includes five points: Clear Intersections, Clear Curbs, Clear Lanes, Clear Zones, and Clear Highways, which I will speak about in greater detail below.

Since the Mayor announced his plan, his staff, DOT, NYPD and other City partners, together have been actively meeting with elected officials and stakeholders to answer questions and invite feedback. We hosted a City Hall open house session, 12 separate meetings with dozens of industry groups and individual businesses who both make and receive deliveries, and a briefing for elected officials and community stakeholders in each borough. And those meetings are ongoing.

I will now go through the plan in the order of implementation. But I want to stress that we are literally in the first days and weeks of many of the plan's elements—and so it is too early to draw firm conclusions.

First, **Clear Intersections**. On March 5, NYPD Chief of Transportation Thomas Chan and I stood together at Broome Street and Broadway to announce that we had completed “don't block-the-box” street markings and signage at 50 locations in all five boroughs. The NYPD is increasing enforcement at these locations to keep traffic moving, and the NYPD will ultimately have 50 officers dedicated to enforcement.

Second, **Clear Curbs** is a six-month pilot in three highly congested areas, where we are restricting parking and loading on both sides of the street during the weekday peak hours of 7 to 10 a.m. and 4 to 7 p.m., while allowing expeditious passenger pick-up and drop-off. New Clear Curb regulations, which you can see illustrated behind me, went into effect on Flatbush Avenue from Grand Army Plaza to Tillary Street on March 19, on Roosevelt Avenue from Broadway to 90th Street on March 20, and in a zone from 6th Avenue to Madison Avenue and from 45th Street to 50th Street on a rolling basis beginning on March 31st and completed on April 6.

Before the signs went up in each Clear Curbs pilot area, we sent our Street Ambassadors to visit local businesses throughout these zones and distribute informational materials about the pilot. To enforce these regulations, NYPD has assigned additional officers to these areas. NYPD is also observing a five-day grace period between the time the new regulations are posted and when they start issuing violations.

As the pilot has been gearing up, DOT team members, myself included, have been on the ground in all of these locations to share information and answer questions, and we continue to stand ready to work with local businesses and stakeholders. We also invite stakeholders to visit our website, nyc.gov/mcp (for “Mayor’s Congestion Plan”) or call our Borough Commissioners’ offices to share their feedback with us. We will continue to seek feedback throughout the six-month Clear Curbs pilot—and I encourage all of you to reach out to me at any time with your concerns and ideas.

DOT and NYPD are closely monitoring the impact of this pilot, with on-site observations, traffic cameras, regular travel speed measurements, assessments of curbside activity, and specific feedback from stakeholders including an online survey of businesses.

Third, **Clear Lanes**. In addition to the three Clear Curb zones I just discussed, we have added an additional layer of treatments in Midtown, Clear Lanes, where our congestion problems are the most severe.

As we installed the Clear Curb regulations, Clear Lanes regulations also went into effect on 11 key crosstown streets from 36th Street up to 60th Street. DOT has streamlined and extended regulations on one side of the street to create a continuous curbside travel lane from 7 a.m. to 7 p.m. while permitting deliveries on the opposite curb.

These regulations already exist on some length of these corridors and from 7 p.m. on these lanes revert to metered parking. We are extending them further west and working with NYPD to enforce them, in a revival and expansion of the 15-year-old *Thru Streets* program.

The regulations in Midtown are complex and I want to explain that where existing regulations are *more* restrictive than 7 a.m. to 7 p.m., those have remained in place. And locations where metered parking begins at 6 p.m., which actually turns out to be quite a few places, are staying as well. Part of the complexity we are dealing with in Midtown in particular is the many competing uses: intense commercial activity, diplomatic parking, press parking, ambulance waiting areas, the Theater District and the Diamond District, to name just a few.

To help enforce clear lanes, NYPD has doubled the Midtown Manhattan Traffic Enforcement Task Force from 40 to 80 Traffic Enforcement Agents and is in the process of deploying 110 patrol officers to focus on moving and parking violations, double parking, and off-route trucks in this area.

Through our Off Hour Deliveries Program, DOT offers technical assistance on an ongoing basis to businesses that opt to shift deliveries to less busy times. We offer how-to guides, assistance with curb access where needed, and recognition for program participation and we hope as many businesses as possible will take advantage of it.

And in a move we know will be popular with cabdrivers, we have lifted restrictions on turns at 29 Midtown intersections that we thought were actually contributing to congestion. We are installing new turn lanes at those locations, where feasible, and studying them for signal-timing changes.

Fourth, for **Clear Zones**, DOT is examining solutions for particular areas outside the Manhattan core that face severe congestion working with other City and State agencies and local elected officials and stakeholders: Downtown Flushing, the North Shore of Staten Island, Hunts Point, and Downtown Jamaica.

Finally, for **Clear Highways**, we have begun engaging our partners at New York State DOT to address congestion on the major highways they control. We will work with state and local elected officials to bring everyone to the table. We are starting with areas that New York City commuters know well: the Staten Island, Gowanus, and Cross Bronx Expressways.

As we proceed with each part of this five-point plan we will be continuing to learn, see how the Clear Curb pilot and other parts of the plan are going, and take feedback. All told, we expect the elements of this plan to cost \$5 million annually on average, but we are still working through many aspects of that with OMB. NYPD will also have personnel costs.

We know some of the things we are doing in the plan represent big changes on the street. We recognize that they pose challenges and stand ready to problem solve as we continue to implement this important Mayoral priority.

Introduction 210-A

Now, I want to turn to Introduction 210-A, also before the committee today, which deals with the minimum amount of time provided to property owners to correct adjacent sidewalk violations.

While DOT plans to repair up to two million square feet of sidewalk per year, this amounts to less than 1 percent of the City's total sidewalks. With 12,750 miles of sidewalks—which if lined up end-to-end would stretch more than halfway around the world—the City must rely on property owners to do their part in maintaining the rest, as they are required to do under the Charter and the Administrative Code.

All New Yorkers should be able to travel safely and comfortably on sidewalks throughout our City, including those using wheelchairs, mobility aids, and strollers—or simply pushing a

shopping cart. If every property owner does his or her part, we can make a safer, more accessible City for everyone.

So owners should address defects *before* a complaint results in a violation. However, once owners *have* received a violation they are responsible for making prompt repairs.

Section 19-152 of the Administrative Code establishes a minimum amount of time for the adjacent property owner to correct a sidewalk violation before the City may initiate repairs at the owner's expense. Introduction 210-A seeks to amend this from 45 days to 90 days, from the date they receive a notice of violation.

I want to explain that once a violation is issued, within a day or two a non-monetary lien is placed on the property until that violation is corrected. But there is no monetary penalty. The 45-day period is the time after which the City can perform repairs at the owner's expense if it chooses and bill the owner.

Those property owners who do wish to correct a violation on their own can do so. About a third of repairs are done by property owners, in many cases because they wish to sell their property. In these cases the average time from violation to repair is three-and-a-half years.

If the City does the repairs there is no additional penalty, just the requirement to pay the repair bill. And at an average of \$18 per square foot, New Yorkers might be surprised to learn that City-completed work may be less expensive than hiring a contractor.

DOT's sidewalk repair program is active in each borough and usually covers about nine Community Boards per construction season, which typically runs from mid-March to mid-December. Therefore, with 59 Community Boards citywide, once we finish addressing as many sidewalk defects in an area as possible, it may take our Sidewalks and Inspection Management Division (SIM) up to five years before it returns to that Community Board.

So, ideally the statute would strike a balance by allowing minimum sufficient, reasonable time for adjacent property owners to make their own prompt repairs where they wish to do so, without creating an undue delay on DOT's ability to correct substandard sidewalks and charge responsible property owners.

To give an example, in the next nine community boards for which SIM plans work, 7,282 properties have active violations for us to repair at this snapshot in time. Of these, 177 or just 2.4 percent have not reached the expiration of the currently required 45-day period. Violations are continually reaching the 45-day mark, and other new violations are always being added. But at any given moment a small but appreciable number of violations will be less than 45 days from receipt of a notice of violation.

What this means for those cases is that even though we may be right there, doing work, we are not able to include those properties, which, for the reasons I explained, can mean up to five years before we are able to return to that area again and perform the repair. And any increase to the required period would incrementally increase the number of such cases.

Therefore, the change in the amended version of this bill to make this period 90 days is welcome compared to the 120 originally proposed. We look forward to collaborating with Council Member Matteo on the final legislation should the Council move forward and thank the committee for the opportunity to offer our views on this bill.

And thank you again for inviting me here to testify on the Mayor's effort to help ease congestion and improve quality of life. My NYPD colleagues and I will now be happy to answer any questions you may have.

**United Parcel Service
Testimony before the Committee on Transportation
New York City Council
April 10, 2018**

Good morning, Chair Rodriguez and members of the Committee on Transportation. My name is Axel Carrion and I am the Director of State Public Affairs at the United Parcel Service, the world's largest package delivery company and leading provider of logistics services. Thank you for allowing me the opportunity to testify today on the Mayor's Congestion Action Plan.

UPS operates in 220 countries and territories, delivering 4.9 billion packages annually. Here in New York, UPS operates out of 11 facilities in New York City and employs 5,465 New Yorkers, 73% of which are unionized. UPS is proud to be the largest single employer of Teamsters in the nation. We serve over 413K customers in all corners of New York City, including over 70,000 small businesses.

As a logistics company, UPS is always seeking to improve efficiencies. Our delivery model utilizes one driver and one vehicle to make all package deliveries and pick-ups on a route, including critical overnight and "Next Day Air" packages. By consolidating these products on one vehicle, we minimize the number of our trucks on the road and ensure consistent customer service.

UPS has also instituted On-Road Integrated Optimization and Navigation (ORION), which uses package-level detail and a data map to help drivers select the most efficient delivery route. Company-wide, this has helped UPS reduce the distance driven by our drivers by 100 million miles, and lowered our CO2 emissions by 100,000 metric tons.

Programs such as UPS MyChoice and AccessPoints have allowed UPS to further reduce our miles travelled by minimizing unnecessary redelivery attempts. UPS MyChoice, implemented in 2011, allows customers to re-schedule deliveries or re-route packages if they know they will not be home to accept them. UPS partners with local small businesses, such as neighborhood corner stores, to provide our customers with an alternative secure package delivery location. Currently, there are approximately 1,300 AccessPoints in New York City.

Like many businesses operating in the City, worsening traffic congestion, especially in the Manhattan Central Business District, is a concern for UPS. When our drivers are stuck in traffic, it not only translates into lost productivity for UPS, it interrupts our customers' business operations. Our drivers are on Manhattan streets because they need to be—not because they choose to be.

However, UPS has significant concerns about the Mayor's Congestion Action Plan and its implementation. In the Manhattan zone alone, the curbside restrictions impact 43 UPS routes. These drivers now must park further from their points of delivery, exacerbating congestion and competition for curb access on either side of the restricted zone.

The impact on our drivers has been immediate. Since implementation in midtown last week, drivers report having to park three avenues away from their delivery zones, requiring them to handtruck their packages long distances on crowded sidewalks. In order to maintain on-time service, UPS has begun adding a "helper" to these routes to assist the driver. This is a short-term fix, though. In the long term, we anticipate having to add an additional 74 trucks to the affected routes.

Further, the elimination of curbside loading on both sides of 46th Street and 47th Street, in the middle of Diamond District, has the potential to put our drivers and the public in real danger. Due to the high value

of deliveries in this area, drivers assigned to these routes abide by specific security protocols and are accompanied by guards who are responsible for safety of the driver, the truck, and the package. The ability of our drivers to strategically park their trucks in close proximity to the point of delivery is essential to maintaining public safety. For this reason, we strongly urge the City to reconsider curbside restrictions in this area.

UPS welcomes comprehensive efforts to reduce congestion and promote sustainability in New York City, but simply restricting curb access, with no plan for the displaced delivery vehicles, will not solve our City's congestion problem. As we have done in other cities around the United States, we would welcome the opportunity to partner with the City and the Council to advance initiatives that improve traffic flow.

Thank you for your time.

Testimony before the New York City Council Committee on Transportation

Jack Davies, Campaign Manager, Transportation Alternatives

April 10, 2017

Chairman Rodriguez and members of the Transportation Committee, thank you for convening this hearing and for the chance to testify. For 45 years, Transportation Alternatives has advocated on behalf of New Yorkers for safer and more livable streets. With more than 150,000 people in our network and over 1,000 activists throughout all five boroughs, we fight to promote biking, walking, and public transportation as alternatives to the car.

Two weeks ago, Governor Cuomo and legislative leaders in Albany struck a deal on this year's state budget. While the bill includes certain important transit policies -- for-hire vehicle surcharges, bus lane enforcement, and funding for transit deserts and subway repairs -- the final budget does not offer a credible plan, nor provide a sufficient revenue stream, to fix the subways, end gridlock, and make our streets safer.

In the absence of meaningful leadership from Albany, the crisis in our subways and on our streets will continue. New Yorkers will still demand action, and while the MTA remains under state control, this leadership vacuum creates a unique opportunity for City leaders to implement impactful policies that will both help alleviate congestion in the short term, and lay the foundation for a successful future congestion pricing campaign.

The city can start by addressing urgent needs in transit deserts across the city. Congestion pricing only works when everyone who wants to take public or non-private automobile transit into the Manhattan Central Business District can do so, and this remains an unrealistic option today in too many outer-borough neighborhoods. The City must use the tools at its disposal to enhance bus service and expedite bicycle-lane infrastructure in these transit deserts before congestion pricing is implemented. It will make city transit infrastructure and future tolling plans more equitable, while building the political capital necessary to work a congestion pricing plan through the legislature.

As part of addressing these transit deserts, the City should implement limited High-Occupancy Vehicle (HOV) restrictions on the East River bridges. Typically, the city has only enacted HOV restrictions during extraordinary situations, but this precedent offers proof that the policy is worthy of expansion. After the September 11th attacks, the city banned single-occupancy vehicles from crossing bridges and tunnels into Manhattan south of 63rd Street between 6 a.m. and 11 a.m. This resulted in a 23 percent decrease in traffic during the morning peak. And when the city shortened the restriction by one hour one month later, it resulted in a 15 percent decrease from before the attacks. Implementing rush-hour HOV restrictions would significantly limit congestion by reducing the amount of cars coming into Midtown and Lower Manhattan during rush hour. The looming L train shutdown, and the subsequent strain on the transportation network, offers an opportunity to test this policy more widely.

The city should also study the feasibility of implementing a congestion pricing trial in a small, specific area of the city. A lack of trust by commuters was a debilitating factor in both the 2007 and 2018 congestion pricing campaigns. By testing congestion pricing, regularly evaluating outcomes, and supplying them to the media in terms of the reductions in traffic levels, the minutes of increased free-flow time and decreased congestion time, the amount of fuel saved for commuting trips, the amount of reduced pollutions, and improved public transport service levels, can offer hard evidence that congestion pricing will meaningfully improve the commutes and day-to-day lives of millions of New Yorkers. Further, the only two successful voter referenda on congestion pricing across the world, in Stockholm and Milan, both had a trial program precede introduction of the scheme. Support generally increased by 20 points following this trial.

Additionally, because traffic congestion is an ongoing economic, health, and safety crisis, the City must begin to equitably tackle street congestion using the most powerful tool they have at their disposal: legal authority over the more than 6,000 miles of road across the city. By reforming the city's outdated on-street parking policies, the City can meaningfully reduce congestion without state oversight. The link between cheap, widely-available on-street parking and increased congestion is well established. Across the city, drivers cruising for open parking spaces account for a large share of congestion. The PARK Smart program, which the city Department of Transportation launched in Greenwich Village in 2008, addresses this problem by charging dynamic rates for curbside parking that increase when demand is highest. The program has proven successful at reducing the amount of time drivers occupy a given parking space, and the City should actively look to expand it across Manhattan.

Finally, if the City Council is genuine in its support for congestion pricing and the need to make our streets safer, more sustainable, and more equitable for all, then you must pass a home-rule message of support for congestion pricing this year, showing Albany that the city is united its call for reform.

Councilmembers, our transit system is on life support. New Yorkers continue to suffer daily from our deteriorating and underfunded transit infrastructure, and congested roads cost the region \$20 billion each year in lost economic productivity and job creation. The benefits of congestion pricing are clear: hundreds of millions of dollars, at least, for our beleaguered subway system. Cleaner air. Increased productivity. More efficient buses. A more equitable city. And fewer driver, pedestrian, and bicyclist deaths.

But New Yorkers simply cannot afford to wait to see action on a serious plan to fix our transit system and curb the region's traffic. New York's transit and traffic problems may seem intractable, but with bold leadership, reform is possible. New Yorkers deserve better than broken subways, unsafe streets, and crippling gridlock, and it's time for our representatives -- all of them -- to deliver.

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New York City Council Committee on Transportation Hearing
April 10, 2018
Testimony of Eric McClure, Executive Director, StreetsPAC

On behalf of StreetsPAC, thank you for the opportunity to testify today regarding the critical issue of the traffic congestion choking New York City's streets.

Today's oversight hearing is critical in light of the failure of the Governor and State Legislature to take meaningful action on congestion in the budget process just concluded. While the surcharge on ride-hailing vehicles and taxis will generate a fair amount of revenue, such a limited first-stab at dealing with congestion will have minimal effect on actually solving the problem.

Albany is not alone in deserving criticism, however. Mayor de Blasio, who for months has repeated, without foundation, that a congestion charge is somehow "regressive," has done much to provide opponents of a comprehensive congestion-reduction effort with political cover. While his Millionaire's Tax isn't a bad idea for helping to fund and fix the MTA, it does nothing to address the twin crisis of crippling traffic.

Additionally, while the Congestion Action Plan the Mayor announced in October includes some good and sensible ideas, it amounts to tinkering around the edges. Cracking down on blocking the box and keeping curbs and travel lanes clear during peak hours are useful steps, but the programs reliance on human enforcement guarantees that it will have limited effect.

What we really needed is bold action, on a large scale and with an unwavering commitment to fixing the problem. Here are a half-dozen steps the Council can take to break gridlock's hold on New York City.

First, we urge the Council to pass a home rule message in support of the Fix NYC panel's congestion-pricing recommendations. Passing a home rule message now will send a strong signal to Albany that it must act before the end of the current term to at least fund the infrastructure necessary to create a cordoned tolling zone.

In addition, this committee heard last June from experts who contend that the city can implement congestion pricing on its own; if Albany is unwilling to act to address congestion, we urge the Council to take this initiative and pass legislation authorizing congestion pricing.

Secondly, the city should act to significantly reduce the number of parking placards it issues. The more than 100,000 placards in circulation are a major contributor to congestion, exacerbated by an unknown number of fake placards and other paraphernalia that somehow earn abusers a free pass. Cutting the number of placards, coupled with real enforcement, could keep tens of thousands of cars out of Manhattan.

Thirdly, the city should take a very hard look at reforming parking policies. In too many places, we charge too little for parking, which encourages more driving. The Department of Transportation should expand the PARK Smart program, which increases meter rates when demand is highest, and should follow through on its promise for “a more comprehensive management plan for the metered parking environment,” which it indicated was coming more than two years ago. The city should at the very least be testing dynamic curbside pricing using the mobile parking app that it introduced last year.

Fourth, the city should follow up immediately on the citywide transit plan for which it held public workshops early last year, by prioritizing bus service on city streets. Far too many buses move far too slowly, which is a key factor in the large drop in bus ridership we’ve seen over the past few years. DOT released its New York City Mobility Report a year and a half ago, and should now be introducing fixes to speed up buses, like implementing signal priority, and building more bus-only and queue-jump lanes, as well as boarding islands.

Fifth, in the absence of any meaningful action on congestion pricing, the city should consider implementing rush-hour HOV restrictions on the free East River bridges. While the city has only enacted HOV restrictions in extraordinary situations in the past, our current congestion crisis is an emergency, and will only be exacerbated by the looming L train shutdown.

Lastly, the city should move to require off-hour deliveries in the city’s most congested areas, implement more dedicated loading zones, and encourage the use of smaller, more nimble vehicles for the last mile of delivery trips.



Full Service Trade Association Representing Dairy Processors, Manufacturers and Distributors Since 1928

April 10, 2018

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Ydonis Rodriguez, New York City Council Transportation Committee Chair
New York City Council
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Dear Councilman Rodriguez and members of the Transportation Committee,

Northeast Dairy Foods Association, Inc. represents dairy product processors, manufacturers and distributors conducting business in New York City and State. Our Association members are the middle entity of the dairy distribution chain. Our Association has been in existence since 1928.

We estimate there are at least 25 members conducting business of selling milk and all types of dairy products in New York City. Our members are the customers of dairy farmers in the region. In turn, our members add value to the milk they buy from dairy farmers by, processing, manufacturing, packaging, inventorying and distributing through wholesale to all kinds of locations including; supermarkets, convenience stores, delis, bodegas, schools, nursing homes, hospitals and just about any location where their products are sold in some fashion. New York City is one of our most important areas for high volume sales in our region. The City's citizens and dairy product consumers are very important to our member's bottom lines and ability to stay in business.

Our Association and dairy industry has had a very good and long working relationship with both the City and Council throughout the years and I would like to provide you with the following information on their behalf.

We understand New York City has a traffic congestion problem, especially in areas where there are truly constricted roadway spaces in areas like Manhattan. Congestion is not new and we understand the situation is getting worse, not better. We agree there is a need for something to be done to alleviate to the degree possible traffic congestion in the City. I would like to provide options for the Council and City to consider helping alleviate traffic congestion, although before I do I think it is very important for you to have an appreciation for what our members have to do to sell their products in the City.

Our member's delivery personnel make deliveries in refrigerated or frozen trucks every day to these areas. In the best of circumstances it is very difficult to find adequate space to park and unload products near their customer stops. Our delivery employees are mostly Teamster Union members who get up early in the morning and

show up to work by 3:30am (no sooner by contract) and put in 8-10 hour hard days of labor.

To make a typical delivery they have to first try to find a spot on the street near their customer to park. Once a spot is located, they climb up into the back of their trucks to unload 50 pound cases of milk to street level, stack them 4-5 high on a handcart, wheel them onto sidewalks, avoiding pedestrians into their customer's small backroom coolers. They then sometimes have to stock and rotate the product on store shelves and return any empty cases to their trucks. Many customers are still on a cash account, so they have to collect payment from the store owner, close up their trucks and make their way in the crowded busy streets to their next stop. An average delivery route can have up to 25 stops per day. The tough minded employees do this in all types of weather conditions including rain and snow.

Currently, sometimes delivery vehicles have a hard time finding places to park. They are saddled with high fines if they can't find big enough location to make deliveries. Fining companies trying to conduct normal business only increases costs for the delivery company forcing higher food prices for NY City consumers and in the end doesn't reduce congestion.

Mayor Bill de Blasio's call to create a 6 month test period to implement both time of day and side of street delivery restrictions does not make sense, is unreasonable, costly and destined to fail. Before announcing and implementing his test plan the Mayor did not take into consideration many negative variables which would impact business and industry. He did not conduct any studies to accurately determine the causes of current or rising congestion levels. He has not communicated with our industry or others in any meaningful way to gain insight to how, when and why deliveries are made. He did not attempted to negotiate, compromise or find alternative solutions which would potentially help ease some traffic congestion.

Our Association calls on the New York City Council to take charge of the Mayor's test, to work with those affected by holding more oversight hearings, listening sessions and conduct surveys to better understand and ultimately find a better path to alleviating traffic congestion. As you consider these suggestions, please keep in mind the following:

Ramifications of delivery restriction mandates:

- Mandating times when food cannot be delivered freely to where citizens buy and need it set a very dangerous precedent. People need nutritious food, keeping it from them for any reason is immoral and overreaching. The flow of key food staples should not be hampered for any reasons and instead should be given the highest priority at all times.
- The dairy processing industry relies on obtaining milk fresh from the country farm every day. Cows produce milk 24 hours a day, all year long. The production pipeline of milk and fresh dairy products are a continuous flow from farm to processor and then to stores. Interrupting

the flow is very disrupting for our industry. Consumers will be severely disadvantaged and shopping patterns interrupted because of the Mayor's test delivery restrictions.

- A priority and exemption should be given from any delivery restriction mandate for milk and other essential, highly perishable, nutritious food products.
- The number of new proposed delivery restriction hours is 50% of the normal 12 hour daylight cycle, 25% of a 24 hour cycle. Deliveries are made in the morning and during daylight hours to have the product fresh and ready for consumers to purchase in the day when they generally shop. Deliveries of many milk dairy and food products originate from out of state. Setting delivery time restrictions severely reduces an already shorter schedule due to longer driving distances.
- Mandating strict one side of street only parking endangers delivery personnel and their ability to safely make deliveries to customers, especially at night time and in bad weather. Delivery employees will be put in severe personal danger having to cross busy streets to make difficult heavy deliveries to their customers.
- Retail and food service customers require a receiver for verification to be present when deliveries are made. Increasing delivery time hours will cost our customers (retailers and food establishments) more in labor costs potentially increasing the cost of food for NY City residents. Milk and other perishable food products cannot be left on streets and stocked later when retailers and food establishments open. Product quality, safety and freshness keeping ability will be affected if left out in un-refrigerated conditions. Vandalism, theft and potential intentional contamination would occur of unattended food products.
- Night time drop off deliveries could be a security risk per post 9/11; do we really want shipments and packages left unattended on City sidewalks which can't be easily identified?
- Night time deliveries could be more dangerous for delivery personnel especially those requiring customer cash sale transactions.
- Teamster driver union contracts stipulate start and finish delivery times for delivery personnel. Current contracts do not allow start times before 3:30am. Dairy processing and manufacturing employee union contracts would be affected. Employee moral will be reduced if forced to work earlier night time shifts if possible at all per customer requirements.
- Delivery time restrictions could mean stores and customers might not get the product they need in time, this will create out of stocks and food shortages!

- Areas of high urban development are prone to food deserts, (large geographic areas where food retailers are absent) because of the cost to operate a business in those regions. Restricting deliveries to retailers will increase food desert areas in NY City for residents forcing them to have to travel further for their goods and services.
- Restricting deliveries during specific hour's only shifts and increases traffic flow to other times of the day thus creating even more congestion in a shorter time span.
- Increasing the number of routes and employees to comply with the new delivery restrictions will increase labor costs and wholesale prices for milk and dairy products. Some of these new extra costs could be passed on to consumers.
- Adding routes to accomplish all deliveries needed to be made during non-exempt business hours only increases traffic, noise and exhaust emissions while not reducing congestion.
- Where will delivery vehicles go to wait during the blackout delivery times, other City side streets to increase congestion there? There has not been an increase of dairy delivery vehicles increasing congestion in NY City.
- Hiring more traffic enforcement offices and installation of more cameras increases government costs and expenses while really not addressing congestion solutions.
- Retail store business owners who are located in the restricted delivery zones are harmed and competitively disadvantaged compared to their competition not affected just across a street. These businesses will not get on time deliveries like their competition. This could result in not having what shoppers want and need unlike their competition just a half a block away. This is unfair and will result in lost businesses, sales taxes and property taxes.
- We do not support or encourage any increased tolls or fees on delivery vehicles to use to make deliveries on New York City streets for any day or time.

Compromise Solutions and Concepts to Ease Traffic Congestion

- To reduce traffic congestion, all delivery vehicles could be prioritized based on need. Perishable/nutritious food and medicine deliveries could be allowed to deliver on a Monday/Wednesday/Friday/Sunday schedule. All other types of delivery vehicles could be allowed to deliver on a Tuesday/Thursday/Saturday/Sunday schedule. This would potentially reduce the number of delivery vehicles in high congestion zones while not resulting in a cold turkey approach for all delivery vehicles every day or time.

- Incentives for delivery companies, retailers and food service locations could be provided to alter time of day and day of week deliveries. These incentives could be some kind of DOT vehicle registration reduction, tolls or other form of City property tax breaks or rebates. Use incentives to bring affected companies to the table for discussion and compromise.
- Special restricted sections or zones of streets could be established to be used for delivery vehicles only. Creating space for delivery vehicles which don't compete with other traffic would provide for more orderly parking and unloading areas reducing congestion.
- Study the type of traffic using heavily congested street during the proposed mandated delivery restricted areas to better understand who is affected before implementing any new law or regulation.
- Study delivery patterns; are there obstacles which companies face which slow down the delivery process? Are there street curbs, detours, fencing or blockages in place which could be removed to allow faster deliveries?
- Conduct a comprehensive study of ride share companies to determine exactly how much increased traffic these services has affected congestion or not.
- Conduct demographic population and business studies of the city to determine shifts in where they are growing, shrinking and or re-locating. Establish density restrictions on the number of population housing and or business locations in current and potential future growth areas.
- Reduce the number of bicycle lanes in key areas to help improve traffic flow.
- Examine traffic patterns to ensure movement is as efficient as possible, are traffic lights coordinated are one way streets necessary or redundant, are there seasonal or other reasons for increased or decreased traffic flow which could ease congestion?
- Create a combined industry, civilian and metropolitan traffic planning advisory committee to oversee current and future traffic congestion questions and answers.

Thank you very much for your consideration of our Association's observations, positions and ideas to be considered for future distribution reduction mandates in New York City.

Respectfully,



Bruce W. Krupke
Executive Vice President



Statement of AAA Northeast, Inc. before the New York City Council Committee on Transportation

New York, NY – April 10, 2018

Good afternoon. AAA Northeast, which serves a membership of 570,000 drivers in the five boroughs, is pleased to testify at this hearing, and we would like to thank the Committee for holding it.

We appreciate that the Mayor's congestion plan addresses congestion in all five boroughs, because congestion is a citywide – and, indeed, regionwide – issue. We are heartened to see DOT examine congestion in hotspots outside Manhattan, with large-scale plans for the North Shore of Staten Island, Downtown Jamaica, and Flushing, and the Clear Curbs pilot to facilitate off-peak delivery in Downtown Brooklyn and Jackson Heights.

We are particularly enthused about increased awareness of blocking the box. The key to *un*blocking the box is changing driver culture that treats it as routine. Additional markings and signs will remind motorists who may have gotten so used to engaging in the behavior that they scarcely consider it a violation – and, with additional enforcement, drivers who continue to block the box put themselves at risk of a summons.

While we support the focus on the most dangerous and mobility-impeding parking violations, we urge the City to explore efforts to ensure that the most habitual violators are truly being penalized for their actions. According to the NYC "Open Parking and Camera Violations" database, many of the vehicles with the most outstanding tickets for double parking and bus lane violations (both camera and in-person) were registered in other states (figures for tickets issued from 2010-16):

- Double parking
 - The 10 cars with the most outstanding tickets were all registered in NJ and all had at least 50 unpaid tickets. Cumulatively, owners of those cars owe the City \$189,000.
 - 216 vehicles had at least 10 unpaid tickets (cumulatively owing \$789,000), but only 34 were registered in NY. 182 were registered in other states, including 119 in NJ.
 - One NJ-registered vehicle accumulated 298 unpaid tickets and \$78,000 in debt.
- Bus lanes
 - The 10 cars with the most outstanding tickets were all registered out of state and all had at least 47 unpaid tickets. Cumulatively, owners of those cars owe the City \$143,000.
 - 248 vehicles had at least 10 unpaid tickets (cumulatively owing \$529,000), but only 47 were registered in NY. 97 were registered out of state, including 55 in PA.
 - One PA-registered vehicle accumulated 270 unpaid tickets and \$41,000 in debt.

Owners of these vehicles likely feel no repercussions from receiving a ticket. We urge the City to convene a working group with NYPD, the Department of Finance, and other relevant stakeholders to create strategies to ensure that drivers who are guilty of a parking or traffic offense indeed pay the penalty.

Thank you for the opportunity to comment.

New York Oil Heating Association, Inc.

Supporters of:

NEW YORK STATE ENERGY COALITION
NATIONAL ASSOCIATION FOR OILHEAT RESEARCH & EDUCATION
NATIONAL BIODIESEL BOARD
NATIONAL OILHEAT RESEARCH ALLIANCE
PETROLEUM MARKETERS ASSOCIATION OF AMERICA

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Officers:

DANIEL SCHILDWACHTER III, PRESIDENT
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TED KOLLAR, IMMEDIATE PAST PRESIDENT

Bioheat® Fuel, The Cleanest Heating Fuel In The Nation!

ROCCO J. LACERTOSA
CHIEF EXECUTIVE OFFICER

Testimony of Rocco Lacertosa, CEO, NYOHA
Committee on Transportation
Oversight - Addressing Traffic Congestion through the Mayor's Congestion Action
Plan and Other Strategies
April 10, 2018

Thank you for the opportunity to testify. NYOHA, founded in 1939, is one of the country's largest heating oil trade associations representing 150 members, including terminals, retailers and associated businesses operating in the five boroughs. NYOHA has enjoyed an excellent working relationship with the City of New York over many years. We've supported many of the City's key environmental policies including the elimination of #6 oil, the phase out of #4 oil and the increase in biodiesel blends that have made New York City the cleanest heating oil market in the country.

NYOHA members deliver an essential commodity – heating oil – and provide emergency heating service to thousands of customers throughout the metropolitan area everyday of the year in good weather and bad. The Mayor's Congestion Plan is of great concern to our members. It would place a major logistical burden on hardworking heating oil businesses, many of them mom-and-pop operators, along with their employees, as well as hinder important emergency deliveries that New Yorkers rely on to provide heat.

Heating oil delivery, and especially equipment repair, is an emergency service. Emergency requests to fix equipment or deliver oil come in at ALL times of day and night. This is why, for example, heating oil delivery vehicles are permitted to have limited use of New York City parkways during snow emergencies. Homeowners, building owners and City agencies including DCAS, H+H, NYPD, and NYCHA, among others, rely on timely heating oil service.

That is why the industry requests an exemption to the Clear Curbs and Clear Lanes policies.

New York Oil Heating Association, Inc.

Supporters of:

NEW YORK STATE ENERGY COALITION
NATIONAL ASSOCIATION FOR OILHEAT RESEARCH & EDUCATION
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CHIEF EXECUTIVE OFFICER

203 heating oil companies are registered within the five boroughs and make deliveries or service calls within the City. Westchester and Long Island-based companies have contracts with City-based clients as well. Some of our larger member companies have more than 200 accounts in Midtown alone. One particular company has 20 accounts in the Clear Lanes area.

Deliveries restricted to certain times of day will force companies to completely change the way they do business, inconvenience customers and delay an essential delivery in an emergency situation. In many cases, the large institutions that NYOHA members deliver to have fixed times for deliveries so that they can have personnel on hand to receive the delivery.

If a customer runs out of oil, needs an emergency delivery, or requires an equipment service call, the company will need to decide if they make a delivery as soon as possible and in turn, face the possibility of a penalty or fine.

Furthermore, having to delay a service request response could cause a building owner to be fined for failure to provide heat and cause freeze-ups of pipes, and other equipment, which can be costly to repair.

Just this past winter, the freezing weather and historically low temperatures saw utilities triggering their interruptible contracts – meaning that they switch from natural gas to heating oil when natural gas supply gets low. This switching added approximately one million heating oil gallons per day above normal demand. The heating oil industry stepped up to meet that demand deploying additional delivery trucks in order to keep buildings and homes warm across the City.

We urge the City to exempt heating oil businesses from the Congestion Plan. Thank you.



**Testimony of Barry Panicola
Metro-Region Vice Chairman
Trucking Association of New York**

Before the

**New York City Council
Committee on Transportation**

Regarding

Addressing Traffic Congestion through the Mayor's Congestion Action Plan and Other Strategies.

Good Morning. My name is Barry Panicola and I serve as the Metro-Region Vice Chairman of the Trucking Association of New York. I would like to thank Chairman Rodriguez and all the members of the committee for the invitation to testify before you today. Our association represents the trucking industry in New York and we strive to enhance the operating and business environment of the industry. One of our primary missions is to improve safety within the industry and among all users of our roads and highways.

As an industry, we have a vested interest in finding ways to alleviate congestion in New York City. A recent study conducted by the American Transportation Research Institute calculates annual congestion costs to the trucking industry to be over \$63 billion. A ranking of counties across the nation with the highest congestion costs per mile to the trucking industry, New York City placed in the top four spots with the counties of New York, Bronx, Queens and Kings topping the list.

Congestion issues did not occur overnight, and they can't be solved overnight. Additionally, there is no single solution. It will take a variety of programs and initiatives that can meet the unique needs of both the trucking industry and their customers to address congestion.

While the Mayor's congestion action plan may be well-intended, it completely misses the mark. Truck travel is non-discretionary. The truck driver doesn't make the decision as to when to make a delivery; their customer does. Given the choice, truck drivers would prefer to make deliveries during off-peak hours when traffic is lighter. Unfortunately, they cannot make deliveries to businesses that are closed.

Expansion of the off-peak delivery program is an area where we believe immediate focus would be beneficial. Our association has been a partner in this program since it was first piloted in 2009. Since then, we continue to work with the NYC Department of Transportation to identify ways to expand the program and many of our members continue to work with their customers to encourage off-peak deliveries.

Incentivizing receivers to accept off-hour deliveries is key to the success of the program. The City Council should look at options such as tax breaks as well as potential new sources of funding to help offset the initial expenses incurred when receivers shift to an off-peak delivery. Overtime costs associated with having employees available off-hours to accept a delivery is one of the major road blocks to expansion of the program.

While there are many benefits to the off-peak delivery program, there are receivers that have specific day-time delivery needs that prevent them from shifting to off-peak deliveries. The need for peak period deliveries will always remain. Solutions on how to improve the efficiency of those deliveries must be included in any initiative related to easing congestion.

TRUCKING ASSOCIATION OF NEW YORK

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In Manhattan alone there are nearly 100,000 establishments that generate approximately 350,000 shipments or deliveries on a daily basis. This creates an immense challenge for drivers to find available parking. Ensuring there are adequate delivery zones can assist in alleviating congestion by providing locations for drivers to get out of the flow of traffic and reduce the amount of time that drivers have to circle a location searching for available parking. We strongly believe that any initiative focused on reducing congestion must include a study on the adequacy of loading and unloading zones to meet delivery needs.

Providing locations to allow the consolidation of deliveries is another area we feel warrants research. Locations such as restaurants and grocery stores often take multiple deliveries a day. When feasible, the ability to consolidate those deliveries into a single delivery can reduce the number of truck trips into the city, ease demand on parking and result in lower emissions. Consolidation areas may also provide the opportunity to utilize alternative transportation, such as e-bikes, for small package delivery.

These options are just a fraction of the many congestion initiatives that have been successfully implemented by other cities across the nation and globe. There are solutions to congestion that can work for both trucking companies and receivers, however the key is collaboration.

The biggest flaw with the mayor's congestion action plan is the complete lack of stakeholder engagement. Trying to find a solution to a problem without a full understanding of why the problem exists is a recipe for failure.

Implementing a program that is focused on enforcement against vehicles that are in restricted zones, rather than determining why they are in those zones when they are, is short sighted. Issuing tickets to trucks will not have an impact on congestion. Regardless of enforcement, the driver still has an obligation to serve their customer.

In order to be a successful pilot program, the mayor's plan would need to be focused on more than just enforcement. Discussions with business owners to understand why they can or cannot shift to off-peak deliveries, ample time to implement changes to delivery schedules if possible, and interviews with truck drivers to find out why they are in a restricted zone rather than just issuing a ticket are necessary components to a successful pilot. Absent this, the mayor's plan simply places new burdens on drivers and businesses with no measurable impact to congestion.

To truly address congestion there needs to be a partnership of stakeholders, government, and academia. The issue cannot be solved in a vacuum. The Trucking Association of New York has been working with a variety of stakeholders and NYCDOT to develop the Smart Truck Management Plan which strives to improve the efficiency of freight movement while mitigating the impact of trucks on residents and businesses. The plan focuses on safety, congestion reduction, environmental sustainability, infrastructure improvements, and compliance.

In light of this work, implementation of the mayor's congestion action plan was premature and ill-timed. We would strongly encourage the mayor to consider suspending the pilot program and allow NYCDOT to complete the valuable work they are doing.

For the foreseeable future, trucks will continue to be the primary mode of freight transportation in New York City, thus making them critical to the economic vitality of the city. As an industry, we recognize that we have a role and a responsibility to find solutions to the congestion challenge and we look forward to continuing to work with the City Council on this issue.

TRUCKING ASSOCIATION OF NEW YORK

Good morning. My name is Liam Blank, Advocacy Manager of Tri-State Transportation Campaign, speaking on behalf of Tri-State and our allies Riders Alliance and NYPIRG's Straphanger's Campaign.

I am here today because New York City's public transit policies aren't working. And they haven't been working for awhile.

Ridership on MTA buses has fallen 21% over the last eight years. The subway system is at capacity, and service continues to deteriorate. As a result, riders are abandoning mass transit and many are opting to use for-hire vehicles. The end result? Manhattan's streets, already clogged with traffic, are seeing even more cars take to the road.

Without a new significant revenue stream that fixes our subways and buses while charging a fair price for congestion and pollution, we're forced to settle for more temporary solutions to a complex, multifaceted problem – equivalent to treating a broken bone with a band-aid.

The measures proposed by Mayor de Blasio last year, like restricting parking and delivery times for delivery vehicles, and the 'Block the Box' initiative, do very little to address our city's growing congestion problem. Further, there are no serious improvements to bus service included as part of the mayor's congestion plan, and his previously-announced Select Bus Service improvements do not go far enough.

Taking this issue seriously, we need each of you to support -or continue to support- the implementation of full congestion pricing, as outlined by the Fix NYC Panel. This is the only solution that works, and we look forward to working with you in the coming months as we continue to advance this transit-funding proposal.

In the meantime, there are steps we can take that will have an immediate positive impact on buses. Everyone has a role to play: the MTA should conduct more bus network redesigns, improve dispatching and adherence to schedules, and commit to system-wide all-door boarding on local buses.

Further, the DOT and City Council should expand bus lanes to at least 10 additional priority routes and enforce the law by ticketing unauthorized vehicles that abuse bus lanes.

We are pleased with Council Member Levine's Transit Signal Priority legislation, requiring DOT to install TSP on 10 routes each year. Your support has been instrumental in calling attention to deteriorating bus service. Now to get started on solving it, we encourage the City to expand the DOT's budget for these transit initiatives in particular.

We appreciate your support and thank you for considering our recommendations.

STATEMENT BEFORE CITY COUNCIL TRANSPORTATION COMMITTEE

RE: CONGESTION PRICING

I am Arthur Jerry Kremer of Empire Government Strategies and I am speaking on behalf of the Hunts Point Cooperative Market and the Plumbing Foundation of New York City.

Our organizations very much recognize the fact that because of the high level of congestion in New York City, some affirmative action has to be taken. The concepts submitted to date by both the city, the Governor and a number of other official sources do not realistically deal with the problem of how to reduce traffic in key sections of Manhattan.

The Hunts Point Cooperative Market has over 3,000 employees and generates in excess of One Billion dollars annually in revenue. It is a very important organization and very much a part of the economy of the city and the state.

Council Member Salamanca has been an ardent supporter of Hunts Point.

Our trucks are required to enter the key areas of the city which would be impacted by any type of congestion pricing. I want to refer you to a statement from one of our coop members regarding the current experiment by the city to eliminate certain types of parking in a designated area. Master Purveyors which employs over 200

people provides meat to almost all of the major steakhouses, clubs and hotels located in the heart of an area subject to any congestion pricing proposal. They have 13 trucks that run in and out of various parts of the city and four of them enter and deliver into the mid-town area daily. In many instances, a number of these accounts will order a second delivery based on customer volume which requires an early afternoon delivery as well.

Our union drivers are under a collective bargaining agreement. Their start time is between 4:00 a.m. and 8:00 a.m. followed by deliveries and there is no allowance for a second shift for them to start at a later or earlier time. Since the restaurants in New York City have space issues which do not allow them to stock for days ahead it is impossible to deliver large amounts of product in the hope that it will eliminate additional trips into Manhattan. With many businesses relying on tourists, the accounts order at midnight and then daily and it is the job of Master Purveyors to source the product, cut it and package in same box, weigh, sort, palletize, establish routes, loading trucks and invoicing all before 6:00 a.m., the same morning. They already have a night shift that begins at midnight where they pay them a premium of 10% over the current salary. A second shift begins at 2:00 a.m. that gets between 20 and 50% premium for under 10 hours per week.

Master's competitive advantage is that they receive prime fresh meat every day and they fabricate and package and deliver within 12 hours of the receipt of orders. This allows the restaurants to hold less inventory and suffer less spoilage.

The current plan, not well publicized and not well thought out, will generate thousands of dollars in added expenses that will make Masters less competitive. A number of businesses are closing due to overhead costs and the idea of fines and further roadblocks to stop deliveries will contribute to the death of many of the remaining businesses.

The Plumbing Foundation represents 80 major plumbing companies who employ approximately 4,000 to 5,000 employees.

Congestion pricing would have a dramatic impact on the building service and repair industry. Limiting these activities would have a costly and timely impact on the construction industry and the current restriction on curbside parking of the vehicles which are used by people who maintain all of the buildings in the City is also most harmful. Any parking prohibition on services for buildings such as water, heating, etc. could be dire both financially and literally. No one can plan when a water pipe bursts or when a building's heating/cooling stops and increasing the time to repair the gas leak, frozen water pipe, or burst drain pipe is something everyone can agree isn't needed. Subjecting service vehicles to park 10-15 blocks

away from the job location is counterproductive for tenants. If the plumbing industry is subjected to any congestion parking restrictions, there will be a monetary impact on the businesses and building owners who utilize outside building maintenance services. The price of maintenance calls will skyrocket if building service vehicles are not excluded from any mitigation plan.

I don't believe that either the state or the city has yet to do the intensive research to come up with a rational plan. I believe the City Council can play a positive role in this debate by developing its own research and field study to see how a congestion pricing plan could be workable with input from the affected parties.



Testimony before the New York City Council
Committee on Transportation
Oversight - Addressing Traffic Congestion through the Mayor's Congestion
Action Plan and Other Strategies
April 10, 2018

Good morning Chair Rodriguez and members of the New York City Council Committee on Transportation. My name is Shane McMorrow, I am the Assistant Vice President of the Mechanical Contractors Association of New York, Inc. (MCA). MCA is an organization representing over 300 firms employing Steamfitters Local Union 638.

MCA represents mechanical and licensed fire-sprinkler contractors that are responsible for the installation, inspection, testing and maintenance of heating, air conditioning, refrigeration, and fire-suppression systems in all building types throughout New York City and Long Island. Our contractors install and maintain much of the complex network of piping that runs the tens of thousands of high-density residential, commercial and industrial buildings, including hospitals, universities, power plants and water treatment facilities across this region. We represent the most competent, informed and highly skilled contractors in the area and regularly provide internal educational seminars and programs for our members that further advance our industry.

While the Mayor's goal of reducing congestion is laudable, the reality is that our members often cannot comply with these rules because they are providing essential and at times, emergency, services to customers.

MCA contractors service the necessary heating, cooling, and fire suppression piping and equipment in all buildings, from helping properly maintain food services through refrigeration in supermarkets, to ensuring HVAC and fire sprinkler systems are functioning in hospitals, schools, data centers and all other buildings throughout the city. Though plenty of maintenance can be scheduled, emergencies often arise at all times of the day, and contractors must respond as soon as possible as these situations cannot wait.

Most contractors in this industry are small- and medium-sized businesses operating on thin margins, and they already experience significant costs of doing business. Putting aside the cost of labor, providing these services for New Yorkers comes with a steep price, including, but not limited to: covering the costs of a service van, with necessary tools and equipment, ever-increasing insurance premiums, gas, parking, and the tolls to enter NYC from many nearby locations.



As mentioned, these services are not optional, and often are time sensitive. Grocery stores cannot afford to wait three hours to cool their food. Data centers and labs cannot wait for the morning rush hour to pass before calling to have their cooling system fixed. Schools cannot hold off until the end of the day to call and have a heat pump serviced. Similarly, when a fire suppression system is calling for servicing, that necessary work can rarely wait.

Finally, many contractors sign multi-year service agreements that prevent them from easily addressing these pricing changes. Contractors will be tasked with finding a way to provide the same quality and timeliness of service, while also abiding by these regulation changes. Asking a small business, on a small margin, to pick up what amounts to a significant cost increase through without the ability to re-negotiate a contract is a quick way to put folks out of business.

While it is necessary to combat congestion, the Mechanical Contractors Association of New York does not support the Mayor's congestion plan as it unfairly targets the small business community.



FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.

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**Testimony of
the Food Industry Alliance of New York State, Inc.
Regarding the
Clear Curbs Initiative to Reduce Congestion**

Thank you for the opportunity to testify regarding the Clear Curbs Initiative to Reduce Congestion. My name is Jay Peltz and I am the General Counsel and Senior Vice President of Government Relations for the Food Industry Alliance of New York State (FIA). FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout New York. Our members include chain and independent grocers that account for a significant share of the city's retail food market and the full line grocery wholesalers that supply them, as well as distributors of milk, bread, meat, chicken and other products.

Background. Neighborhood grocers have never faced a more difficult operating environment. Operating expenses are increasing as rents soar, health insurance premiums rise, the cost of paid sick benefits are incurred and the minimum wage reaches \$15.00 an hour in the city on December 31, 2018. Nontraditional retailers (that are largely nonunion operators) such as warehouse clubs, natural/organics retailers and dollar stores are taking market share from traditional neighborhood grocers.

These circumstances are making it increasingly difficult for neighborhood grocers to net even a penny on the dollar. Manhattan grocers have shut their doors. Food deserts are present throughout the city. Any additional economic shocks – including lost sales as well as labor cost and cost of goods increases due to implementation of curb access restrictions - will cause more neighborhood grocers to close their doors, with the attendant community impacts, including job losses and less access to wide assortments of fresh and healthy foods.

The Clear Curbs Initiative. Under the Clear Curbs Initiative to Reduce Congestion, the NYC Department of Transportation (DOT) will restrict curbside parking and loading on both sides of the street during weekday peak hours (7:00-10:00 a.m. and 4:00-7:00 p.m.). This will be highly disruptive to traditional neighborhood grocers. The entire supply chain is built around morning deliveries. Perishables (such as locally baked bread) must be delivered fresh, first thing in the morning, or sales will be lost as freshness diminishes. Limited storage space in city stores means that deliveries must occur frequently, sometimes daily. By eliminating 6 hours of delivery time, daily deliveries will be impossible.

In addition, grocery deliveries are immense, involving full trailer loads of product, sometimes exceeding over 1,000 cases. Historically, these deliveries have been done in the morning. This is because security risks are minimized in the morning; product can be received early in the day and then

packed out throughout the day, thus facilitating faster replenishment and minimizing out-of-stocks of staple food and drug items; and employees generally do not want to work outside at night, particularly in the cold. Accordingly, late night/overnight deliveries of full trailers of groceries are not a viable option.

This leaves the grocery industry without feasible delivery options, assuming the announced curb access restrictions are made permanent and implemented throughout the city. If deliveries are prohibited between 7:00-10:00 a.m. and 4:00-7:00 p.m., and late night/overnight deliveries of full trailers of groceries are not workable, when can full trailers of groceries be received? Clearly, the curb access restriction plan will disrupt the supply of staple food items and medicines.

Diverting perishable and grocery deliveries from the 7:00 a.m.-10:00 a.m. window is highly problematic in other ways. Often, apartment building and collective bargaining agreement restrictions prohibit deliveries before 7:00 a.m. In addition, shifting deliveries to the narrow, six-hour period allowed after 10:00 a.m. would require major revisions to employees' work schedules, which might be prohibited under collective bargaining agreements and, if allowed, would be disruptive to employees' personal lives.

Accordingly, delivery disruptions caused by broad implementation of the restrictions will result in a sharp increase in out-of-stocks, including staple food items such as baby formula and milk as well as medications, thus depriving customers of essential products and causing retailers to lose sales; an increase in labor costs due to the need to schedule labor based on the delivery restrictions, rather than the most efficient way to deliver/receive product; and an increase in cost of goods, thus reducing already razor thin grocery store margins, as suppliers pass through to retailers the costs they incur because of the planned restrictions.

An additional impact of the planned restrictions is that delivery of internet orders will be barred during six prime hours of each weekday. The essence of the click and delivery model is convenience, including the delivery of staple grocery products, when needed. Once that convenience is diminished, business will migrate to competitors, as customers change shopping habits to get the products they want when they need them, especially fresh items. The impact on online grocers will be particularly severe.

Conclusion. For the foregoing reasons, we respectfully request that the Clear Curbs Initiative to Reduce Congestion be suspended while private and government stakeholders collaborate on revisions to the restrictions. Our goal is to establish the right balance between industry needs and quality of life/environmental concerns. Specifically, we would like to discuss designated delivery windows for grocery, perishable and drug products during weekdays between 7:00 a.m. and 10:00 a.m.

Thank you for your attention to our concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.

Jay M. Peltz

General Counsel and Senior Vice President of Government Relations

Metro Office: 914-833-1002 | jay@fiany.com

April 10, 2018



Testimony before the New York City Council
Committee on Transportation
Oversight - Addressing Traffic Congestion through the Mayor's Congestion
Action Plan and Other Strategies
April 10, 2018

Good morning Chair Rodriguez and members of the New York City Council's Committee on Transportation. My name is Nelson Eusebio and I'm the Director of Government Affairs for the National Supermarket Association (NSA), a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five boroughs alone, we represent 400 stores that employ over 15,000 New Yorkers.

We're here today to testify on the Mayor's clear curb and clear lanes congestion plan. While the plan may be well intended and we all agree congestion is a problem in NYC and something must be done, we oppose this plan because it will negatively impact NSA businesses and their employees. This plan essentially eliminates six hours of delivery time in any given business day, leaving only a very slim margin of time before 7am for when supermarkets can receive deliveries. Supermarkets require delivery of perishables first thing in the morning to protect the quality of their goods and that's why the morning hours of the clear curb proposal are particularly troublesome. If customers see a decline in the quality of product, they will certainly take their business elsewhere.

We hear a lot about nighttime deliveries but that is simply not an option for our small businesses. To hire staff to take deliveries during the nighttime is a costly endeavor that would negatively impact our stores. In addition, our stores would require a separate area to refrigerate fresh produce so that it doesn't spoil but our stores don't have the money or the space to make such accommodations. Furthermore, our employees don't want to work at night and many take jobs at our supermarkets specifically for this reason.

In general, grocery store deliveries are large, sometimes exceeding over 1,000 cases. These deliveries have always occurred in the morning hours because security risks are minimized, produce and other products are received fresh and product is available in the store throughout the day and can be restocked accordingly.



We have one member who is just finalizing the construction of his supermarket on Flatbush Avenue in Brooklyn and is set to open within the month. The opening of a store is a particularly important time for deliveries as the owner is stocking bare shelves. This ban will be a tremendous burden during the most critical time of operation. Up until the day the ban was set to go into effect this storeowner informed us they had not received any correspondence from the City informing them of this pilot program. This is unacceptable.

For these reasons, we urge the City to revisit the plan entirely and come up with a more meaningful plan that truly addresses congestion and the needs of the surrounding businesses through true community and stakeholder engagement.

Thank you for your time and I'm happy to answer any questions you may have.



★ Brother Hood - Friendship - Safety ★

**Testimony of the Metropolitan Trucking Association
Before The
New York City Council Committee on Transportation
*Regarding T2018-1650***

Good morning. I would like to thank you for holding this hearing and for allowing me to address the committee. My name is Patrick Hyland and I am the Executive Director of the Metropolitan Trucking Association. Our association represents employers who hire Teamster Local 282 drivers to operate their trucks performing heavy construction throughout the five boroughs.

I am here today to address Mayor de Blasio's recent initiative to address congestion in select neighborhoods. Our members deliver and haul various aggregates to and from heavy construction sites. Restricting their access during peak hours to ANY area of New York City is a problem on several fronts.

The primary issue here is schedule. Our members may put their trucks out as early as 5:00 AM in order to get to sites being staffed by buildings trade members before 7:00 AM...which is when heavy construction begins. But heavy construction trucking is hardly ever a one (1) run job. It typically requires two (2) or three (3) runs per day. Stopping construction production on these large-scale projects is a non-starter. The initiative will lengthen project scope and drive up costs significantly for large projects in the zone.

That brings us to night construction...which is the current Administration's response when these concerns are raised. Yes, our members perform night construction. They perform night construction at sites where night construction makes sense...Belt Parkway, Staten Island Expressway, Bayonne Bridge, Goethals Bridge, JFK Airport, LaGuardia Airport, etc. They do not perform night construction in residential neighborhoods of the city that never sleeps.

This plan does not make sense on so many levels and you can add heavy construction sites to the list. New York City Council recently passed a well thought out and executed re-zoning of east midtown. It has been praised from numerous sources and the prevailing belief is that this re-zoning will stimulate economic growth in this region of Manhattan. We agree and applaud the Council for their work on this plan. Does it make sense to restrict truck access into an area where construction activity is expected to increase? This plan defies logic.

I could go on and on but in the interest of time and out of respect for others who wish to speak today I will not. I will simply close by saying that this initiative is misguided and poorly planned. Yes, we have to tackle congestion in this city...but this plan is simply not the answer. I would like to thank you again for allowing me to address the committee here today.

April 9, 2018



Chairperson Ydanis A. Rodriguez
Committee on Transportation
New York City Council
250 Broadway, Suite 1763
New York, NY 10007

FOR THE RECORD

Re: Oversight - Addressing Traffic Congestion through the Mayor's
Congestion Action Plan and Other Strategies

44 W 28 St, 12th Floor
New York, NY 10001
T: (212) 481-9740
F: (212) 481-7185
plumbingfoundation.org

Dear Chairperson Rodriguez:

I write to you on behalf of members of the Plumbing Foundation City of New York, a nonprofit organization composed of licensed contracting firms, engineering associations, manufacturers, and suppliers. The Foundation was established in 1986 to ensure the public health through the enactment and enforcement of safe plumbing codes and policies. The Plumbing Foundation has concerns with the Mayor de Blasio's congestion action plan, specifically curbside access restriction and "Clear Lanes," for the reasons explained below.

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The Mayor's congestion action plan seems to leave out consideration for the building service and repair industry. We understand there is a lot of focus on delivery vehicles; limiting deliveries has a costly and timely impact on the construction industry but even more so does **the restriction of curbside parking of the vehicles which are used by people responsible to maintain the safety of all New York City buildings.** Commercial service vehicles, like that of plumbing firms, should not be restricted by any congestion program. Any parking prohibition greatly hindering essential services from being delivered to NYC buildings, such as water, heating, and gas, could be dire for the safety of residents, and can lead to increased cost of services. No one can predict when a water pipe will burst or when a building's heating or cooling system will malfunction, and increasing the time to repair a gas leak, frozen water pipe, or burst drain pipe is something everyone can agree should be avoided. Subjecting commercial service vehicles to park ten to fifteen blocks away from the job location is counterproductive for consumers. Additionally, if the plumbing industry is subjected to any congestion parking restrictions, there will be a monetary impact on the businesses/building owners who utilize outside building maintenance services. The increased price of maintenance requests will be directly linked to the increased cost from the Mayor's congestion action plan. We therefore strongly request that building service vehicles are **excluded from any congestion action plan.**

We greatly appreciate the NYC Council's attention to this matter and are here as a resource. Please do not hesitate to reach out to our office for any reason.

Sincerely,

April McIver
Executive Director

April 10th, 2018 @ 10:00am

**Testimony of the New York City Hospitality Alliance
to the New York City Council's Committee on Transportation on
Oversight – Addressing Traffic Congestion through the Mayor's Congestion Action Plan and Other
Strategies**

Congestion on New York City's roadways is a problem that affects all New Yorkers, including our city's restaurants, bars, and hotels. Many of our members occupy New York's notoriously small commercial spaces, where storage is extremely limited. Combine that with consumers' ever-increasing desire for fresh meat and produce, and the result is the need for regular, reliable, on-time deliveries of the ingredients that we serve. A delay of even an hour of a much-needed delivery can disrupt an entire evening's dinner service. And while trucking companies have developed sophisticated technology aimed at scheduling logistics, no computer program can now conquer the problems of delays caused by over congestion of unnecessary private vehicles.

That's why New York's hospitality industry expects a comprehensive plan aimed at addressing our crowded streets. This plan is not comprehensive. Instead of tackling the overuse of unnecessary private vehicles, this plan attacks a necessity – deliveries of the food that our restaurants depend on to serve our customers.

Make no mistake. Absent a fundamental sea change in supply chain logistics, our restaurants will be receiving deliveries by truck for years to come. Restricting the hours in which trucks can make deliveries in New York City is not a minor problem that can easily be overcome by logistical creativity. For many restaurants, there simply are not enough non-restricted hours in the day to receive all the fresh ingredients we need to prepare our meals in time for service.

If the City's plan is to encourage deliveries to be shifted to extreme morning hours, we hope that will be accompanied by robust outreach by the city to the Community Boards and block associations, so that our neighbors may be educated that the City is responsible for the influx of noisy trucks at 3 and 4 AM in areas that are not accustomed to such early hour deliveries. In addition, accepting off hour deliveries creates operational challenges. For example, having the chef who needs to look at product before accepting it on premise during off hours may not be feasible. If the chef leaves work at the restaurant at midnight, they cannot come back at 2 AM for a delivery.

We ask that the City delay implementation of this plan until a broader comprehensive plan is in place to address congestion by unnecessary vehicles. Short of that, a significantly reduced restricted-hour window is in order.

Respectfully submitted,

Andrew Rigie
Executive Director
arigie@thenycalliance.org

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THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: April 10, 2018

(PLEASE PRINT)

Name: Nelson Eusebio

Address: 30-50 Whitestone Express way suite 301

I represent: National Supermarket Asso - NSA

Address: _____

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Date: 4/10/18

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Name: Liam Blank

Address: 130 Wadsworth Ave #32, NY, NY

I represent: Tri-State Transportation Campaign

Address: 380 West 32nd Street #806

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Name: Bacon Heyward

Address: 1035 Broadway 12th floor

I represent: NYC ADOPT NEW YORK

Address: 7 Corporate Dr. Clifton Park NY

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(PLEASE PRINT)

Name: Arthur Jerry Kremer KREMER

Address: 1425 RYER PLAZA UNION DEL

I represent: Hunt-Point Market - Plumbing Fund'n.

Address: Hunt-Point Mkt Bronx NY

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Date: 4-10-18

(PLEASE PRINT)

Name: BARRY PANICOLA

Address: 323 W. FULTON ST LB NY 11201

I represent: TRUCKING ASSN OF NEW YORK

Address: 7 CORPORATE DR. CLIFTON PARK NY
12065

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Date: 4-10-18

(PLEASE PRINT)

Name: SHANE MCMORROW

Address: 44 W. 28th St., 12th Fl., NY, NY 10001

I represent: MECHANICAL CONTRACTORS ASSOCIATION

Address: _____

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Date: April 16, 2017

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Name: Axel Carrion

Address: _____

I represent: UPS

Address: _____

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Name: ERIC McCLURE

Address: 423 4th ST. BROOKLYN NY 11215

I represent: STREETSPAC

Address: 17 BATTERY PLACE #204, NY NY 10004

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Name: JESSICA WALKER

Address: 575 Fifth Avenue

I represent: President, Manhattan Chamber of

Address: Commerce

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Name: Jack Davies

Address: 116 John St. NY, NY

I represent: Transportation Alternatives

Address: _____

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(PLEASE PRINT)

Name: Inspector Dennis Fillion

Address: _____

I represent: NYPD

Address: _____

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Name: Inspector Scott Hanover

Address: _____

I represent: NYPD

Address: _____

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Name: Polly Trothenberg

Address: Commisw

I represent: NYC DOT

Address: _____

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Name: Rebecca Drake

Address: Asst. Commissioner

I represent: Intergovt Community Aff.

Address: NYC DOT

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Name: Kessia De Leo

Address: Sr. Proj. Mngr

I represent: NYC DOT

Address: _____

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Date: April 10, 2018

(PLEASE PRINT)

Name: Alec Slatky

Address: 1415 Kellum Place, NY 11530

I represent: AAA Northeast

Address: _____

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 in favor in opposition

Date: 4/10/18

(PLEASE PRINT)

Name: Rocco J. Laceriosa

Address: _____

I represent: New York Oil Heating Association

Address: _____

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I intend to appear and speak on Int. No. 2018-1650 Res. No. _____
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Name: Patrick Hyland

Address: P.O. Box 41262 - SI, NY 10304

I represent: Metro Truck Assoc.

Address: P.O. Box 41262 SI, NY 10304

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Date: 4/10/2018

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Name: Bruce Krupke

Address: 427 S. MAIN ST Syracuse NY

I represent: Northeast Dairy Foods Assoc Inc.

Address: 427 S. MAIN ST, Syr NY

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(PLEASE PRINT)

Name: Jan Peltz

Address: 1385 Boston Post Rd

I represent: Food Industry Alliance of NY

Address: Same

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