

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON TRANSPORTATION LOWER MANHATTAN
REDEVELOPMENT

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April 23, 2012
Start: 1:04 p.m.
Recess: 3:02 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

JAMES VACCA
MARGARET S. CHIN
Chairpersons

COUNCIL MEMBERS:
Council Member Gale A. Brewer
Council Member Daniel R. Garodnick
Council Member David G. Greenfield
Council Member Vincent M. Ignizio
Council Member Peter A. Koo
Council Member G. Oliver Koppell
Council Member Jessica S. Lappin
Council Member Darlene Mealy
Council Member Rosie Mendez
Council Member Ydanis A. Rodriguez
Council Member Deborah L. Rose
Council Member Eric A. Ulrich
Council Member James G. Van Bramer

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

Franco Esposito
Senior Counsel
New York City Department of Transportation

Edward Pincar
Director of Intergovernmental Affairs
New York City Department of Transportation

Jeffrey Frediania
Legislative Analyst
AAA New York

Luis Sanchez
Lower Manhattan Borough Commissioner
New York City Department of Transportation

Derek Lee
Manhattan Borough Commissioner
New York City Department of Buildings

Joseph Simenic
First Deputy Executive Director
Lower Manhattan Construction Command Center

Robin Forest
Director of External Relations
Lower Manhattan Construction Command Center

Julie Menin
Chairperson
Community Board One

Catherine McVay Hughes
Vice Chair
Community Board One

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2 CHAIRPERSON VACCA: Good afternoon,
3 everyone, and welcome. Today is April 23rd, I'm
4 James Vacca, I'm Chair of the Committee on
5 Transportation. And today we will be joined
6 shortly by the Committee on Lower Manhattan
7 Development, but right now we're here to discuss
8 Intro 784, which would allow for the transfer of
9 MUNI meter time. I want to thank the Committee
10 staff and the Administration, and the Department
11 of Transportation, for all their work on this
12 bill. In my view, scuze me, in my view, this bill
13 is a classic example of what a legislative body
14 does, we clear up confusion regarding the
15 interpretation of rules. DOT has stated that it
16 believes MUNI meter time is already transferrable,
17 but drivers are getting ticketed. Some drivers
18 protest their tickets and get them dismissed, but
19 some drivers do not. This is mostly happening
20 outside of Manhattan and as DOT finished replacing
21 the standalone meters with MUNI meters by the end
22 of the year, the problem will only get worse if we
23 do not take action. It is our job as the
24 legislative body to make sure the law is not
25 ambiguous and that it is applied consistently

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2 across the City. Intro 784 will make life a
3 little bit easier and more fair for drivers who
4 are right to feel that they should be able to keep
5 the MUNI meter time that they have already paid
6 for. People who are running errands should be
7 able to buy time once and use that time for any
8 spot with the same meter rate. Every cent of this
9 money belongs to the driver, it's that simple.
10 Before I turn things over to the Department of
11 Transportation, I want to thank DOT and the
12 Administration for working so closely with us on
13 my bill. I want to thank Speaker Quinn for her
14 attention to this issue, and I'd like to introduce
15 the Committee Members who are here first, before
16 we call upon our witnesses from the Department of
17 Transportation. To my right, Council Member Peter
18 Koo, Council Member Ydanis Rodriguez; to my left,
19 Council Member Gale Brewer; and of course we're
20 joined by Committee staff, Lyle Frank our counsel,
21 to my left. Okay, and we now introduce Franco
22 Esposito, New York City DOT Senior Counsel; Edward
23 Pincar, New York City DOT Director of
24 Intergovernmental Affairs. Who would like to
25 start?

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EDWARD PINCAR: I will, thank you.

CHAIRPERSON VACCA: Okay. Please introduce yourself for the record.

EDWARD PINCAR: Good afternoon, Chairman Vacca, and Members of the Transportation Committee. My name is Edward Pincar, and I am the Director of Intergovernmental Affairs for the New York City Department of Transportation. Joining me today is Franco Esposito, Senior Counsel at DOT. Thank you for the opportunity to testify in support of Intro 784, which would clarify that parking time purchased for New York City's MUNI meters is transferrable. DOT's parking meter program governs over 85,000 on-street spaces throughout the five boroughs. Our network of meters is one of the most reliable systems in the country, having achieved an operability rate of 92.9 percent in Fiscal Year 2011. We expect this percentage to rise even higher once we complete the conversion of all remaining single space meters to MUNI meters by the end of December. In addition to better operability, MUNI meters offer several other advantages over single space meters. These include a convenient paying display system,

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2 the reduction of unnecessary sidewalk
3 encumbrances, and additional capacity for parked
4 vehicles along the same curb space. Further,
5 unlike single space meters, parking time purchased
6 at MUNI meters is not unique to a particular
7 space. Meaning that New York motorists can buy
8 time at one spot, and then use the remaining time
9 at another spot. As DOT progressed with
10 installing MUNI meters in more communities
11 throughout the City, we became aware that the
12 issue of receipt transferability is not entirely
13 clear to New Yorkers. We are therefore pleased to
14 have worked closely with Chairman Vacca to
15 finalize language on Intro 784, a bill that would
16 clarify this issue and make on-street parking even
17 easier for the City's motorists. The proposed
18 legislation would amend the Administrative Code to
19 allow parking time purchased at MUNI meters to be
20 transferrable, provided that a motorist moves to a
21 space with a rate that is the same as or less than
22 the rate of the space where time was purchased,
23 and provided that a motorist does not park in
24 excess of the maximum amount of authorized parking
25 time at a space. In addition, the bill would

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2 specify that the length of time a vehicle may park
3 at a subsequent space is calculated based on the
4 time at which parking was purchased. For example,
5 if a motorist purchases four hours of time at
6 10:00 a.m. and then moves to a spot that allows a
7 maximum of one hour of parking, the motorist would
8 be able to park at that space until 11:00 a.m.
9 This provision would ensure that our MUNI meter
10 system can continue to create the turnover
11 necessary to serve the demand of the City's
12 curbsides. On behalf of Commissioner Sadik-Khan,
13 I would like to thank Chairman Vacca and this
14 Committee for your continued cooperation on
15 important transportation issues. In summary, DOT
16 supports Intro 784 because it provides
17 clarification to New Yorkers about how and when
18 MUNI meter receipts can be used at different
19 parking spots. At this time, we'll be happy to
20 answer any questions you may have about DOT's
21 position on the bill. Thank you very much.

22 CHAIRPERSON VACCA: Thank you. I
23 want to introduce my colleagues who've arrived.
24 Council Member Vincent Ignizio to my left, Council
25 Member Oliver Koppell to my right. I think your

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2 testimony is self-explanatory--oh, you, too, okay
3 - - ---I think your testimony is self-explanatory,
4 I want to thank the Department of Transportation
5 for their help in getting this bill formulated
6 with my Committee. I want to thank the Mayor's
7 Office for their support and cooperation. I think
8 all of us worked very well together on this. And
9 I thank you for your testimony. I do have a
10 question, I think that this is a common sense type
11 thing that we should be doing. But maybe I'll
12 have questions after my colleagues, 'cause they
13 have, they have questions. I have to look good, I
14 have to have questions, too, so therefore I'll
15 come back. Council Member Gale Brewer first, and
16 then Council Member Ignizio.

17 COUNCIL MEMBER BREWER: Thank you
18 very much. It was a beautiful day on Saturday, so
19 I was all around my district, and I ran into two
20 kinds of questions about MUNI meter. One is, in
21 one situation, I know you mentioned 92 percent
22 operate, but one particular block, and I have to
23 find out which one, I can't remember, but I will
24 let you know, the MUNI meter did not work. And
25 so, I'm wondering in relation to this bill where

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2 you have a MUNI meter that doesn't work, having
3 come from another meter where you put your money
4 in--in the old days, of course, if you had a
5 standalone meter, we wall put paper bags over it
6 and said, "Didn't work," and that's what we did.
7 We can't really put a paper bag over our MUNI
8 meter. So I guess my question is, when a MUNI
9 meter doesn't work, how do you handle this
10 particular--I have money left on my receipt?

11 [pause]

12 EDWARD PINCAR: Council Member,
13 that's an excellent question. I understand that
14 there was a bill passed last year that says that
15 if there is a broken meter, you are able to park
16 at that meter for the amount of time that would
17 otherwise be allowed. But if you have the
18 specific location, if you can get it to my cell -
19 -

20 COUNCIL MEMBER BREWER:
21 [interposing] I will, no, I will, I'm just, I'm
22 just--so, I guess my question would be how do you
23 communicate that to the public? But I know I
24 should know what bills we passed. But I'm one of
25 three Council Members who doesn't have a car, so I

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really don't know too much about cars.

EDWARD PINCAR: Well, I believe, and Franco, correct me if I'm wrong, I believe in the case of someone who is able to buy a MUNI meter receipt at a working machine, and then transferred to a spot where the machine was broken, because they would be displaying the receipt from the original working location, that that would be covered. And then in the instance, if you go to a location where the MUNI meter is broken, then the existing policy--

COUNCIL MEMBER BREWER: Okay. And I just think that as we pass this type of legislation in general, DOT needs to do a good job of including communication about the different laws that have passed, with the MUNI meter. Maybe it's written on the meter--you decide. But there must be a little bit more communication.

EDWARD PINCAR: That's an excellent suggestion, I will take that back.

COUNCIL MEMBER BREWER: The person who asked me about it did not know what to do about the broken meter, what was - - what wasn't. My second question, and this is more anecdotal,

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2 but I ran into two people who thought Council
3 Member Vacca's bill had passed. And so they were
4 delighted, 'cause they could park in front of my
5 district office, at a MUNI meter space, with the
6 money still on their receipt, and they were so
7 delighted that Council Member Vacca had already
8 passed the bill. Thank you very much. [laughter]

9 CHAIRPERSON VACCA: Maybe they can
10 move to my district. I need them to be happy with
11 me there. [laughter] Thank you, Council Member
12 Brewer. Let me clarify one thing, though. My
13 understanding was that when a MUNI meter was
14 broken, that you then had to walk to the next MUNI
15 meter to get a ticket, not that you were given the
16 time that you normally would've gotten anyway. I
17 need that to be clarified.

18 EDWARD PINCAR: That's correct.

19 CHAIRPERSON VACCA: You have to
20 walk to the next MUNI meter.

21 EDWARD PINCAR: You go to the next
22 one; however, if there are no operable parking
23 meters, you can park up, up to the amount of time
24 on the sign at the location.

25 CHAIRPERSON VACCA: If there are no

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operable MUNI meters on that block.

EDWARD PINCAR: Yes.

CHAIRPERSON VACCA: On that block.

So if there is a broken one, you are to walk to the one nearest on that block, and then get the ticket and put it in your window; but if there's no operable ones on a block, you take the time that you normally would have gotten.

EDWARD PINCAR: Correct.

CHAIRPERSON VACCA: Okay. Thank you. Council Member--first let me mention we've been joined by Council Member Debbie Rose to my right, and Council Member Ignizio is next.

COUNCIL MEMBER IGNIZIO: Thank you very much, Mr. Chairman. Excited to be here today, we are live for the first time, I believe we're going live today, so it's an exciting day. And want to welcome my friend Ed Pincar and congratulate him on his performance today. My question is regarding the excessive, or the excess of hours. You said if you have a location where the max is an hour, and you had three hours, you would only, you have to leave at 10:00 o'clock. The hours thereafter would be null and void, or

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2 those two you can go if you had a lot of errands,
3 you can go to another meter and put that in as
4 well. How does--

5 EDWARD PINCAR: Theoretically,
6 Council Member, if you were to purchase four hours
7 of time from a four hour meter--

8 COUNCIL MEMBER IGNIZIO: Right.

9 EDWARD PINCAR: --the bill would
10 allow you to, say you parked from 10:00 a.m. to
11 10:30 in a four hour zone; if you wanted to move
12 to a one hour zone, you would be able to park
13 legally in the one hour zone from 10:30 to 11:00.
14 If you then wanted to go back to a four hours
15 zone, you would have the option to go back until
16 your expiration time.

17 COUNCIL MEMBER IGNIZIO: Okay. I
18 just think this is a good bill, Mr. Chairman, and
19 I'm only upset that it's yours. And I want to be
20 associated if I can, if you'll let me go on as a
21 co-sponsor as well. And I want to thank the
22 Transportation Commissioner, this is really how
23 good government works, where the Committee and the
24 Chairman work with the DOT and really the
25 beneficiaries here will be the traffic public who

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2 use these meters. So, thank you Mr. Chairman and
3 that's all I have.

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CHAIRPERSON VACCA: Thank you,
5 Council Member Ignizio, and we will be adding your
6 name to the bill as per your request. Council
7 Member Peter Koo.

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COUNCIL MEMBER KOO: Thank you,
9 Chairman Vacca. Now the - - and Council Member
10 Vacca said that this is one of the better bills
11 that we ever passed, you know. Yeah. [pause,
12 background noise] - - Council Member Ignizio has
13 just said this is one of the better bills that
14 they ever pass from the City Council. And it's
15 especially good for the common folks, - - . And
16 my question to, to you, or the Councilmen
17 [phonetic] on the Transportation side, is suppose
18 that somebody purchases a ticket and for \$12. You
19 - - . And then, it's illegal for the driver to
20 sell the ticket to - - to the stop, to the MUNI,
21 meter, to - - . Say, "Hey, I have \$10 left, can
22 you give me like \$7 for it or \$5 for it?" So,
23 it's illegal. It's transferrable, you say it's
24 transferrable. - -

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EDWARD PINCAR: That's an excellent

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2 question, Council Member. I'm - - [background
3 noise] I would, I would have to refer to the
4 Police Department. But in the meantime, we can
5 look into that--

6 COUNCIL MEMBER KOO: I mean, this
7 is one of the things you need to look into.

8 CHAIRPERSON VACCA: Well, well let
9 me say this, if I can, if I can interrupt. I
10 don't think there would be any reason for anyone
11 to sell the MUNI meter, bec--why would they want
12 to sell the receipt, let them go buy their own
13 receipt.

14 EDWARD PINCAR: I would agree, but-

15 -

16 CHAIRPERSON VACCA: Right, but that
17 may not occur. I mean, I'm not saying in New York
18 City with a City of eight million people, anything
19 is possible, yes. But--

20 COUNCIL MEMBER KOO: On receipts,
21 they pay \$8 for it, they only use it one hour--

22 CHAIRPERSON VACCA: Can they, can
23 they sell the remainder of the seven hours because
24 they only used on hour? I would think they
25 probably could, if they want to do that, but I

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don't know how many people would.

EDWARD PINCAR: I'm not sure that there's any - -

CHAIRPERSON VACCA: [interposing]
Is there a market for this, I don't think so.

EDWARD PINCAR: We will look into it for you.

[background comment]

COUNCIL MEMBER KOO: No, no, I'm -
- because, you, I'm sure this will come across later, because especially if you have a twelve hour ticket, and you, you can use it use it for another three hours. And they might come, I - - illegal, right, they will stand there and, and ask people for. And, and they want to buy it but they want to question whether it's legal.

EDWARD PINCAR: Council Member, I would be happy to look into that and follow up with you on that question.

CHAIRPERSON VACCA: Thank you, please do.

EDWARD PINCAR: Yes, sir.

COUNCIL MEMBER KOO: All right, thank you very much.

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2 CHAIRPERSON VACCA: Thank you,
3 Council Member Koo. We've been joined by Council
4 Member Jimmy Van Bramer. Council Member Debbie
5 Rose has a question.

6 COUNCIL MEMBER ROSE: Hi.

7 EDWARD PINCAR: Hi.

8 COUNCIL MEMBER ROSE: I want to
9 thank you for, for, or the Commissioner, for
10 coming out and addressing a question that we had
11 in terms of the distance that the MUNI meters are
12 placed. So, I want to say that it was really nice
13 to see that the response of the Commissioner in
14 that you did take into account our concerns. I
15 have a question about the timeframe for the MUNI
16 meter. We have two commercial strips that, you
17 know, are pretty much almost identical in
18 different areas. And the amount of time that the
19 MUNI meter is in effect is somewhat longer than
20 one of the other commercial strips. Is there
21 something that can be done in terms of equity, to--
22 -Like the hours are for one, 9:00 to 5:00, and the
23 one in my district was 8:00 to like 7:00. You did
24 shorten that time to 9:00 to 6:00. But is there
25 some way to--or is there some guidelines that you

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2 use to judge how much time the MUNI meter would be
3 in effect? And is there some sort of equity or
4 parity?

5 EDWARD PINCAR: Well, there--there
6 is certainly, there are certainly guidelines that
7 help our Parking Division determine the necessary
8 hours in commercial strips. Commercial strips are
9 no all created equal, and depending on the types
10 of businesses that are on the strip, they might
11 need different times. For example, more
12 restaurants in a certain area would allow for, you
13 know, maybe later time. I think you're referring
14 to Forest Avenue. If you could tell me - -

15 COUNCIL MEMBER ROSE: [interposing]
16 Forest Avenue versus New York Lane.

17 EDWARD PINCAR: --I will be happy
18 to--

19 COUNCIL MEMBER ROSE: They're
20 pretty, they're pretty similar in terms of the
21 types of businesses, the number of restaurants,
22 and the Forest Avenue strip has, you know, is
23 required to feed the MUNI meter for a longer
24 period of time.

25 EDWARD PINCAR: I can ask both

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2 Borough Commissioner Tom Cocola and our Assistant
3 Commissioner for Parking, I believe that they've
4 had some discussions on this, and that there'll be
5 some changes coming up. So, I will get back with
6 them, and then one of us will get in touch with
7 your office.

8 COUNCIL MEMBER ROSE: Okay, thank
9 you. And the Chair, I would like to add my name
10 to this legislation. Thank you.

11 CHAIRPERSON VACCA: Thank you. And
12 please add Council Member Rose to the legislation.
13 There being no further questions from Committee
14 Members--Oh, Gale, one more question.

15 COUNCIL MEMBER BREWER: Just a
16 comment that I think is funny. One is there
17 should be an app for these MUNI meters, 'cause
18 nobody knows what in the world they really do.
19 And then, and YouTube will make, should be this
20 particular webcasting, I think you might be the
21 first, 'cause this has been the funniest
22 webcasting experience I've had in the last four
23 days, since webcasting started. Thank you very
24 much, and I hope you add my name to the bill.

25 CHAIRPERSON VACCA: Thank you, I, I

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2 think. [laughter] Thank you, Council Member
3 Brewer, and we will add your name to the bill as
4 you had requested. There are no further
5 witnesses. I do want to welcome Council Member
6 Eric Ulrich who has joined us. But there are no
7 further questions, so the Department of
8 Transportation, again, I thank you for your
9 cooperation and I look forward to this bill
10 becoming a reality, and being ahead as we are
11 today, I think that will happen soon. So thank
12 you for your help.

13 EDWARD PINCAR: Thank you.

14 CHAIRPERSON VACCA: I would not
15 like to introduce Jeff Frediani, who is with AAA
16 of New York. Our witnesses today will be limited
17 to three minutes. Okay? Thank you. [pause,
18 background noise] Please introduce yourself for
19 the record.

20 JEFFREY FREDIANI: Sure. My name
21 is Jeffrey Frediani, I'm a Legislative Analyst
22 with AAA New York. and AAA New York serves more
23 than 1.6 million members residing in the City of
24 New York and adjacent counties of New York State,
25 and we support Intro 784-A. In recent years, many

1 municipalities have moved away from traditional
2 coin-based parking meters to electronic MUNI
3 meters that dispense timed receipts to be
4 displayed on a vehicles dashboard. While MUNI
5 meters offer more convenience than a traditional
6 meter, such as accepting debit and credit card, it
7 can also create new problems for drivers, such as
8 having, such as parking and having to walk,
9 sometimes to the end of the block to access a MUNI
10 meter, leaving your car unattended in the process,
11 and at risk of getting a ticket, although not
12 within the five minute grace period As proposed
13 in Intro 784-A, drivers would have the opportunity
14 to retain a still valid MUNI receipt and park at
15 any other metered spot with the same or lower
16 parking rate. Enacting this legislation will
17 eliminate any confusion between the Department of
18 Transportation and ticketing agents on the street,
19 as to whether receipts with remaining time
20 purchased are still valid, therefore reducing the
21 number of tickets for drivers. In addition, it
22 will allow drivers to get the full value of the
23 parking time they purchased, instead of
24 theoretically paying for an hour's worth of
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2 parking only to drive away after 15 minutes and
3 have to pay for another parking spot. Estimates
4 place the amount of revenue New York City receives
5 each year from parking tickets in the neighborhood
6 of \$600 million, with drivers continuing to be a
7 top revenue source for the City, implementing
8 small, common sense measures such as this only
9 seems fair. Thank you for the opportunity to
10 comment.

11 CHAIRPERSON VACCA: I thank you
12 very much. And I thank you for all the work your
13 organization does, to make driving safe, and to
14 make sure that motorists are part of the
15 conversation, as we talk about important bills
16 like this. You know, when I introduced this bill,
17 I thought it was just common sense, but then one
18 of my neighbors gave me a very good analogy. My
19 neighbor said to me, "Jimmy, it's like when you go
20 to a restaurant and you order a meal, and you
21 don't finish the meal, so you have a right to a
22 doggy-bag because [laughter] you're paying for the
23 meal." And it is your meal, and if you want a
24 doggy-bag, you're going to get a doggy-bag.
25 That's the same thing under this law. This law

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2 says you pay for the meal and you're entitled to
3 all the time you pay for, whether it's at one
4 location or another. So I think this is common
5 sense. But we've had too many reports of one
6 agency doing, one agency telling us yes, this is
7 the practice, but then another agency not
8 recognizing the practice, and people have been
9 caught in the crosshairs. And as meter, as the
10 MUNI meters are new, many neighborhoods still
11 don't have them, I thought we should come out with
12 legislation because MUNI meters in the past have
13 not been legislated. We've legislated the
14 standalone meters; when you have something new
15 like this it requires thinking out of the box
16 sometimes, and we've seen that this is important.
17 Are there any questions for the witnesses? For
18 our current witness, I'm sorry. There being none,
19 I thank you very much. There being no further
20 witnesses on this bill, we now have another,
21 another committee meeting, where we will take a
22 five minute recess. I'm awaiting some members and
23 agencies. I'll introduce Council Member Dan
24 Garodnick who has just joined us. But we will
25 take a recess until further notice.

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[gavel]

[pause, background noise]

CHAIRPERSON VACCA: Okay, our hearing will reconvene, please. Everyone take your seats. Take off, shut off your cell phones and your whatever on your Blackberries. [pause, background noise] Okay. Good afternoon, everyone. I'm James Vacca, and I'm Chair of the Committee on Transportation, and I want to thank Chair Margaret Chin, to--for her convening this hearing, jointly with my Committee. Those of us who work in Lower Manhattan certainly understand how much construction is going on all around us. You don't have to--excuse me [knocks]

FEMALE VOICE: Quiet, please!

CHAIRPERSON VACCA: If you live in, if you live or work in Lower Manhattan, you certainly understand how much construction is going on all around us. You don't have to look far to see it. Bur for residents of this growing neighborhood, the variances that are granted for all hours of the day and night can have a major impact on the quality of life. Nobody is suggesting that construction grind to a halt, even

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2 in the overnight hours. Residents of this
3 neighborhood understand that some projects are so
4 important to the City, like One World Trade Center
5 and the Fulton Transit Hub, that work should
6 happen around the clock. However, what we also
7 have is that variances that are often required
8 mean inconvenience and sometimes necess--
9 unnecessary inconvenience for residents. It's not
10 clear how DOB and DOT are coordinating to look at
11 the impact these variances for work have on nearby
12 residential streets. And I think it's important
13 they do coordinate their work and their approval
14 process. It is vital that the Administration
15 consider quality of life impacts when granting
16 overnight construction for loud, loud noise, and
17 coordinate construction efforts as much as
18 possible. The ongoing redevelopment of Lower
19 Manhattan is vital to our City's future, as is the
20 development of Lower Manhattan as a residential
21 neighborhood. We must find a way to secure the
22 growth of both, without compromising the quality
23 of life in the oldest neighborhood in our City.
24 Without further to do, I'd like to introduce my
25 Co-Chair, Council Member Margaret Chin, and thank

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2 her for her assistance in getting this hearing
3 together.

4 CHAIRPERSON CHIN: Thank you,
5 Council Member Vacca. Good afternoon, I am
6 Margaret Chin, Chair of the Committee on Lower
7 Manhattan Redevelopment and the City Council
8 Representative for District 199. I'd like to
9 thank my colleague, Council Member James Vacca,
10 Chair of the Transportation Committee, for co-
11 chairing today's hearing. I would also like to
12 thank the staff of both Committees and my own
13 staff for their help in organizing this hearing.
14 Today, we will hear from representatives from the
15 Department of Transportation, Department of
16 Housing and Building, the Lower Manhattan
17 Construction Command Center, Community Board One
18 and members of the Lower Manhattan community. In
19 the last ten years, Lower Manhattan has enjoyed a
20 tremendous rebirth as a vital commercial and
21 residential area. The redevelopment of Lower
22 Manhattan has included the ongoing reconstruction
23 on the World Trade Center site, as well as the
24 numerous other public and private projects.
25 Overall, the redevelopment has been a success, new

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2 businesses have opened, major infrastructure has
3 been modernized, and the populations south of
4 Canal Street and Lower Manhattan has doubled to
5 approximately 70,000 in the last ten years. Tens
6 of thousands of residents now lives in the area of
7 districts once considered primarily industrial or
8 commercial, including TriBeCa and the Financial
9 District. Unfortunately, the redevelopment of
10 this scale brings with it substantial disruption
11 to the quality of life, to residents, workers and
12 small businesses. Some residents have been
13 overwhelmed by the sheer number of projects around
14 them. For example, on John Street, in the
15 Financial District, residents have been living
16 between and above five major projects: the Fulton
17 Street Transit Hub, a hotel project on 24 John
18 Street, a high rise Pace dormitory project at 180
19 Broadway, both ConEd steam and gas work, as well
20 as DDC's Fulton Street Project Phase III; and 113
21 National Street construction of a 22 story
22 residential building. These are all projects that
23 have been ongoing for close to a year or more, and
24 some of them are likely to continue for years to
25 come. Residents have suffered from nighttime

1 jackhammering and other noisy working, John street
2 has been dismantled to such a degree that
3 residents have expressed concern over whether
4 ambulance and fire trucks would be able to gain
5 access in an emergency. John Street residents are
6 not the only one, however, who suffer from 24/7
7 construction and the accompanying noise. For more
8 than 1,600 apartment units of South Bridge
9 [phonetic] Tower, which overlooked the Brooklyn
10 Bridge, are subject to extremely noisy nighttime
11 work from the Brooklyn Bridge reconstruction
12 project, which is a multiyear project. In Lower
13 Manhattan, we have been fortunate to have the
14 Lower Manhattan Construction Command Center which
15 was created by Executive Orders by the Governor
16 and the Mayor, to coordinate enormous amount of
17 construction projects in Lower Manhattan. The
18 LMCCC is an invaluable resource for Lower
19 Manhattan residents. The LMCCC helped manage
20 utility work and power outage, the delivery of
21 steel to construction site, construction staging,
22 and access for workers, coordinating the 10,000
23 construction vehicles that operate in Lower
24 Manhattan every month. The LMCCC staff hold
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2 weekly meetings with contractors and biweekly
3 community forums, send daily email blasts and
4 updates to area residents on the status of
5 construction. They monitor car traffic and
6 pedestrian flow around work site and report on air
7 quality and dust on a daily basis, they visit
8 construction sites to monitor noise, vibration and
9 other construction related sound, and they respond
10 to residents' complaint among other
11 responsibility. A year ago, Governor Cuomo
12 granted a three year extension of the LMCCC
13 through 2013, to cover the height of construction
14 in Lower Manhattan. However, in January of 2012,
15 only a year later, Governor Cuomo announced the
16 downsizing of LMCCC and plans to let go all but
17 three fulltime staff members. I have expressed my
18 concern that LMCCC will not be able to function on
19 such a reduced staff. However, the Governor's
20 Office has assured me that LMCCC will be able to
21 maintain its current level of service through peak
22 construction in 2013. Hopefully, we can learn
23 more about how LMCCC will be structured moving
24 forward in today's hearing. The fact is, however,
25 that construction noise is a common complaint in

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2 New York City. I'm confident that I'm not the
3 only Council Member here who has received calls
4 from constituents about jackhammering, torn up
5 street or after hour work. The Construction
6 Management Code and DEP Noise Code were written to
7 ensure that the impact of construction would be
8 mitigated. However, I am concerned that the
9 current codes do not do enough to protect
10 residents from long term disruption. There are
11 many undefined exceptions written into the law for
12 things such as public need or emergencies, or even
13 more exceptions written into law that put
14 discretion solely in the hands of the agency
15 completing the work. I hope that today we can
16 start to delve into what criteria exactly agency
17 use when issuing after hour permits for hours when
18 most residents are asleep. Do they consider, for
19 example, whether resident live right above or next
20 to or across from the project in question? Or how
21 often do agencies communicate and coordinate with
22 each other about how, about other permits and
23 variance issue for one particular area. I thank
24 all of you who have come here to testify today,
25 and I'm looking forward to having a productive

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conversation about this issue.

CHAIRPERSON VACCA: Thank you--

CHAIRPERSON CHIN: Thank you, Chair
Vacca.

CHAIRPERSON VACCA: Thank you,
Council Member Chin. The members who are here, at
this point, are Council Member Gale Brewer,
myself, Council Member Chin, of course, Council
Member Dan Garodnick of Manhattan. Let me
introduce our panel: Donald Weinstein, from the
Department of Buildings; Luis Sanchez, New York
City DOT, Lower Manhattan Borough Commissioner;
Derek Lee, New York City Department of Buildings,
Borough Commissioner for Manhattan; Mr. Pincar
from New York City DOT, Intergovernmental
relations. Okay. Who would like to start.

LUIS SANCHEZ: I'll start.

CHAIRPERSON VACCA: Okay, introduce
yourself for the record, and thank you.

LUIS SANCHEZ: Good afternoon, my
name is Luis Sanchez, and I am the Lower Manhattan
Borough Commissioner for the New York City
Department of Transportation. Joining me today is
Edward Pincar, DOT's Director of Intergovernmental

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2 Affairs. Thank you for inviting us to update the
3 Council on the Department's role in coordinating
4 construction activity in Lower Manhattan. Lower
5 Manhattan is one of New York's busiest areas
6 serving the City's financial and government
7 sectors, as well as drawing large numbers of
8 tourists and shoppers each day. Over the past
9 decade, the area has blossomed into a vibrant
10 residential neighborhood. This transformation,
11 along with the continuing effort to rebuild the
12 World Trade Center site, and other key pieces of
13 infrastructure, has resulted in an increased
14 amount of construction activity. As you can
15 imagine, coordinating such activity in the
16 relatively small, narrow, urban space with large
17 amounts of people can be particularly challenging.
18 DOT is one of several agencies charged with
19 oversight of construction work in Lower Manhattan,
20 specifically as it concerns work performed within
21 the streets and sidewalks. Other entities
22 involved are the Port Authority of New York and
23 New Jersey, the New York State Department of
24 Transportation, and the Metropolitan
25 Transportation Authority, New York City's

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2 Department of Design and Construction. In 2004,
3 Mayor Bloomberg and then Governor Pataki
4 established the Lower Manhattan Construction
5 Command Center, which is responsible for the
6 coordination and general oversight of major public
7 and private construction projects south of Canal.
8 DOT works closely with the Police Department, the
9 Department of Buildings, DEP, Department of
10 Sanitation, through the Command Center's
11 construction permit enforcement taskforce. Before
12 I explain DOT's role in this coordination, I would
13 like to provide some background on the
14 Department's Lower Manhattan Borough
15 Commissioner's Office. In the aftermath of the
16 September 11 terrorist attacks, DOT established
17 this office in order to concentrate on
18 coordinating the construction work associated with
19 the rebuilding of the World Trade Center site, as
20 well as other infrastructure and street
21 reconstruction projects south of Canal Street.
22 This coordination is intended to ensure that work
23 could be accomplished with the least amount of
24 disruption to the residents, businesses and
25 visitors of Lower Manhattan, all while keeping the

1 reconstruction of this vital area on track. The
2 Lower Manhattan Borough Commissioner's office is
3 the headquarters for permitting all activity
4 within the City street and sidewalks in Lower
5 Manhattan. This means that whenever contractors
6 or utilities need to perform underground work or
7 store equipment or material in the right of way,
8 such entities must apply for a DOT permit. The
9 majority of permits that we issue are for street
10 excavations which include capital work for street
11 reconstruction projects, utility repairs such as
12 gas lines or plumbing repairs. The other types of
13 permits are for building operations, meaning
14 construction work that has already been approved
15 by the Department of Buildings. Our office issues
16 approximately 900 to 1,000 permits per month, and
17 about a third of these are for private utilities.
18 Regardless of the purpose of the specific
19 activity, when there is a partial or full street
20 closure, DOT works to ensure that other concurrent
21 projects can take advantage of the closure to
22 maximize efficiency and productivity. To do so,
23 DOT holds weekly coordination meetings with all
24 parties involved for the specific street closures
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2 as they pertain to crane operations, construction
3 deliveries and street cuts. In addition, we work
4 with ConEdison, Empire City Subway, Building
5 Developers and Contractors, on various
6 construction issues, including sidewalk and lane
7 occupancy, lane and roadway closures, work hours
8 and workdays. We meet with ConEd twice a week, to
9 review their permit requests. The purpose of this
10 intense coordination is to take into account the
11 many stakeholder groups that are impacted by
12 planned construction work. We know that residents
13 want peace and quiet at night; at the same time,
14 businesses need deliveries and customers during
15 the day. Pedestrians and vehicles must be able to
16 circulate safely around construction sites, and
17 contractors must construct their projects in a
18 timely manner. Whenever DOT reviews permit
19 applications, we must account for all of the
20 competing needs of residents, businesses and
21 contractor, and ultimately public safety. This
22 balancing act can be very complicated. In
23 general, DOT discourages night work in lower
24 Manhattan. Due to the geometric constraints of
25 narrow streets and the lack of a cohesive street

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2 trade, however, daytime closures are extremely
3 difficult for both vehicular and pedestrian
4 circulation. Accordingly, we occasionally prevent
5 night work but only when absolutely necessary, and
6 under the strictest stipulations. Sometimes
7 contractors fail to obey these stipulations,
8 either by exceeding the permitted work hours, or
9 by failing to restore the roadway properly. In
10 order to protect the public from such offenses,
11 DOT's highway inspection and quality assurance
12 unit inspectors traverse the City every day to
13 inspect the work in response to community
14 complaints. Our enforcement efforts are
15 particularly effective in Lower Manhattan because
16 the area is condensed and our inspectors are able
17 to travel quickly between job sites. In calendar
18 year 2011, DOT issued over 2,000 summons in Lower
19 Manhattan alone. And we will continue to monitor
20 closely in order to ensure contractors are
21 complying with the terms and conditions of our
22 permits. About a third of these summonses are for
23 failure to comply with the stipulations, materials
24 storage and street openings without a permit. As
25 I hope my testimony shows, DOT plays a unique and

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2 important role in coordinating construction
3 activity in Lower Manhattan, work that will help
4 ensure a bright future for this vital community.
5 Thank you again for inviting us to testify this
6 afternoon, we'll be happy to answer any questions
7 you may have.

8 CHAIRPERSON VACCA: Thank you.

9 Does anyone else wish to testify? Oh. Don - -
10 I'm sorry, could you please, I'm sorry.

11 DEREK LEE: Yes, - - . Good
12 afternoon, Chairwoman Chin and Chairman Vacca, and
13 Members of the Committee. My name is Derek Lee,
14 and I am the Manhattan Borough Commissioner at the
15 Department of Buildings. I'm here today with
16 Donald Weinstein, Director of Community Affairs,
17 and other members of the Department. I want to
18 thank you for the opportunity to hear our comments
19 on construction work in Lower Manhattan. Our
20 Department's core missions are clear: to advance
21 public safety, to enforce the laws that govern
22 construction, and to facilitate compliant
23 development. We also seek ways to improve
24 construction safety, strengthen compliance and
25 streamline our processes, to allow legal

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2 construction to move forward. DOB enforces
3 compliance with proactive and complaint
4 inspections, and issue violations where necessary.
5 Over the past few years, Lower Manhattan has
6 become a top retail, recreational, dining and
7 tourism destination in the City. Therefore, it
8 should come as no surprise that along with the
9 reconstruction of the World Trade Center site,
10 Lower Manhattan has also seen a surge in
11 construction. There are a number of
12 nonjurisdictional capital projects occurring, such
13 as street reconstruction and the rebuilding of
14 water and steam systems. In addition to DOB
15 regulated private development. Currently, the two
16 largest private projects are at 180 Broadway and
17 24 John Street. The project at 180 Broadway is
18 the home of a new 24 story, Pace University
19 dormitory. At 24 John Street, located just west
20 of Nassau Street, is a new enlargement of a former
21 six story office building, to a 21 story hotel is
22 ongoing. Normal construction work hours are 7:00
23 a.m. to 6:00 p.m. weekdays. Under the City's
24 administrative code and after hours variance, or
25 AHV, is required if you seek to perform

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2 construction work before 7:00 a.m. or after 6:00
3 p.m., or on the weekend. To request an AHV, an
4 applicant must file a people - - form with the
5 borough office for review. These two projects do
6 routinely apply for after hour variances. Since
7 2004, the Department has worked with the Lower
8 Manhattan Construction Command Center. During
9 most of the time, DOB had inspectors stationed at
10 the center. LMCCC facilitates daily activities
11 scheduling and logistics of both public and
12 private sectors construction projects. LMCCC has
13 a master schedule project, a weekly advisory
14 email, and a biweekly coordinating meeting for all
15 agencies and representatives from Community Board
16 One, as well as elected official offices. Thank
17 you for this opportunity to discuss these
18 construction projects in Lower Manhattan, and I
19 would be happy to answer any questions you may
20 have.

21 CHAIRPERSON VACCA: Thank you. I'd
22 like to mentioned we've been joined by Council
23 Member Rosie Mendez and Council Member Jessica
24 Lappin. I wanted to ask, how many permits have we
25 issued? How many permits has DOT issued? How

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many permits for variances has DOB issued? Let's say in the past year?

LUIS SANCHEZ: Well, for, for DOT, as I mentioned before, anywhere from 900 to 1,000 a month. So, project that we're probably talking anywhere from 10,000 to 12,000 permits. That's just south of Canal Street. One--

CHAIRPERSON VACCA: 10,000 to 12,000 permits--

LUIS SANCHEZ: Per year.

CHAIRPERSON VACCA: Per year.

LUIS SANCHEZ: Right. And basically, a construction site does, it doesn't mean there were 12,000 construction projects, but a construction site may have five or six individual permits for a site, so there may be a different permit for staging requirements, a different permit to close a roadway, so there's some overlap in the permits.

CHAIRPERSON VACCA: How many Buildings, how many has Buildings, how many did Buildings give?

DEREK LEE: There are five major new buildings in the Lower Manhattan area, and

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2 they do apply for variances. On the whole, the
3 Borough of Manhattan do issue after hour variances
4 in the hundred range, depending on the week of
5 construction activity, and most of those permits
6 are uptown in the commercial area, office area.
7 So, to be more specific we have different numbers
8 with - - .

9 CHAIRPERSON VACCA: In the Lower
10 Manhattan, are we talking hundreds?

11 DEREK LEE: No, no, no--

12 CHAIRPERSON VACCA: No.

13 DEREK LEE: - -

14 CHAIRPERSON VACCA: So you issue a
15 much smaller number.

16 DEREK LEE: A very small number.

17 CHAIRPERSON VACCA: Okay. DOT's
18 permits, do DOT's permits give a, a cutoff time?
19 Do you give variances to work beyond 7:00 o'clock,
20 beyond 8:00 o'clock? Typically, our permits to
21 7:00 a.m. to 10:00 p.m., on street work. And as
22 an example let's say a DBC project where there's a
23 street reconstruction project, the City contractor
24 is working in the construction site, let's say
25 he'll typically start from 7:00 a.m. to 3:00 p.m.

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2 Once that shift is over, the, a ConEd crew will
3 come in, or an MCS crew will come in, to work in
4 the site. Part of it is because you just, you
5 know, the size of the site, you can't have two
6 different contractors working in the same area.
7 So, the Other contractor will come in in the aft--
8 for the evening shift, if you go up to 10:00
9 o'clock. Our permits basically stop at 10:00 p.m.
10 They can, there's some work that happens after
11 10:00 p.m. that is supposed to be quiet work. For
12 instance, if they're laying cable, or they're
13 pulling cable from one manhole or the other, that
14 is quiet work. Unfortunately, some of the
15 contractors, they, you know, they'll overstay
16 their welcome, so to speak, and work past 10:00
17 o'clock with either unauthorized jackhammering or
18 other construction activity.

19 CHAIRPERSON VACCA: When it's
20 unauthorized jackhammering beyond the permit, then
21 the community or the community board should be
22 calling the Police Department.

23 LUIS SANCHEZ: Well, they should be
24 calling 311. They also can call the Community
25 Board. What we normally do, we'll get an email

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2 from the, from the Community Board within the next
3 day or two, when they get a complaint.

4 Councilwoman Chin's office sometimes gets
5 complaints or some of the other elected officials,
6 they'll forward it to us immediately, and what we
7 do is we notify our inspectors to come out the
8 next day, if we see that they have permits to work
9 let's say for the entire week, we send the
10 inspectors out to follow up afterwards. And
11 that's, and if they're making noisy work, that's
12 when they get summonses.

13 CHAIRPERSON VACCA: The permits
14 that DOT posts have time limits on them?

15 LUIS SANCHEZ: Yes. - -

16 CHAIRPERSON VACCA: [interposing]
17 So they can be seen by people as to what the time
18 limits are.

19 LUIS SANCHEZ: Yes, yes. Now
20 sometimes what also happens is, as it was pointed
21 out before, emergency work can come in and they'll
22 get a permit, a special what they call emergency
23 permit, to do work at night because either there's
24 a gas leak, a steam leak, so you know, that,
25 that's part of the--

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2 CHAIRPERSON VACCA: But separate
3 from the emergencies, don't you think that 10:00
4 o'clock is late to have jackhammering and other
5 things going on? Separate from emergencies, that
6 of course I understand. But when I look at the
7 sheer number of permits DOT is issuing, and having
8 them go to 10:00 o'clock at night in a residential
9 area, it would seem to me that people after a
10 period of time, would just say--

11 LUIS SANCHEZ: - - I agree - -

12 CHAIRPERSON VACCA: [interposing]
13 what--how long does the average permit run for,
14 these various permits? How long do they run for?

15 LUIS SANCHEZ: One of the things,
16 well, one of the things we're trying to do is
17 trying to restrict as much of the night work as
18 possible, and shift it over to the weekends. But
19 a lot also depends on the availability of ConEd
20 crews or DCS crews. You know, there's only so
21 much work that you can shift over to the weekends,
22 and it has to be before midnight. So, and
23 sometimes the work, you know, one of the other
24 things that the contractor, let's say the City
25 contractor will say, "Well, I can't do my work

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2 because ConEd has not finished their work." So,
3 it's kind of like a balancing act the way we're
4 trying to accommodate the parties. We agree that
5 sometimes there is too much work in the evenings,
6 and certainly we'll work to see about limiting it.

7 CHAIRPERSON VACCA: In a small
8 area, and I realize the nature of the problem, of
9 course, we were attacked on 9/11, but in a small
10 community board area, you're talking about 10,000
11 DOT variances in one year--

12 LUIS SANCHEZ: Not variances, just
13 permits.

14 CHAIRPERSON VACCA: Permits.

15 LUIS SANCHEZ: Yes.

16 CHAIRPERSON VACCA: 10,000 permits
17 in one year, so almost everybody has experienced
18 work going on till 10:00 o'clock at night, on
19 their blocks. It just seems like it's a lot of
20 people being impacted by this.

21 EDWARD PINCAR: Council Member, if
22 I can, my name is Edward Pincar, and I'm the
23 Director of Intergovernmental Affairs for DOT.
24 Just to put that number in context, the total
25 number of permits on a citywide level for this

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2 type of street excavation or building operation
3 work is somewhere in the upwards of 250,000 across
4 the City. Not every permit is an instance where
5 they're going to be working from 7:00 a.m. to
6 10:00 p.m. It could be, could pull a permit for a
7 very specific job, for example, installing
8 necessary plumbing or gas lines to a building
9 that, or to a business, that needs to open. They
10 might be permitted to do work from specific hours,
11 depending on the type of street. So, for example,
12 if you want to do work on Broadway, you probably
13 won't be allowed to do it at, on a Friday at 3:00
14 o'clock in the afternoon. So that's just a little
15 context of the different types of permitting
16 operation.

17 LUIS SANCHEZ: Thank you, thank you
18 for clarifying that. [laughs] Yes.

19 CHAIRPERSON VACCA: Let me go on to
20 Council Member Margaret Chin, our Co-Chair.

21 CHAIRPERSON CHIN: Thank you, Chair
22 Vacca. Commissioner Lee, I think in your, in your
23 testimony, you were talking about, you made
24 reference to John Street. And I, I also made
25 reference that in the, in my opening statement. I

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2 mean, it's like, it's really like a, it's chaos
3 over there, with so many construction project
4 going on. And you did mention about two private
5 project, and you say that these two projects do
6 routinely apply for after hour variance. So, when
7 is enough is enough? I mean, these are two public
8 project, like the hotel and the dorm. And then we
9 already have the public project going on in the
10 same area. I mean, the residents there, and the
11 small business here, have no break. So, I, what
12 criteria would DOB look at to keep giving them the
13 after hour permit?

14 DEREK LEE: Sure. The DOB after
15 hour variance permits, they come in pretty much
16 weekly, and their approval is only limited to one
17 to two week maximum, they have to reapply. And at
18 every phase of the construction, we look at the
19 specific task that they are doing for that
20 particular variance, and they put that particular
21 scope of work on the variance itself. And they
22 will only be permitted to perform those tasks
23 beyond the regular construction hours. So whether
24 it is a continuous foundation pull of concrete
25 that has to be pulled in one continuous lump of

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2 concrete, as opposed to having it stop, we look at
3 the different ways or different type of
4 construction, or if there is a lift on a crane,
5 where a counterpart agency, DOT, issue a permit
6 for the crane to arrive on the weekend, and to
7 bring material up to a higher floor. So we look
8 at each specific variance as they come in. And we
9 try to be, we try to strike a balance between
10 offering lawful development working hours and, you
11 know, the surrounding areas of businesses and
12 residence, in mind. In some instances, we did
13 have variance, either reduce or go back, in view
14 of certain operations that may not be necessary
15 for continuance duration, or uncertain public or
16 religious weekends, we would limit issuance of
17 that variance in residential areas.

18 CHAIRPERSON CHIN: I mean that the
19 residents there have got a little break during the
20 Easter weekend because - - intervened, and was
21 able to kind of like get the noise stopped on some
22 construction job stopped over that weekend. But in
23 a area where there's so many different projects
24 going on, I guess I'm just also asking DOT
25 Commissioner, in terms of the coordination of the

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2 different agency, how do you, how do you deal with
3 that area, when you have public project going on,
4 and private project going on, and then you, you
5 have people living there, working there,
6 businesses going on, in terms of the coordination?

7 LUIS SANCHEZ: Well, we, you know,
8 as Commissioner Lee mentioned, he talked about the
9 weekly contractors meeting at the command, at the
10 Construction Command Center. We have people from
11 our office who attend that meeting on Tuesdays.
12 We then have a follow up meeting in our office
13 later that afternoon with the specific contractors
14 associated with that project, and representatives
15 from the command center who also attend. And
16 there what we try to do is have all the
17 contractors go over what their schedules are, what
18 kind of special deliveries or special needs they
19 have, in terms of the project, so that one, all
20 the projects are coordinated, we're not closing
21 the street more than necessary. If John Street's
22 going to be closed, we want to make sure that
23 we're not, one, the contractors are not impacted;
24 or two, they can work around the closure. So
25 there is this, there is coordination, there is

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2 discussion. And what we try to do is make sure
3 that everyone is on the same page.

4 CHAIRPERSON CHIN: So, I mean, the
5 issue are what kind of notice, if any, do you give
6 to residents, or the small business there, when
7 you have after hour construction that's going on,
8 so that residents are informed that, "Okay, I know
9 that the jackhammering is going to go on until
10 10:00. And if it's after 10:00, then I'm going to
11 call the Police Department to complain." I mean,
12 do they get notice?

13 LUIS SANCHEZ: They basically,
14 unfortunately don't, but now, you know, we've
15 been, we've been more sensitive to the work that's
16 going on on John Street, and working with the
17 Command Center through the e-blast [phonetic] that
18 they say now notifying of major work activity, you
19 know, that is now going. We also require the
20 contractors, if they're going to need to close
21 John Street, to, for them to also do the proper
22 outreach to make sure everyone on that block knows
23 the type of activity and for how long that
24 activity is going to be occurring.

25 CHAIRPERSON CHIN: What about the,

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2 are there any coordination with the Police
3 Department?

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LUIS SANCHEZ: When, when John
5 Street's going to be closed, we talk to the Police
6 Department in terms of any special traffic control
7 requirements. We also notify the Fire Department
8 so that they know what side of John Street may be
9 closed for the fire access. We also, in certain
10 situations, depending on the type of work, we work
11 to, with the contractors, to ensure that they have
12 a fire lane available.

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CHAIRPERSON CHIN: Okay. But what
14 about, I mean, that, that is really good. What
15 about the part about the enforcement? Letting
16 NYPD know in terms of what after hour permits are
17 issued so that people can call them to file a
18 complaint? Because by the time you call 311,
19 nobody is going to come and stop the noise. And
20 it's after the fact. But if there's a way to kind
21 of do the enforcement at the time that it occurs,
22 a resident can call, you know, the first precinct
23 and say, "You know, there's this jackhammering
24 going on, it's 12:00 o'clock."

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LUIS SANCHEZ: We could follow up

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2 with that, I mean, the permits are posted and, you
3 know, I'm not sure how much jurisdiction the
4 police would have in terms of enforcing
5 construction permits. I could follow up on that.

6 CHAIRPERSON CHIN: And definitely
7 on that, and I don't know if DOT have any kind of
8 special, or DOB, you know, like inspectors that
9 can--

10 LUIS SANCHEZ: We have, we have our
11 own inspectors. So we have a HIQA unit, and when
12 we get a noise complaint and we know that a
13 contractor's going to be there the next couple of
14 days, we do send out an inspector a couple times
15 during the evenings or after work, overnight, to
16 look, to drive by the site and see that they are
17 abiding by the stips. And they are issued
18 summons.

19 CHAIRPERSON CHIN: But you don't
20 have any kind of enforcement mechanism, the time
21 that the, the violation occur.

22 LUIS SANCHEZ: Well, they'll get
23 summons, and we have in the past, if we, if we
24 know that a contractor is constantly violating the
25 stipulations, we have in the past revoked the

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2 permits. You know, revoking the permits is
3 sometimes more costly than a summons. So we, we
4 have revoked permits, we make the contractor come
5 back to the office to, or the next command center
6 meeting, and basically ask them to develop an
7 alternate work plan.

8 CHAIRPERSON CHIN: So, those are
9 all good, but you don't have any mechanism that
10 you can, an inspector can just show up when I call
11 somebody, I call the Police Department, or the
12 inspector can't show up and stop the illegal
13 construction going on.

14 LUIS SANCHEZ: Not--

15 CHAIRPERSON CHIN: You don't have
16 that - -

17 LUIS SANCHEZ: I wouldn't, I, let
18 me just get back to you. I don't, you know, right
19 now, I can't--now most of the calls are going to
20 311, in terms of their, if there are noise issues,
21 they go to DEP. We may get them, we won't get
22 them instantaneously. We'll get them probably the
23 next day or so, and then that's when we're able to
24 respond.

25 CHAIRPERSON CHIN: Yeah, but I

1
2 think we really need to look at if there's an
3 enforcement mechanism that could be in place where
4 you can stop them right there when they're
5 committing the violation. One more question that
6 I want to ask before I pass it on to other
7 colleagues is that what efforts have you made to
8 mitigate the noise level at construction site that
9 are near residential area? Like the Brooklyn
10 Bridge, you know, where construction that is like,
11 now I heard that they're doing the foghorns, you
12 know, like using a horn in the middle of the
13 night, telling people that--

14 LUIS SANCHEZ: Okay, I haven't, I
15 haven't heard that complaint, but--

16 CHAIRPERSON CHIN: That complaint
17 was the last, yesterday, at the--

18 LUIS SANCHEZ: We, you know, with
19 the Brooklyn Bridge Project, we have, we've been
20 looking at alternative noise mitigation plan, you
21 know, this, this project, because of the special,
22 the type of work, and the conditions of the work,
23 won't necessarily, the DEP noise code does not
24 apply to it. So what we've been doing is looking
25 at best practices to reduce the amount of noise.

1
2 Things like using mufflers on jackhammers,
3 minimizing the volume of backup alarms. We have
4 installed sound enclosures around worksites,
5 retrofitted equipment with noises reducing
6 measures. Obviously, it hasn't worked but, it has
7 reduced some of the noise, there's still going to
8 be noise, we continued to look at alternate
9 methods to reduce the noise. I don't have a
10 simple answer right now, but unfor--you know, we
11 are working to try to extend some of the weekend
12 hours, so that we can reduce the amount of noise
13 that we do at, work that we do at night, but
14 that's more of a long term solution, when we can
15 reduce the number, the, the long term duration of
16 the project, versus the immediate duration of the
17 project.

18 CHAIRPERSON CHIN: Now, you just
19 said that he DEP noise code do not apply. Why
20 wouldn't it apply here?

21 LUIS SANCHEZ: Because it has to
22 do, it has to do with the type of activity, and
23 the work hours. A lot of the work for the
24 Brooklyn Bridge involves jackhammering. The only
25 time, the only time to do the jackhammering is

1
2 obviously during the night, when we can close
3 ramps. It's very difficult to close any of the
4 ramps during the daytime, on the Brooklyn Bridge,
5 because obviously it leads to traffic gridlock.
6 And, you know, you know, we've been asked to look
7 at closing the bridge altogether, but that's just
8 impossible, 'cause you know, Canal Street and
9 Delancey Street wouldn't be able to handle any of
10 the alternate traffic. So, from that respect,
11 it's the type of activity that lends itself to, to
12 working at night and jackhammering at night.

13 CHAIRPERSON CHIN: Because there
14 has been other bridge construction, I mean,
15 reconstruction that happened before. So, there's
16 got to be some best practices or some mitigation
17 that was done that you would get the same amount
18 of complaints that we've been getting from
19 resident that live right around the Brooklyn
20 Bridge.

21 LUIS SANCHEZ: Yeah, I mean, again,
22 it's really the type of work, 'cause it's, there's
23 different, there's different projects that are
24 going on. There's also the lead abatement work
25 that, that's going on, as far, as part of the

1
2 bridge repainting, so that's done during the day.
3 There's, you know, if there was cable replacement
4 in the past, that's quiet work. So, it all
5 depends on the scope of work. Here, we're
6 excavating, we're actually jackhammering ramps.

7 CHAIRPERSON CHIN: But I really
8 urge you to really take a look at the mitigation,
9 because the amount of noise that's being
10 generated, it just like, it's unbearable.

11 LUIS SANCHEZ: I agree.

12 CHAIRPERSON CHIN: And there's got
13 to be a way to sort of like mitigate the noise,
14 'cause we're, residents are telling me that, yes,
15 you could surround the area, but then you don't
16 cover the top. So you still have noise that's
17 coming out and bouncing off from the water. And
18 so, there's got to be a way to find a creative
19 solution. And especially there's so many
20 residents that, in that area.

21 LUIS SANCHEZ: I could tell you
22 from personal experience, I have been out there,
23 at 2:00 and 3:00 in the morning, I agree it's
24 noisy and we've, you know, we've, I've thrown out
25 some ideas also. We're constantly looking at best

1
2 practices and again looking at what hours there
3 are where we could try to do more work during the
4 day.

5 CHAIRPERSON CHIN: Yeah, one of
6 the, one of the things, I guess, with the whole
7 reconstruction of, and rebuilding of Lower
8 Manhattan, a lot of time government and with the
9 private sector, they forgot that there are people
10 who live down here. So with all the construction
11 that's going on, and we got to be mindful that,
12 yes, we have a lot of visitors, we have workers,
13 we have business--at night we have residents. And
14 so that the mitigation of the noise, I mean,
15 that's something that really have to take a really
16 strong look at how do you mitigate, and then also
17 all these after hour permits, whether it's really
18 necessary and how do you coordinate between all
19 the projects that's going on at the same time.

20 LUIS SANCHEZ: I agree.

21 CHAIRPERSON VACCA: Thank you,
22 Council Member Chin. I do want to mention we were
23 joined by Council Member Darlene Mealy, who'll be
24 back in a second. Next we have Council Member
25 Jessica Lappin.

1
2 COUNCIL MEMBER LAPPIN: Well, thank
3 you. Is this on? We on?

4 LUIS SANCHEZ: I can hear you.

5 COUNCIL MEMBER LAPPIN: Skooch,
6 there we go. Thank you. The Chairs have asked
7 the questions that I was going to ask. I just
8 would reiterate, as somebody who represents the
9 Second Avenue Subway Construction Corridor, we and
10 all of the work that's been going on the 59th
11 Street Bridge for years and years and years, we
12 certainly know what it's like to live under the
13 constant din of construction noise. And I think
14 it's one thing it issue a permit for one week or
15 two weeks to someone who's doing a very small,
16 contained project. But just to really think about
17 the impact this has on people when it's every
18 week, sort of day-in and day-out. And I will say,
19 one of you was talking about the noise mitigation.
20 It can really be effective, but unfortunately what
21 we've experienced is they put the noise mufflers
22 on when they think you're coming, or when they
23 know you're there. And ten minutes after you've
24 left the site, they're off. And it's a constant
25 battle. And your help would be very much

1
2 appreciated, in terms of getting people, when they
3 do agree to noise mitigation, to actually use it.
4 So, thank you.

5 CHAIRPERSON CHIN: Thank you,
6 Councilman. I just want to follow up on the, the
7 procedure, like for example, what happened on John
8 Street. As told by my staff, it's because
9 residents there complained, complained. And it's
10 after months and months of complaining that you
11 put in all these protocols. So, is there a
12 general procedure in place when these kind of
13 construction happen in a site, are there like a
14 list of procedures that you do follow? Or maybe
15 learning from this experience, that we could put
16 something in place, so we don't have to wait until
17 people go crazy and keep on complaining, then, the
18 we get the agency to sort of start coordinating.

19 LUIS SANCHEZ: Well, I think John
20 Street was more than a usual case, because it
21 started with ConEdison working on several
22 emergencies. There was a gas leak, there was a
23 steam leak, so they came in and they started a lot
24 of their work at night. And as that was going on,
25 then we had the buildings going on. So, certainly

1
2 now that ConEdison is, we think, finished with
3 John Street, I think there's certainly a better,
4 there'll be an easier time to coordinate with the
5 projects. Certainly every, every street
6 reconstruction project, as much as we like to
7 think they're the same, they're always something
8 different, and we always, we're constantly
9 learning from it. I think, you know, we, we
10 certainly strive to do a better job the next time
11 around, so I'm hoping there are no more John
12 Streets.

13 CHAIRPERSON CHIN: [laughs] John
14 Street will always be there. But like we have so
15 many narrow street in Lower Manhattan.

16 LUIS SANCHEZ: That's part of the
17 problem, right?

18 CHAIRPERSON CHIN: Yeah, so next
19 one it could Nassau Street, you know, or Wall
20 Street. I just--

21 LUIS SANCHEZ: Well, and that's,
22 that's, I mean, that's what we have to deal with.
23 Unfortunately, it's not like uptown where if you
24 close part of First Avenue, traffic can detour to
25 the FDR Drive or Third Avenue. Down here,

1
2 there's, you don't have that many detours
3 available, because either the streets are too
4 narrow, you have the massive World Trade Center
5 construction site, on one side of Manhattan. So,
6 you don't have too many choices. So, as I said
7 before, you know, we're trying to work around all
8 the different avenues that we, or lack of avenues
9 that we have to try to make things flow a little
10 bit better.

11 CHAIRPERSON CHIN: No, I mean, I do
12 appreciate all the hard work your agency, and
13 Department of Building. Just that if we can
14 really have more information to the community
15 about after work, you know, after hour permits, as
16 being issue, so people sort of know what is
17 happening their neighborhood. So, if they have to
18 file a complaint or they have to alert you to
19 violation that's been happening, that they have
20 the information. A lot of times people don't know
21 that - - permits, or major projects that are
22 coming up. And we are going through ha
23 construction boom down here, and that's why we
24 need the coordination as much as possible, and you
25 want to make sure that LMCCC has, you know, the

1
2 staff and resources that it can help with the
3 coordination and also the agencies working
4 together. [background comment] Also, do you work
5 with and consult with the Port Authority on their
6 method of dealing with the community, how they
7 have reached out at the World Trade Center site
8 and other coordination, did you, you guys in--

9 LUIS SANCHEZ: Well, they, they--
10 the Port Authority does come to DOT, apply for
11 permits, for occupying Church Street, the gates
12 around the site, and when they need to do any kind
13 of a lane closure, whatever, they're also required
14 to do the appropriate outreach. - -

15 CHAIRPERSON CHIN: [interposing] So
16 they do, so they do the outreach themselves or
17 then you work together with them to coordinate
18 that much--

19 LUIS SANCHEZ: Well, they, they do
20 the outreach. We're notified about the outreach,
21 they work with the command center, and us on the
22 outreach.

23 CHAIRPERSON CHIN: Okay. Any more
24 questions? Any other questions? Okay. I guess
25 if there's any other questions, we will forward it

1
2 to you. But thank you so much for being here
3 today. And we look forward to continuing to work
4 with you, and make sure that Lower Manhattan is--
5 continue to grow and build, but people have a
6 restful night's sleep.

7 LUIS SANCHEZ: Agreed.

8 CHAIRPERSON CHIN: Thank you.

9 LUIS SANCHEZ: Bye-bye.

10 CHAIRPERSON CHIN: Our next--can we
11 invite up LMCCC? Darryl Selik [phonetic] and then
12 also Community Board One, Catherine Nathaniel
13 [phonetic]? Oh, Julie, I didn't see you, Julie
14 Menninger [phonetic], do you have Community board
15 One?

16 JULIE MENNINGER: YESYes.

17 [pause, background noise]

18 CHAIRPERSON CHIN: Yeah, we can, we
19 can do it all together. But how many people from
20 LMCCC? Oh, we only got--oh, just one and--Okay,
21 we can do it separately, I mean , we can have
22 LMCCC first, and then Community Board One. Thank
23 you. [pause, background noise] Oh. You have a
24 PowerPoint presentation? Okay.

25 [pause, background noise]

1
2 Chairman Chin, do you have the
3 testimony and the PowerPoint slides in front of
4 you? Okay.

5 CHAIRPERSON CHIN: Okay, you may
6 begin. Thank you.

7 Good afternoon, Chairwoman Chin,
8 Chairman Vacca, and Members of the Council's
9 Transportation and Lower--

10 CHAIRPERSON CHIN: You want to
11 move, move closer to the mic?

12 JOSEPH SIMENIC: Sure. Good
13 afternoon, Chairwoman Chin, Chairman Vacca, and
14 Members of the Council's Transportation and Lower
15 Manhattan Redevelopment Committees. My name is
16 Joe Simenic, and I am the First Deputy Executive
17 Director of the Lower Manhattan Construction
18 Command Center. I'm joined by the Command
19 Center's Director of External Relations, Robin
20 Forest, to my right. As part of today's
21 testimony, I intend to provide an overview of the
22 public and private construction projects in Lower
23 Manhattan, and the Command Center's role in
24 facilitating the coordination of construction
25 among not only City and State agencies, but also

1
2 with public utilities. This summary includes a
3 description of the critical meetings the Command
4 Center holds, to mitigate the impacts of
5 construction on the residents and businesses in
6 Lower Manhattan. I'll finish my testimony with a
7 summary of the Command Center's evolving mission
8 and future. The Lower Manhattan Construction
9 Command Center was created through joint executive
10 orders by the Mayor and the Governor, to
11 coordinate and mitigate construction impacts. In
12 order to address these impacts, the Command Center
13 holds weekly coordination meetings that are
14 attended by more than 70 participants, including
15 private and public project representatives, City
16 and State agencies, public authorities, and
17 utility companies. The Command Center focuses on
18 projects that have an impact on the community and
19 works in collaboration with City DOT, and DOB, to
20 share information on daily activities, logistics,
21 progress, and impacts of construction projects.
22 Currently, the Command Center is tracking more
23 than 55 construction projects, which include new
24 buildings, and road reconstruction projects, and
25 parks. In the past several years, 25 new high

1
2 rise buildings over 20 stories tall have been
3 completed. These include southern World Trade
4 Center, 10 Barkley Street, 200 West Street, the
5 Goldman Sachs Building, Beekman Tower, and 123
6 Washington Street, the W Hotel. In addition,
7 there have been more than 16 major road
8 reconstruction projects in Lower Manhattan. The
9 map and the presentation shows the various road
10 projects that have been completed in the past ten
11 years, highlighted in brown, currently are
12 reconstruction highlighted in blue, and the
13 planned new projects that will be undertaken by
14 City DOT, and DBC, in the future, highlighted in
15 red. In addition to these larger construction
16 meetings, the Command Center leads the
17 Construction Permit Enforcement Taskforce, chaired
18 by the Command Center's Director of Construction
19 Coordination, David Fousher [phonetic]. It meets
20 three times a week. Members of the Taskforce
21 include representatives from DOB, DOT, NYPD, the
22 Mayor's Office, and the Alliance for Downtown New
23 York, who review any construction violations,
24 including quality of life concerns, and the
25 responses to residential or business complaints.

1
2 These efforts provide immediate triage to
3 construction permit violators who adversely impact
4 residents and businesses in the immediate vicinity
5 of construction projects. Command Center staff
6 and consultants attend weekly project specific or
7 location specific construction coordination
8 meetings sponsored by the City DOT, the Lower
9 Manhattan Borough Commissioner's Office, and the
10 Department of Design and Construction Project
11 Teams, to mitigate current construction issues.
12 For instance, the Command, the Command Center has
13 worked closely with Commissioner Sanchez's office,
14 to address quality of life issues currently
15 affecting residents and businesses on John Street
16 between Broadway and Nassau. Inter-agency
17 cooperation in recent weeks has led to the
18 completion of the ConEd work on John Street; the
19 topping out of the Pace University dorm at 180
20 Broadway, expected tomorrow; and continued
21 progress on the Fulton Phase III road
22 reconstruction, at the intersection of Nassau and
23 John Streets. These efforts have allowed the
24 projects to hold closely to their respective
25 schedules while simultaneously reducing the noise,

1
2 dust and other negative impacts to the residents.
3 The Lower Manhattan Borough Commissioner's Office
4 and the Command Center's - - force work closely
5 together to devise and suggest alternative means
6 and methods to balance the projects imperative to
7 meet schedule milestones, with the quality of life
8 essential to businesses and residents. While on
9 the topic of quality of life, the Command Center
10 hosts biweekly meetings chaired by the Command
11 Center's Director of External Relations, that
12 include representatives from the offices of local
13 elected officials, community and government
14 representatives. At these meetings, project
15 updates are provided in both public and private
16 projects, and meeting participants are given the
17 opportunity to question project liaisons from key
18 public building and infrastructure projects to
19 raise quality of life concerns. Shifting to the
20 discussion of construction activity downtown,
21 since 9/11, as you all know, there has been
22 extensive construction in Lower Manhattan in
23 addition to the redevelopment of the World Trade
24 Center site. Of the more than 90 million square
25 feet of commercial, residential, hotel and - -

1
2 space, the World Trade Center site, when complete
3 with all of its towers, will account for 12
4 million square feet, or approximately 13 percent
5 of new construction or conversion space added
6 downtown since 2001. Since 9/11, approximately 60
7 million total square feet have been added or
8 converted, and there is another 30 million square
9 feet of projects in design, planning or under
10 construction. While many believe that in the
11 aftermath of 9/11, reconstruction and rebuilding
12 period would be completed by 2010, public
13 schedules show work continuing through 2015. The
14 silver lining is that the impact of the
15 construction activities considerably less than it
16 would have been had all the work been done not
17 only at the World Trade Center site, but also
18 several large commercial, residential and hotel
19 projects, progressed at the same time. It's also
20 worth noting that despite delays one can't deny
21 the considerable progress that has been made on
22 the World Trade Center site in the past few years,
23 and we look forward to continued progress at the
24 site under the leadership of Port Authority
25 Executive Director Pat Foy. The slide you're

1
2 reviewing now shows the projected truck activity
3 in Lower Manhattan from 2008 through the end of
4 2014. Truck activity gives you a good sense of
5 the roadway impacts in terms of both traffic
6 volume and potential staging issues transportation
7 planners and City DOT must overcome to avoid major
8 impacts to traffic and pedestrians. As
9 illustrated in the highlighted box,
10 notwithstanding the continued construction at the
11 World Trade Center site, the peak construction in
12 Lower Manhattan began in 2011, and will continue
13 through the third quarter of 2012. The peak of
14 activity starts to drop off somewhat towards the
15 end of 2012, and then into 2013 because of the
16 lingering effects of the recession, which affected
17 the building of World Trade Center towers 2 and 3
18 and other large projects such as the Four Seasons
19 Hotel at 99 Church Street, and the residential
20 tower at 50 West Street. This projected change to
21 the level of construction of the City provides a
22 logical segue way into the explanation of how the
23 Command Center intends to meet the needs of the
24 Lower Manhattan community going forward. As many
25 of you are aware, the Command Center, in

1
2 consultation with the State and City of New York,
3 began taking steps several months ago to lower the
4 Command Center's cost structure, and to devise an
5 operational strategy for how the agency would
6 continue to provide a high level of service to its
7 stakeholders in Lower Manhattan. This strategy
8 preserves the Command Center's three essential
9 functions: construction coordination,
10 environmental compliance and community outreach.
11 In - - to get - - of the construction activity
12 during the peak, the Command Center intends to
13 play a continual role as the facilitator for
14 construction coordination in Lower Manhattan;
15 however, as the landscape of construction activity
16 has evolved in Lower Manhattan, so will the
17 Command Center's focus and priorities. Going
18 forward, the Command Center's role will shift away
19 from the capital and personnel intensive value
20 planning, risk management and 4D modeling
21 [phonetic] for the World Trade Center projects,
22 there on the slide shaded in red, to focus more on
23 the overall construction coordination of non-World
24 Trade Center site projects in Lower Manhattan,
25 there shaded in blue, turquoise and purple. The

1
2 Command Center recently signed a three year
3 contract with its construction coordination
4 consultant - - . The agency will continue to
5 leverage - - 's expertise and program coordination
6 and project management, to mitigate the impacts of
7 construction on residents and businesses. The
8 agency also signed a multi-year agreement with its
9 environmental consultant, TRC, and I expect that
10 they will continue to provide their services for
11 the duration of the Command Center's existence.
12 The agency's community outreach efforts will
13 continue through the meetings chaired by its
14 Director of External Relations, and through
15 information it shares with stakeholders on the
16 Lower Manhattan Diamond - - website. The contract
17 to maintain a host website for an additional two
18 years was signed a few weeks ago. In the past,
19 the Command Center's website was managed by one
20 fulltime employee and a consultant. From here
21 forward, the consultant who works part time on the
22 website, will then manage the website fulltime,
23 the Port Authority's robust IT and Media Affairs
24 group will provide additional support as needed.
25 All the programs I've listed and all the contracts

1
2 mentioned will have full time Command Center
3 employee oversight. In the case of the website
4 and the environmental programs, the Port Authority
5 will provide the Command Center with the personnel
6 to preserve and help manage those programs. These
7 resources will allow the agency to operate more
8 efficiently and cost effectively, by modifying the
9 Command Center's current operational structure.
10 The Command Center will save more than \$400,000
11 from reduced personnel services and fringe
12 benefits, \$365,000 in rent by occupying free
13 commercial space in the Port Authority's leased
14 building at 115 Broadway, and will save an
15 additional half million dollars in consultant
16 costs by altering the scope of the construction
17 coordination of consultant's contract, as I had
18 mentioned earlier. The twin savings to the
19 Command Center's state fund partners, will be
20 approximately \$1.265 million. This sum is only
21 for the current fiscal year, those savings will
22 carry forward on a pro rate basis for the nine
23 month period, beginning April 1st of 2013 through
24 December 31, 2013, which is the current expiration
25 of the extended joint executive orders. Robin and

1
2 I would like to thank the Committee Chairs for
3 allowing the Command Center to testify this
4 afternoon. We look forward to answering any
5 questions that you may have for us. Thank you.

6 CHAIRPERSON CHIN: Thank you.

7 Thank you for your testimony and thank you for the
8 great work that you've been doing at - - for all
9 these years. I think our major concern is that we
10 want to make sure you will still have the resource
11 and the capacity to continue to do what you've
12 been doing. So you were saying that your focus is
13 going to change, you don't have to worry so much
14 about the World Trade Center site, that you can
15 now focus more on the coordinations other
16 construction projects that's going on in Lower
17 Manhattan.

18 JOSEPH SIMENIC: Right. I think,
19 Chair, I think you've characterized it correctly.
20 If you look at the, the last slide up there, and
21 you're looking at the red area which is activity
22 due to the site on the World Trade Center site,
23 we're shifting away our focus from those
24 activities and we're going to orient our resources
25 that we have now on the blue, turquoise and purple

1
2 fields, the purple's just a little bit above the
3 red there. And that's what's going to do allow us
4 to complete our mission. So it's really more of a
5 focus on the general impacts of all the
6 construction off the World Trade Center site,
7 we'll continue to monitor the World Trade Center
8 site's milestones, but from an active, dedicated
9 resource intensive, you know, perspective, that's
10 no longer our focus. And that was really the
11 direction that was given to us by the, you know,
12 by the State and the City over the past year or
13 so. And that's why we're orienting our efforts in
14 a different direction, and that's why I believe
15 that we'll continue to maintain a high level of
16 service to the Lower Manhattan community, with a
17 lower cost structure.

18 CHAIRPERSON CHIN: Okay. So, just
19 the example that we talked about earlier, with the
20 amount of coordination that is needed in one area,
21 like John Street, and just that is a unique area,
22 but it's just amazing there's so many projects
23 going on at one site, and one, you know, one
24 block, that just creates so much havoc. And the
25 role that you, your agenc--I mean, your office was

1
2 able to play is critical. I mean, the resident
3 was very appreciative, at least they got some
4 peace and quiet during Easter weekend. But that,
5 it took efforts from you guys to help sort of
6 negotiate that, that result.

7 JOSEPH SIMENIC: Sure.

8 CHAIRPERSON CHIN: Right?

9 JOSEPH SIMENIC: I think, I think
10 the, I think you and the residents of Lower
11 Manhattan, the businesses and, should expect that
12 that type of activity and that type of response
13 will continue, because our efforts will be
14 oriented towards those types of situations. But I
15 think the John Street example is unique in the
16 sense that it was sort of a perfect storm of
17 different construction projects' schedules
18 overlapping, and overlapping at the wrong time.
19 So, I mean, that's, that's all I'll say about that
20 specific incidence, but in general those are the
21 type of scenarios that we intend to attempt to
22 mitigate in the future.

23 CHAIRPERSON CHIN: From all the, I
24 mean, experience that you have, I mean, we were
25 talking about like how do we look at some of these

1
2 projects, and sort of create a set of some kind of
3 procedures or criterias that people can follow,
4 and also the residents and businesses will be able
5 to know what's going to be happening when the
6 project starts on their block.

7 JOSEPH SIMENIC: Sure.

8 CHAIRPERSON CHIN: I mean, are you
9 able to sum up some of that experience? And sort
10 of translate into some procedure that City agency
11 will follow in terms of informing communities and
12 best practices?

13 JOSEPH SIMENIC: Yeah, I'd like
14 Robin to speak, to answer that one.

15 ROBIN FOREST: I think one of the
16 most important functions that we have
17 accomplished--

18 CHAIRPERSON CHIN: Robin, can you
19 identify yourself?

20 ROBIN FOREST: Oh, Robin Forest,
21 Director of External Relations. Hi. [laughs] I
22 think one of the most important accomplishments
23 that we've made at the Command Center in recent
24 years is to increase the communications to the
25 affected community. So, whenever there's going to

1
2 be a road closure, we require the project that's
3 actually going to close the road to do a fairly
4 extensive outreach at the offices of the elected
5 officials are notified as you know, along with the
6 Community Board, the Downtown Alliance, the Fire
7 Department, the Police Department, for them to
8 then in turn be able to pass the information on
9 appropriately. Each of the major road
10 reconstruction projects that is done under the
11 auspices of DDC, has a project liaison, and the
12 command centers work very closely with those
13 liaisons to ensure that they provide timely and
14 frequent updates to their respective stakeholders
15 in and around the project of what's going to be
16 going on in terms of road closures, noise issues,
17 water shutoffs and the like. I think that our
18 website, LowerManhattan.info, for those who use
19 it, also provides a wonderful resource where
20 people can see what's going on in their immediate
21 neighborhoods. Beyond that we have pushed long
22 and hard to get information out to the residential
23 population--in the case of John Street, because of
24 the vast number of projects and the huge impacts
25 that those projects had. We developed a weekly

1
2 coordination meeting with the various project
3 owners in the Department of Transportation, and
4 out of that comes a weekly update that the Command
5 Center provides every Friday that the Community
6 Board circulates, then, to people who have
7 expressed interest in knowing what's going on in
8 that area. So, it's definitely a priority for the
9 Command Center, and it's something that we will
10 continue to do and continue to increase where
11 feasible.

12 CHAIRPERSON CHIN: Are there any
13 specific things that, that you have done, LMCCC
14 have done, with regard to coordination, it's got
15 to be adopted by DOT or some of the other City
16 agencies.

17 ROBIN FOREST: Well, I think the,
18 the communication, the public outreach portion,
19 DOT has worked with us now for a period of years.
20 And cooperatively, Department of Transportation
21 now requires project owners, those individuals or
22 companies that are receiving closure permits, to
23 notify the surrounding community and the people
24 and Departments specified of what is going on.
25 So, a condition of the permit that DO now offer,

1
2 now requires, is that there be notification
3 provided to the surrounding community.

4 CHAIRPERSON CHIN: Okay. So,
5 that's--

6 ROBIN FOREST: So, and again, with
7 the road reconstruction projects, like the Chamber
8 Street Project and the Fulton Phase II, the Fulton
9 Phase III, each of those project liaisons provides
10 they'll go door-to-door to the businesses and
11 residential buildings to provide information about
12 closures. They also have list serves to provide
13 information to people who've subscribed for
14 information about projects going on, pardon me, in
15 their immediate area. So, I think we've increased
16 outreach, there's always room for improvement, but
17 I think that that's been a very important part of
18 my mission as the head of external relations for
19 the Command Center, to let people know in advance
20 what to expect and what provisions and life, life
21 things they may need to, to change or alter to be
22 able to, to best adjust to the changes that will
23 be going on around them.

24 CHAIRPERSON CHIN: Are there
25 anything that you, things that we can learn from

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2 what happened at John Street, even though it was
3 maybe not a typical example? Like in a situation
4 like that, how, how do--I mean, what can we put in
5 place that, if a project, you know, if something
6 ever happened again on another street, that we
7 have procedure put in place.

8 ROBIN FOREST: I think the most
9 important thing that came out of the John Street
10 experience is that we highlighted the need and the
11 requirement for interagency cooperation and also
12 the interrelationship with the project owners. In
13 a case where somebody earlier, thought maybe it
14 was Lu Sanchez, called John Street a perfect
15 storm, and it was. There are two private
16 developments, public projects, as well as a series
17 of ConEd emergencies. We brought together the
18 parties, all of those projects, along with the
19 Department of Buildings, Department of
20 Transportation, to work together to understand
21 what each project's needs were, what each projects
22 timetables were, to try to increase the efficiency
23 of road closures, the efficiency of situations
24 where one project could piggyback on the other.
25 But again, I think should something like that

1
2 happen, we probably, I would suggest that we work
3 earlier to try to coordinate amongst the agencies
4 better. We meet weekly, which I think is very
5 important. And if something comes up more often,
6 then we speak more, more frequently. I think it's
7 a wonderful example of how pulling together and,
8 as you know, there were a lot of residents who,
9 you know, pushed many of us for more attention to
10 the area and I think that's what resulted.

11 CHAIRPERSON CHIN: But in the
12 Command Center, do you know the project's, are you
13 aware of all the projects that's happening?

14 ROBIN FOREST: We're aware of all
15 projects that have permits, from the Department of
16 Transportation. Because those are projects that
17 generally require the use of a sidewalk, a road, a
18 curb lane, or, you know, the bringing in and out
19 of materials to a job site. And again, a
20 requirement of those DOT permits is participation
21 the Command Center's meetings, and also if there's
22 a closure, that outreach be done according to the
23 specifications that the Command Center has
24 developed over the last few years.

25 CHAIRPERSON CHIN: But you, you

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don't have information about DOB permits.

ROBIN FOREST: We, we have the relationship with the Department of Buildings, and when there's going to be an interrelationship let's say between DOB and DOT, yes. But there is DOB work that's done within the confines of a jobsite that's not necessarily something we would know about, we might know about it.

JOSEPH SIMENIC: It's much more difficult in cases of private projects, because they come online and offline, you know, not with, they come in sometimes and they'll let us know before they're going to apply for permits, but sometimes we don't know. In some cases you have projects like 24 John Street, which was sort of stopped for a little while and then came back online. Sort of at, you know, the worst possible time. So, what you can do, I think we have learned from this, is there can be, there should be, and there has to be, and there has been, greater coordination on the side of public projects, where you have overlapping schedules where you can work to sort of mitigate the, between the interfaces of the projects. Where it

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2 becomes more difficult is where you have private
3 projects where come, where they come online and
4 offline, on at different times. And sometimes are
5 much more difficult to align with the schedules of
6 the public projects.

7 CHAIRPERSON CHIN: And when the
8 private project comes back online, don't they have
9 to go back to DOB? To, to get permits?

10 JOSEPH SIMENIC: Yeah, they do.

11 CHAIRPERSON CHIN: Right? So I
12 think that is something that, in terms of the
13 coordination that you're talking about, they have
14 to bring DOT into this picture, because when
15 there, if there's a private project going on, they
16 get material delivered, they do their
17 construction, so there's got to be also some
18 coordination with them. And that's what's
19 happening. I mean, that's going on John Street,
20 we have two private projects going on. And
21 because of the, the lack of coordination in the
22 beginning--

23 ROBIN FOREST: I'm not sure it was
24 so much a lack of coordination as it was a matter
25 of timing. And then the overlay of the tremendous

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2 amount of ConEdison emergency work that kind of
3 pushed that to the limit, I think. We were aware
4 of and involved with the work being done at 180
5 Broadway, the Pace dormitory. 24 John Street
6 attends our meetings regularly and has, even
7 during the period of time when they did not have
8 active permits. So, there is involvement. We
9 don't, we work closely, I work closely with DOB.
10 But there are small projects that take place
11 within the confines of a building, that we
12 wouldn't necessarily be involved with unless there
13 was activity on the street. In which case, we
14 would know about it.

15 CHAIRPERSON CHIN: Would it be
16 helpful if DOB alert the Command Center in terms
17 of request for permits? In the area for private
18 projects? So then he's, you have a heads up for
19 what's coming in, and then you can proactively
20 invite maybe project manager or the developers to,
21 come and meet?

22 ROBIN FOREST: I think that's
23 something that we can talk about with them to have
24 a more formalized system, perhaps. But again,
25 big, for big projects, when DOB issues a permit,

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2 nine times out of ten, maybe even nine-and-a-half
3 times out of ten, there's a DOT permit involved
4 because a large project is going to need to have a
5 place on the street or sidewalk for storage of
6 materials, a way to access their site, and so
7 forth. So, we would know about it, you know,
8 either through one agency or the other, and
9 perhaps both.

10 JOSEPH SIMENIC: Yeah, the number,
11 the number of permits issued by DOB is pretty
12 extensive. Everything from like modify your
13 kitchen sink to putting up a skyscraper requires a
14 permit. And we usually get better information
15 from City DOT with respect to a project going up,
16 because of the request that they did make for
17 taking a sidewalk or a lane or staging for their
18 project.

19 CHAIRPERSON CHIN: But I think DOB
20 does have a responsibility, they could sort out
21 the--the renovation of the kitchen to, you know,
22 renovating office or converting a building from
23 commercial to residential, so I think it might be
24 helpful for them to be participating in this
25 coordination and give you as much information as

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possible. So we can have effective coordination.

JOSEPH SIMENIC: We can sit down with the Department of Buildings and talk about what we can do to sort of facilitate the sharing of information as it relates the issuance of permits for private projects.

CHAIRPERSON CHIN: Okay. And we also can make the request that there be--you can ask them earlier, but we will follow up also with Department of Buildings. Okay. Thank you so much for being here today. And thank you for all the good work that you do. And I just want to make sure that you have the resources, and do what, to continue to do what you do good at.

JOSEPH SIMENIC: I'm confident.

CHAIRPERSON CHIN: Because if you don't--

JOSEPH SIMENIC: [laughs]

CHAIRPERSON CHIN: -you know who's going to hear it. [laughter] Thank you.

ROBIN FOREST: Thank you very much.

JOSEPH SIMENIC: Thank you.

[pause]

CHAIRPERSON CHIN: Community Board?

[pause, background noise]

JULIE MENIN: Hello. Good

afternoon. First of all, thank you, Chairperson Chin for convening this important hearing? I'm Julie Menin, Chairperson of Community Board One, and I'm delighted to be joined by Catherine McVay Hughes, who is the Vice Chairperson of the Board and Chair of our World Trade Center Committee. So first of all we want to thank you very much for convening this important public hearing. We are extremely proud of the fact that Lower Manhattan is now among the largest commercial business districts in the country, and is certainly the fastest growing residential neighborhood in the City, with 30,000 new residents in the last ten years. And also, I might add, one of the few areas of the City that's actually experiencing job growth. What we want to ensure is that the great strides that we have been able to make collectively, since 9/11, that these strides are not lost, in terms of the fact that we want to make sure that new businesses and new residents continue to move downtown and continue to thrive downtown. On June 17, 2003, Community Board One

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2 unanimously adopted a resolution in support of the
3 Coordinating Construction Act for Lower Manhattan,
4 and let me just say that at the time, both
5 Catherine and myself and many other community
6 board members had spent months reviewing the over
7 2,000 page environmental impact statement for the
8 World Trade Center site, and one of our key
9 recommendations at the time was that there be a
10 centralized construction command center, one
11 agency that both residents and businesses could
12 interact with. And so, we were great supporters
13 of the LMCCC and the idea that there would be one
14 agency that would be coordinating all the myriad
15 construction projects that would be happening
16 simultaneously downtown. Obviously, in November
17 2004, the LMCCC was established by Executive
18 Order, issued by Governor Pataki, and New York
19 City Mayor Michael Bloomberg, and they were of
20 course charged with the coordination and general
21 oversight of all the construction projects that
22 the Canal Street jointly estimated to be worth
23 more than \$25 mill--actually, that's a type. So
24 we'll correct the testimony on that. Since then,
25 Community Board One has repeatedly and unanimously

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2 reiterated its support for the extension of the
3 LMCCC. And I have to say, that it's quite
4 disappointing that year-in and year-out, we always
5 seem to be back at the same space, where we are
6 urging that the LMCCC's budget is in no way cut,
7 and in fact, it seems that each and every year, we
8 go through the same song and dance, where we have
9 to say, "This is a vital agency that we need for
10 Lower Manhattan. And once again, we find
11 ourselves back in that same point. It is not an
12 overestimation to say that the LMCCC continues to
13 play a vital role in the rebuilding of Lower
14 Manhattan, at a time when there are more 50 large,
15 unfinished, public and private building and
16 infrastructure construction projects in community
17 board one, including twelve projects, I might add,
18 at the World Trade Center site, six street
19 reconstructions, four transportation projects,
20 eight parks, 17 residential buildings, nine hotels
21 and various other types of construction projects.
22 We are extremely concerned by continuing reports
23 suggesting that LMCCC's budget will be
24 significantly reduced once again. We are of
25 course apprehensive about how these changes will

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2 affect the future of LMCCC, particularly its
3 environmental compliance and coordination unit. A
4 recent news article headlined, "LMCCC staff is
5 slashed by more than half" from the Downtown
6 Express, described a planned reduction by four of
7 seven remaining fulltime members of LMCCC. Staff
8 which is already greatly reduced from the overall
9 original number when it proved, provided
10 independent oversight. The LMCCC remains
11 necessary at a time when our air quality and
12 Community Board One still remains under threat.
13 The New York City Department of Health and Mental
14 Hygiene's New York City Community Air Survey,
15 results from Year One monitoring 2008 to 2009,
16 reported high levels of four air pollutants which
17 we have listed in there--fine particles, elemental
18 carbon, nitric oxide and nitrogen dioxide--in
19 downtown Manhattan, and found that traffic was a
20 major source of emissions. The LMCCC currently
21 coordinates over 10,000 construction vehicles, and
22 I think that that slide that we saw earlier was
23 actually quite illustrative to really see the
24 number of construction vehicles that are coming
25 down on a daily basis. There's no other area in

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2 New York City that's experiencing this kind of
3 volume of traffic. And so it's obviously quite
4 important. But I do want to say that these over
5 10,000 construction vehicles are coming into one
6 square mile of Community Board One, and that
7 monitoring environmental impacts and ensuring that
8 traffic flow is acceptable for emergency fire and
9 police vehicles, buses, taxis and black cars is
10 obviously critical. The response time to an
11 emergency response could literally be a matter of
12 life and death. This situation on John Street in
13 the Financial District, once again illustrates the
14 need for meaningful, ongoing oversight of
15 construction in our district. Five major
16 construction projects have been underway on John
17 Street in recent months, including the Fulton
18 Street Transit Center, Pace University dormitory
19 at 180 Broadway, a hotel at 24 John, the Fulton
20 Street Reconstruction Project and ConEdison
21 infrastructure work. Recently, LMCCC coordinated
22 with Community Board One to put together a public
23 meeting on these projects that was attended by
24 nearly 100 people. And when we brought all the
25 projects together in a meeting that really led to

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2 improvements for neighbors and better
3 coordination. For example, as a result of the
4 meeting, 180 Broadway began to work at 7:00 a.m.,
5 rather than at 6:00 a.m., and I want to thank
6 Catherine in particular for her work on that. And
7 ConEdison issued a schedule and made a commitment
8 to better secure metal plates so that they make
9 less noise when vehicles travel over them. In
10 addition, coordination was improved for the
11 permitting of the crane at 24 John Street, so that
12 the street is accessible to emergency vehicles.
13 However, the situation still needs continued
14 attention and monitoring. For example, ConEdison
15 closed off John Street again on Saturday night
16 although it was not on our upcoming schedule that
17 it released weekly on Fridays to the impacted
18 community. In addition to John Street, there are
19 numerous other construction areas in our district
20 where major construction projects have generated
21 complaints from neighbors in recent weeks. The
22 Brooklyn Bridge reconstruction project involves
23 late night drilling and other noisy work that have
24 been in progress for many month. This Chamber
25 Street Reconstruction Project has also produced a

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2 high level of concern among neighbors, and in fact
3 LMCCC has organized its stakeholder meetings for
4 next week that Community Board One will attend.
5 Community Board One has urged in our resolutions
6 that Governor Cuomo and Mayor Bloomberg work with
7 LMCCC funding partners, including the Port
8 Authority, the FTA, the MTA, and the New York City
9 Department of Transportation, to adequately fund
10 the LMCCC until development and construction
11 activity in Lower Manhattan is substantially
12 completed. It's especially important that LMCCC
13 retain sufficient resources through peak
14 construction. We welcome your support Council
15 Member Chin and that of your colleagues in the
16 City Council, in our efforts to ensure that LMCCC
17 remains in place with sufficient staffing and
18 resources to ensure that adverse impacts for
19 environment and quality of life for the large
20 volume of construction projects underway in our
21 community, are reduced to the greatest extent
22 possible. The LMCCC must remain in place to
23 continue the positive momentum of the past several
24 years, and ensure that those in our community who
25 remain downtown and who rebuilt Lower Manhattan

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2 after a terrorist attack against our country, are
3 protected from further exposure to toxic
4 pollutants during the upcoming years of peak
5 construction and of course to ensure that
6 residents and businesses are able to move forward
7 with their everyday lives. And I just want to add
8 on a personal note in that regard, that when we
9 saw street closures happen throughout Community
10 Board One, we continued to see small businesses
11 really have their business impacted. And so that
12 is why it's absolutely vital to have an agency
13 like LMCCC in place and not to have their funding
14 cut. So, we thank you very much for this
15 opportunity to testify.

16 CATHERINE MCVAY-HUGHES: Great, I
17 just have a couple things to add based on earlier
18 testimony. And we saw the havoc that--My name is
19 Catherine McVay Hughes, Vice Chair of Community
20 Board One--the havoc that ConEdison had created on
21 Main Lane, and we want to make sure that we don't
22 get a repeat on John Street. And I know some of
23 the small businesses have been very vocal and they
24 continue to have problems on John Street. For
25 example, - - was completely empty the other night

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2 because ConEdison had another emergency. I don't
3 know if there was a representative here today or
4 not. So, we have to focus on the small
5 businesses, and make sure that LMCCC really does
6 their outreach on small business grants. The
7 second thing is, I didn't get a, I didn't get a
8 clear understanding of this, how many nighttime
9 inspectors are there that the City agencies
10 actually have to deal with the variances after
11 work hours? 'Cause there seems to be so many
12 variances at night, and on the weekends, even
13 holiday weekends. So, that's a question I would
14 like to leave with you. And my third thing is,
15 what is the fine for someone who doesn't follow
16 their permit? And what happens there? And we
17 just, we just need to make sure that the people,
18 you know, who've been living through the
19 construction for the last ten-and-a-half years, a
20 lot of people and businesses are just really
21 getting tired from it all. We definitely love
22 LMCCC. [laughter] I appreciate everything that
23 they have done.

24 CHAIRPERSON CHIN: No, we hear you
25 loud and clear, Community Board One, I mean, Julie

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2 and Catherine, thank you so much for all your hard
3 work and your great work on this, and your
4 advocacy for LMCCC. We've been joined by Council
5 Member Greenfield, from Brooklyn. And I think all
6 of us still have one, you know, - - do want to
7 make sure LMCCC continue, and have the resources
8 so they could do all the coordination that's
9 necessary. And I mean, they're the one that's,
10 can bring, you know, ConEd into the mix, with all
11 this, the City agency. And we still really have
12 to - - what happened on John Street. So that we,
13 you know, don't have this kind of situation on
14 other streets. And we know that every street - -
15 has this major project happening. So, we do need
16 that coordination. And your question about
17 nighttime inspector, I think we will follow up on
18 that. I mean, the question I asked DOT
19 Commissioner Sanchez earlier, like do they have
20 inspectors that they can call that if I call in a
21 complaint, that that complaint gets to an
22 inspector, and they can come down and check on the
23 violation right away and shut them down, if
24 they're violating, right, and they're waiting for
25 the next day or the next week.

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2 JULIE MENIN: Yeah, also attached
3 to the testimony is a resolution that we passed
4 unanimately that I drafted in the March 2012
5 reading for quality of life is the need for
6 changes to the 311 system so that residents get
7 timely responses to the noises complaints. So,
8 that's very relevant to the nighttime inspectors.

9 CHAIRPERSON CHIN: Yeah,
10 definitely, I think that that's one of the areas
11 that we have to explore, whether NYPD can have the
12 jurisdiction. I mean, why couldn't they also help
13 enforce if there's a violation. Somebody needs to
14 be able to stop them right when it's happening,
15 rather than waiting, you know, for the complaint
16 the next day, or go back to them to revoke their
17 permit, but they already committed the violation.
18 You know, somebody lost a good night's sleep, and
19 that shouldn't be it, so we'll definitely follow
20 up on that.

21 JULIE MENIN: Great. And it also
22 might be great if we could get the 311 complaints
23 also shared with the Community Board office. I
24 think that some constituents down here feel that
25 calling 311 is not as effective as it could be.

1
2 So instead, they call Community Board One or
3 different members of the Community or call Lower
4 Manhattan Construction Command Center directly and
5 bypass that 311. So the 311 does not really
6 reflect the complaints in the area at all.

7 CHAIRPERSON CHIN: Well, we have, I
8 mean, I know in my office, we encourage residents
9 to call 311. And then call us with the complaint
10 number. And then we can help follow up. But
11 there's got to be a way of making sure that when
12 they do call 311, they get some action. So we
13 have to figure out how to connect the inspectors,
14 the enforcement mechanism, so it's not, okay, we
15 got your complaint and we'll give that them the
16 next day. But meanwhile, can somebody go and
17 stop?

18 JULIE MENIN: I think you have the
19 topic for your next hearing. [laughter]

20 CHAIRPERSON CHIN: Thank you very
21 much.

22 JULIE MENIN: Thank you very much.

23 CHAIRPERSON CHIN: Council Member
24 Greenfield has a question.

25 COUNCIL MEMBER GREENFIELD: Yeah.

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2 Thank you, Madam Chair, and I just would like the
3 record to reflect that I know nobody works harder
4 for this community more than Council Member Chin,
5 and obviously you know, we all like 311, but the
6 reality is that the follow up is weak, and I know
7 that when you get those numbers and call her
8 office, I know she's on top of it. I just have
9 one quick question. And I'm from Brooklyn, and I
10 get it, you guys love LMCCC, and you want it to,
11 you need it to be funded and it's terrific, makes
12 sense to me. I just have question I didn't
13 understand. On the first page of your testimony,
14 Julie, you say, "In November 2004, LMCCC was
15 established," and then at the end you say, "The
16 oversight of all construction projects south of
17 Canal Street was jointly estimated to be worth
18 more than \$25 million."

19 JULIE MENIN: Okay, that's a typo,
20 I mentioned that before.

21 CATHERINE MCVAY-HUGHES: It's over
22 \$60 billion.

23 JULIE MENIN: Yeah, that was a
24 typos.

25 CATHERINE MCVAY-HUGHES: Basically

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2 Lower Manhattan Construction Command Center looks
3 at projects \$25 million and larger.

4 JULIE MENIN: Yeah, that's what it
5 was supposed to say.

6 CATHERINE MCVAY-HUGHES: So
7 therefore we don't get involved in the smaller DOB
8 projects.

9 COUNCIL MEMBER GREENFIELD: Okay,
10 so that's--

11 CATHERINE MCVAY-HUGHES: So
12 there's, there's, right now, over 50 major
13 infrastructure projects worth over \$25 million.
14 And so Lower Manhattan--

15 COUNCIL MEMBER GREENFIELD: Okay.

16 CATHERINE MCVAY-HUGHES: --is some
17 roughly \$60 billion. And so there's clearly some
18 growing pains going on. We just can't wait till
19 it's finished.

20 JULIE MENIN: [laughs]

21 COUNCIL MEMBER GREENFIELD: Okay,
22 great. Thank--when is it going to be finished?
23 Does anybody - -

24 CHAIRPERSON CHIN: [interposing] We
25 have the Port Authority right there in the second

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row. [background comments] But we will

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[laughter] give them that question or save it for

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the next hearing topics.

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COUNCIL MEMBER GREENFIELD: Right.

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Thank you for--

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CATHERINE MCVAY-HUGHES: Thank you.

8

JULIE MENIN: Thank you, thank you

9

very much.

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CHAIRPERSON CHIN: Thank you very

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much for coming today. Anyone else that wanted to

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testify, that didn't get a chance to, - - ? No?

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Okay, that's it, then. Meeting is adjourned.

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[gavel]

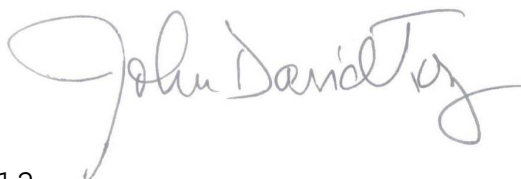
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C E R T I F I C A T E

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

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date May 14, 2012