

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE AND FEDERAL
LEGISLATION

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April 2, 2009
Start: 10:42 am
Recess: 11:00 am

HELD AT: Council Chambers
City Hall

B E F O R E: MARIA BAEZ
Chairperson

COUNCIL MEMBERS:

Council Member Lewis A. Fidler
Council Member Daniel R. Garodnick
Council Member Melissa Mark-
Viverito
Council Member Joel Rivera
Council Member Larry B. Seabrook

A P P E A R A N C E S [CONTINUED]

David Woloch
Deputy Commissioner for External Affairs
Department of Transportation

John Tipaldo
Director of Systems Engineering
Bureau of Traffic Operations
Department of Transportation

William Martin
Committee Clerk

2 CHAIRPERSON BAEZ: Good morning.

3 Good morning and welcome. My name is Maria--if I
4 could just have a little bit of quiet in the
5 chambers I would appreciate it. Thank you. I am
6 the Chairperson for State and Federal Legislation.
7 On March 16 this Committee along with the Housing
8 and Building Committee held a joint hearing. The
9 Committees heard testimony from the New York City
10 Housing Preservation Department, the Rent
11 Stabilization Association and various tenant and
12 landlord organizations regarding a Local Law, a
13 Resolution and LSR (sic) 1 and 2. Today the
14 Committee will be voting on both SLR 1 and 2.

15 The first Home Rule Message asks
16 the State to pass bills introduced by Assembly
17 Member Lopez and Senator Krueger which would give
18 the City the right to enact its own rent
19 regulation laws. Presently the Rent Control Act
20 or Urstadt Law which was enacted in 1971 prohibits
21 the City of New York from expanding--excuse me, if
22 we can please have your attention, thank you.

23 Prohibits the City of New York from
24 expanding rent and eviction protections to
25 residential accommodations that are exempt from

2 regulation. Since the enactment of the Urstadt
3 Law, New York City's affordable housing situation
4 has suffered, effectively creating an affordable
5 housing shortage. New York City should have the
6 power to act to regulate housing and protect
7 tenants.

8 The second Home Rule asks that the
9 State to pass bills introduced by Assemblyman
10 Rosenthal and Senator Stewart Cousins which seek
11 to repeal provisions of New York State and New
12 York City statutes that remove apartments from
13 rent stabilization or rent control when such
14 apartments are vacated and could be rented for
15 monthly rents of \$2,000 or more. These provisions
16 are known as vacancy decontrol and have resulted
17 in over large numbers of rent--excuse me, excuse
18 me. Thank you.

19 These provisions are known as
20 vacancy de-control and have resulted in over large
21 numbers of rent stabilized apartments being
22 removed from rent regulation in New York City.
23 This bill would also re-regulate many apartments
24 that have been decontrolled as a result of these
25 vacancy decontrol provisions.

2 Additionally the Committee will
3 vote on a Home Rule request which would authorize
4 the City to use an additional 50 cameras in the
5 red light camera program. Currently there are
6 permits for 100 cameras. The Department of
7 Transportation will testify regarding this matter.
8 Thank you. If you can just sit, right--yes thank
9 you.

10 DEPUTY COMMISSIONER DAVID WOLOCH:

11 Good morning Chairwoman Baez and Members of the
12 Committee. I am David Woloch, Deputy Commissioner
13 for External Affairs at the Department of
14 Transportation and with me here today is John
15 Tipaldo, Director of Systems Engineering at DOT's
16 Bureau of Traffic Operations. Thank you for
17 providing us with this opportunity to state the
18 Administration's support for a Home Rule Message
19 in support of A.7328/S.3750 relating to the City's
20 Red Light Camera Program.

21 This bill specifically increases the
22 number of intersections where red light cameras
23 may be installed from 100 to 150; as well as
24 extends the operating authority of the program,
25 which is set to expire on December 1st of this

1
2 year, by 5 years to December 1st, 2014. In its 13-
3 year history, the City's Red Light Camera Program
4 has played a central role in our efforts to
5 enhance public safety by serving as effective
6 deterrents to motorists otherwise inclined to
7 ignore traffic control signals.

8 The Program has proven to be an
9 effective traffic safety measure that we believe
10 prevents injuries and the loss of life resulting
11 from accidents caused by red light running. Since
12 its inception, hundreds of thousands of vehicles
13 including passenger vehicles, buses and taxicabs
14 have been caught going through red lights by these
15 photo-monitoring devices. In 2007 alone, 947,341
16 violations were issued. Altogether, we have
17 issued more than 4 million summonses since the
18 Program began in 1993.

19 While this Program has been very
20 effective in reducing unsafe driving on the City's
21 streets, the current limitation of 100 cameras
22 prevents us from a broader, and much needed
23 application of this important public safety
24 initiative. It is important to remember that the
25 goal of the cameras is not just to reduce red

2 light running at those intersections where cameras
3 are installed, but to change motorist behavior
4 wherever they drive. The reality of the current
5 Program is that current State law allows us to
6 operate the cameras at far less than even 1% of
7 all signalized intersections in the City.

8 We believe that in order to truly
9 impact the behavior of New York motorists, cameras
10 need to be present at many more locations around
11 the City. The additional 50 cameras as granted in
12 this bill will help enhance safety for motorists,
13 passengers, pedestrians and bicyclists in the
14 City's five Boroughs; and we urge the Committee to
15 grant it a Home Rule Message of support.

16 Thank you again for the opportunity
17 to testify before you today. At this time, we
18 would be happy to answer any questions.

19 CHAIRPERSON BAEZ: Any questions?
20 Council Member Garodnick.

21 COUNCIL MEMBER GARODNICK: Thank you
22 Madam Chair. Mr. Woloch welcome. I just wanted
23 to understand the number of cameras that this
24 brings you up to. You said this goes from 100 to
25 150 in the City.

2 MR. WOLOCH: Correct.

3 COUNCIL MEMBER GARODNICK: And are
4 those divided around the Boroughs in even
5 proportion?

6 MR. WOLOCH: Yeah. They're spread
7 around the five Boroughs. I mean some Boroughs
8 have more signals than other Boroughs. So the
9 number of signals is to some extent going to drive
10 the--where the cameras are.

11 COUNCIL MEMBER GARODNICK: And you
12 use other techniques as well to allow motorists to
13 believe in some circumstances that they're being
14 photographed when they're not actually being
15 photographed, is that right?

16 MR. WOLOCH: We do have some, as
17 they're called, dummy cameras.

18 COUNCIL MEMBER GARODNICK: Okay.
19 And do you move these cameras, the 100 or now the
20 potentially 150, do you move them around the City
21 so that there is a broader deterrent effect so
22 that you never really know exactly when it's
23 happening or when it's not?

24 MR. WOLOCH: We do. We--the law
25 allows us to have 100 cameras operating at any one

2 point. We have more locations that are
3 instrumented so we can, to some degree, move the
4 cameras around.

5 COUNCIL MEMBER GARODNICK: So you
6 have the cameras up but then you only have 100 or
7 maybe if this were to pass 150 working at any one
8 moment.

9 MR. WOLOCH: Correct.

10 COUNCIL MEMBER GARODNICK: Terrific.
11 Thank you very much.

12 CHAIRPERSON BAEZ: Hello, being all
13 the questions, thank you very much for your
14 testimony. Council Member Garodnick you had a
15 question? Okay--

16 COUNCIL MEMBER GARODNICK:
17 [Interposing] Yes. This was on the other issue.

18 CHAIRPERSON BAEZ: The vacancy
19 decontrol--thank you--

20 COUNCIL MEMBER GARODNICK: --yes, I,
21 first of all I want to thank you Madam Chair. I'm
22 a new member of this Committee and I'm honored to
23 be here and am very pleased to support all of the
24 items on today's agenda.

2 I wanted to speak first, and really
3 specifically, about the vacancy decontrol issue
4 and just to put a little more meat on the bones on
5 the subject because I have seen the effects of
6 vacancy decontrol in large measure in my own
7 District. And I just wanted to share that with my
8 colleagues.

9 In Stuyvesant Town and Peter Cooper
10 Village, a significant residential community that
11 I represent which has 11,232 units and some 25,000
12 of my constituents living there, including myself.
13 The property was purchased for a whopping \$5.4
14 billion back in 2006 with a business model that
15 was predicated on turning rent stabilized
16 apartments over to the market rate using the legal
17 means that were available. And one of them, of
18 course, is vacancy decontrol.

19 What we saw is when you have a
20 business model that is predicated on the use of
21 those systems, you see legal notices or what we
22 saw was legal notices being sent to tenants
23 claiming that they were not living in their
24 apartments when in a very, very significant number
25 of cases they were. The new owner came after

2 perfectly legitimate rent stabilized tenants, some
3 of whom work for the City of New York and who show
4 up every day for a job in the City of New York and
5 were told that they don't live in their apartment
6 as their primary residence.

7 The result was a culture of fear and
8 conflict in the property and required the elected
9 officials and local tenant leaders to create free
10 legal clinics and tenant hotlines and an
11 opportunity for people to find the ways to defend
12 themselves from what was a very, very aggressive
13 pursuit by their new owner.

14 So I think that once the incentives
15 are not there to turn these apartments to the
16 market rate by ending vacancy decontrol, this
17 problem will not be there. And if it had not been
18 in place at the first instance, the tenants of
19 that community would not have experienced what
20 they've experienced in the past couple of years.

21 So I wanted to thank the Chair for
22 the opportunity to speak in favor of the Home Rule
23 Message in support of the Stewart Cousins-
24 Rosenthal legislation. I also support bringing
25 the determinations of these matters back to the

2 City of New York through the repeal of the Urstadt
3 Law. There is no reason why legislators in
4 Rensselaer or Orange County should be making the
5 determination of these subjects for us.

6 So thank you Madam Chair and I will
7 lend my support to all of these matters today.

8 CHAIRPERSON BAEZ: Thank you Council
9 Member. Being no other questions, no other
10 comments, I would like my colleagues to vote yes
11 on all. Thank you. Call the roll.

12 MR. WILLIAM MARTIN: William Martin,
13 Committee Clerk. Roll call on the Committee on
14 State and Federal Legislation. Excuse me.
15 Council Member Baez.

16 CHAIRPERSON BAEZ: Aye on all.

17 COUNCIL MEMBER MARTIN: Rivera.

18 COUNCIL MEMBER RIVERA: I vote aye
19 on all.

20 MR. MARTIN: Seabrook.

21 COUNCIL MEMBER SEABROOK: Aye on
22 all.

23 MR. MARTIN: Garodnick.

24 COUNCIL MEMBER GARODNICK: Aye.

2 MR. MARTIN: By a vote of four in
3 the affirmative, zero in the negative, and no
4 abstentions, all items have been adopted. Members
5 please sign the Committee reports. Thank you.

6 CHAIRPERSON BAEZ: We will be
7 holding the vote open. Thank you.

8 [Background noise]

9 [Pause]

10 CHAIRPERSON BAEZ: The--we'll be
11 holding the vote open on State and Federal Leg for
12 a half an hour. Thank you.

13 [END TAPE 1002]

14 [START TAPE 1003]

15 [Background noise]

16 MR. MARTIN: Mark-Viverito.

17 COUNCIL MEMBER MARK-VIVERITO: I
18 vote aye on all.

19 MR. MARTIN: Fidler.

20 COUNCIL MEMBER FIDLER: I

21 unfortunately need to explain my vote.

22 [Chuckling] I vote aye on all except for SLR 2 on
23 which I abstain. And I am abstaining because I
24 think the bill that we are purporting to support
25 is functionally ridiculous. The retroactivity

2 part of it will put buildings into foreclosure
3 throughout the City of New York. \$5,000 is way
4 too high. I would vote no but I don't want anyone
5 to misinterpret the fact that I believe that the
6 limit needs to be raised to something reasonable.
7 But \$5,000 and retroactive is just inappropriate,
8 so I abstain on SRL 2 and vote aye on the others.

9 MR. MARTIN: Final vote on the
10 Committee on State and Federal Legislation, SRL 1
11 and Preconsidered SLR Senate Bill 3750/Assembly
12 3728 is adopted by a vote of seven--excuse me, six
13 in the affirmative, zero in the negative, no
14 abstentions. And SLR 2 is adopted by a vote of
15 five in the affirmative, zero in the negative and
16 one abstention. Thank you.

17 CHAIRPERSON BAEZ: State and
18 Federal Legislation Committee meeting is now
19 adjourned.

20 [END TAPE 1003]
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22
23

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date April 13, 2009