

**Testimony of Meera Joshi**  
**Commissioner and Chair, New York City Taxi & Limousine Commission**  
**Intro Nos. 1646**  
**City Council Transportation Committee**  
**June 22, 2017**

Good morning Chair Rodriguez, and members of the Transportation Committee. I am Meera Joshi, Commissioner and Chair of the New York City Taxi and Limousine Commission. Thank you for the opportunity to share the TLC's views on Intro 1646.

This legislation would require black car and luxury limousine bases that dispatch vehicles through an app to provide a tipping option for passengers through one of the methods of payment that passengers use to pay the fare. Such services would be required to inform passengers of the gratuity option and make drivers aware that they have received a tip as soon as practicable. Finally, Intro 1646 would subject people who violate the law to a fine of \$200-500 and require TLC to promulgate rules as may be necessary.

Chair Rodriguez and TLC have worked hard to protect our licensed drivers and their income, and TLC supports the stated goal of this legislation, which is to expand drivers' ability to access their hard-earned tips. As you know, just this week Uber announced that it will implement an in-app tipping option nationwide, and we should all be gratified to see the industry embrace the City's policy initiative.

I am concerned, however, that the proposed legislation excludes certain types of drivers and does not require that a tip be directly and fully transmitted to deserving drivers. Like the Council, we believe that drivers should be able to easily access the money they earn, and the TLC announced on April 7, 2017 that we would propose a rule requiring for-hire vehicle bases to offer passengers the option of tipping drivers through the same means that they pay fares. This

means that if a passenger can pay the fare through an app, the base would be required to allow the passenger to tip through the app. TLC's proposed rule would apply industry-wide and includes a clear requirement that all tips, including those received via app, must be transmitted directly to the drivers. Our proposed rule has been noticed for a public hearing on July 13, 2017. While the proposed TLC rule is similar to Intro 1646, we believe that our proposed rule is an effective way to more expansively benefit hard working drivers.

TLC's primary concern about Intro 1646 as drafted is that it would regulate bases in a non-uniform manner, with exclusions that would prevent certain drivers from receiving the income they have earned. We believe all drivers are equally deserving of income protection. Currently, Intro 1646 includes black car and luxury limousine bases, but it does not include livery bases. The reason for this exclusion is unclear to us, as several livery bases—including the one livery base operated by Uber—use apps for passenger booking and payment. Under Intro 1646, those livery drivers would not be able to receive tips via app. Similarly, the bill excludes drivers who perform line-work by pre-arrangement, the definition of which could be read to include airport pick-ups. And finally, TLC believes Section 19-547 (b) of the proposed legislation would allow a black car base that occasionally accepts cash payments to continue to require tipping in cash, even if some or most of its trips are dispatched and paid for via app. This language could potentially exclude an additional category of drivers.

Today, because more and more people are booking rides and paying fares through apps, and fewer people carry cash, a cash-only option for tips deprives app-dispatched drivers of potential income. As such, TLC's second major concern is that Intro 1646 requires that "Drivers shall be made aware of any gratuity received by any passenger-facing booking tool as soon as possible," but does not require that drivers who are tipped through an app receive those tips

directly and in a timely manner. Furthermore, as written, the legislation does not prevent the Base from taking deductions from the tip before giving it to the driver nor does it require that the full tip is transmitted directly to the driver. TLC strongly believes that all app-dispatched drivers should be able to receive a tip via app, and that they should receive the tip they have earned quickly, fully and directly. As such, our proposed rule would require the base to give the “entirety” of any tip to drivers directly, free from any deductions made by the base.

TLC supports requiring all bases who use apps to let their passengers tip via app. However, for the reasons I have just provided, we are confident that TLC’s already-noticed rule will accomplish this goal more effectively than Intro 1646. Our rule will protect all drivers in a uniform and effective manner, creating more income opportunities for more drivers. Thank you for the opportunity to testify on Intro 1646 today, and will answer any questions you may have after DOT’s testimony.

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY  
HEARING BEFORE THE CITY COUNCIL  
COMMITTEE ON TRANSPORTATION  
June 22, 2017**

Good morning Chair Rodriguez and members of the Committee. My name is Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management at the New York City Department of Transportation and I am joined by Montgomery Dean, Chief of Staff to the Chief Operations Officer. Also present is Joe Yacca, Director of HIQA Operations. I am here today to testify on behalf of Commissioner Trottenberg and Mayor de Blasio on DOT's important work to maintain and protect New York City's nearly 20,000 lane miles of streets. I am also joined today by Michelle Craven who will be speaking about Introduction 1658 requiring the installation of bollards at certain locations.

When Commissioner Trottenberg first started at DOT, she heard more complaints about the poor condition of the streets than almost anything else. Since then we increased our investment to execute back-to-back years of record resurfacing. Under Mayor de Blasio's leadership, in FY16-FY19 we will pave over 5,000 lane miles of our streets most in need, more than a quarter of all the City's nearly 20,000 lane miles. Compared to an average resurfacing budget in the three preceding years of \$180 million, DOT spent \$195 million in FY15 and \$238 million in FY 16 and is planning to spend \$274 million in FY17, with similar levels planned for FY18 and FY19.

We have also nearly doubled our investment in street reconstruction to build out more safety projects, taking the amount from \$1.7 billion in the last ten-year capital plan in the prior administration, to \$3.3 billion in this ten-year capital plan under Mayor de Blasio.

So, we share the Council's interest in protecting our record investment and look forward to continuing to work with you to ensure our streets are maintained in safe and good condition.

Our streets facilitate the movement of pedestrians, transit riders, motorists and cyclists as well as the delivery of goods and services throughout the city. Under the surface, the same streets support the city's water, sewer, power and telecommunications infrastructure, as well as its subway tunnels and building vaults. The streets themselves also serve as public spaces, fostering social, economic, and recreational activities.

Excavations of our streets are a necessity to install and maintain the underground infrastructure our city requires to function. And with an ongoing boom in construction, DOT is issuing 70% more street opening permits than a decade ago. A substantial and important regulatory task for DOT is managing a process that minimizes the number of excavations that occur while facilitating necessary access to underground infrastructure. And, it is vital that we ensure quality street restorations, while also minimizing disruption for both street users and residents. In order to accomplish all this, several of DOT's divisions are involved in this work.

Our Office of Construction Mitigation and Coordination issued 587,119 construction permits related to our streets in the most recent fiscal year, including 228,010 street excavation permits. Of those, 62,775 (or 27 percent) were on streets resurfaced in the past five years.

In addition, the office reviews requests for full street closures, work on arterial streets, large scale projects, and projects in the densest and most congested parts of the city, attaching additional stipulations to permits for these types of work.

I oversee our Highway Inspection and Quality Assurance unit, or HIQA, which includes teams of specially trained inspectors that continuously visit and monitor construction activity in the field both proactively and in response to complaints to ensure that any work being conducted has the proper permits and that the permit holder is complying with the appropriate DOT rules, specifications, and stipulations.

Finally, our division of Roadway Repair and Maintenance plays a crucial role by coordinating all of our maintenance and resurfacing work. This includes informing utilities and others of DOT's resurfacing schedule for purposes of coordination, and taking part in the review of permit requests on protected streets.

As you might imagine, the types of permits that DOT administers are sometimes highly technical, and we are very proud of our Street Works Manual—a resource for utilities, developers, contractors and anyone who undertakes work that will impact the street—that explains the importance of advance notice and coordination, outlines our registration process, and describes application procedures for each type of permit, and all necessary approvals. This guide can be found at [streetworksmannual.nyc](http://streetworksmannual.nyc).

Before commenting on the legislation before the Committee today, I would like to describe DOT's current process for ensuring durable, quality restorations of all our City streets and describe the additional requirements we have for protected streets.

All permittees must follow rules and regulations and conform to specifications and standard detailed drawings. We require that all jobs are properly backfilled and restored, neatly squared off, and sealed around the edges, to provide a level, smooth, and durable riding surface. Our inspectors can stop and review work at any time during a project.

When our inspectors encounter defects after a restoration has been completed, the severity can dictate various actions. For minor repairs we issue a 30 day Corrective Action Request. However, if a restoration is very poor, in that it is sunken or not to specification, several aggressive reviews and remedies will take place. If it presents an immediate safety issue, a Notice of Immediate Corrective Action requiring the area to be made safe within three hours will be issued and our HIQA unit will then follow up until the dangerous condition is resolved.

Then DOT will schedule a re-excavation in the presence of an inspector who will control every aspect of the restoration. This will include specifying the permit type and when the work can be done, requiring all new fill, requiring the presence of a soil testing laboratory, and in most cases requiring that concrete is used as a base material and paving a greater area than was originally

opened. If a contractor does not comply, they could be subject to a hold on all new permit requests. We also require permittees to post a bond, to be used to pay for restorations should a company go out of business.

As you can see, contractors certainly have every reason to want to avoid a required re-dig, so this provides a strong incentive to do the job right and avoid defects in the first place, which is our primary goal.

On protected streets, we have enhanced requirements. Streets that have been resurfaced within the past 18 months are automatically reviewed for additional provisions including curb-to-curb resurfacing, or potentially resurfacing the entire block or intersection, as warranted. In the most recent fiscal year, this additional pre-review applied to 17,366 permit requests or seven percent of street excavation permits.

For the entire five years after a resurfacing, contractors are required to pay an additional fee and arrange to have DOT inspectors onsite to supervise the backfill in person. And permittees are required to guarantee the restorations for five years.

I would also like to highlight some amendments to our highway rules that DOT recently enacted to enhance the quality of restorations on all our streets. These new rules went into effect in August 2016 and DOT completed phasing in enforcement this past April.

First and foremost, DOT is now requiring in-kind restoration of all concrete sub-base material. Previously, permittees were allowed to use asphalt instead of concrete. DOT has been pursuing this requirement for several years and we think it will be impactful.

Second, permittees must now make all cuts with straight edges and 90-degree angles. Previously, cuts made at unusual angles led to more uneven surfaces and reduced durability. This change will mean cleaner cuts that are more durable and a more complete restoration in the affected area resulting in less of a patchwork.

### **Introduction 1375**

Now, with regard to the bills, starting with Introduction 1375, this bill requires 10 days notice by DOT to affected Council members, community boards and Borough presidents before issuing a street opening on any street that has been resurfaced or reconstructed in the past five years, or notice within 24 hours in the case of emergency permits. It would appear that the concern driving the bill is that too many permits are issued on these streets for work that is avoidable or should have been planned better.

DOT plans its paving schedule based on both capital construction plans and available information on planned work by the utilities. We distribute our schedule to stakeholders and make it available online. In addition, each borough's Administrative Superintendent of Highway Operations for our Division of Roadway Repair and Maintenance conducts a monthly coordination meeting with other city agencies, as well as utility companies, transit operators and other stakeholders involved in or affected by resurfacing projects.

These coordination meetings are held so that other roadway stakeholders are aware of resurfacing and other repair projects that are occurring, as well as to facilitate better right of way planning. The schedule is often modified to allow those with underground infrastructure to inspect and perform necessary work in advance of paving operations.

Despite these dedicated efforts, it is impossible to predict every needed street opening and align it with planned resurfacing. In addition to emergency work, DOT invariably receives permit requests for a certain number of construction or infrastructure projects that could not have been anticipated or completed five years, or even 18 months, in advance. While we do sometimes deny permits if there is clear evidence that the work could and should have been performed earlier, the most important thing we can do is to try to minimize the number of such street openings in the first place, through coordination.

The proposed notification requirement would place significant administrative burden on DOT, requiring it to send e-mail notifications and track the completion of statutory notification periods before issuing permits. Additionally, DOT has made significant efforts to make our permitting process faster and more user-friendly, and this bill would add delays to the thousands of permit requests, many of which DOT otherwise strives to fulfill on a same day basis. While DOT cannot support the bill as proposed, we are open to working with the sponsor. We would be happy to explore ways to better inform stakeholders about permits being issued for work in their communities and will continue to coordinate with those who need to work under our streets to reduce the number of necessary openings that occur to the greatest extent possible.

### **Introduction 1397**

Now turning to Introduction 1397, which would require curb-to-curb resurfacing and an additional 20 feet of resurfacing up and down the street in either direction for restorations of all excavations on streets resurfaced or re-constructed within the past five years.

As I discussed above, DOT reviews a portion of applications for permits on protected streets and adds expanded re-surfacing stipulations where appropriate, including repaving entire blocks or intersections. However, this legislation would enact a blanket requirement without consideration of the size or location of the excavation or the particular conditions of the site. This would negate the balanced approach we take to the application of these requirements and in some cases, require unwarranted amounts of paving activity.

While DOT understands and shares the desire to enforce strict restoration requirements, excess paving requirements must be weighed against the added costs they impose on construction projects and above all the larger street closures entailed, which lead to more disruption and traffic delays.

When considering street restoration it is also important to differentiate between street openings in the travel lanes of a street, which receive significant vehicle wear, and parking lanes, or channelization and shoulder areas of the street which receive minimal or significantly less wear.

Larger paving requirements are not a panacea. Paving a larger area will not prevent defects caused by inferior backfill or improper compaction. That is why DOT is successfully pursuing

more robust requirements for these aspects of restoration. Larger paving requirements can also potentially affect the grade and elevation of the roadbed leading to ponding issues.

These requirements could turn a small two foot plumber's cut into a project requiring over a hundred lane feet of paving or more, especially on a wide street. In particular, this could affect smaller businesses doing work for individual homeowners.

For small businesses, the added requirement to run a large paving project for a small plumbing job could effectively exclude them from taking certain jobs, contrary to NYC's Small Business First initiative. For homeowners, these requirements could make what is already an expensive project much more costly in the case of an emergency or unforeseen house connection project.

Our colleagues from DEP performed an analysis of water and sewer permits issued annually, and found that on average in a given year, about 3,000 property owners city-wide including almost 500 on Staten Island would be subject to additional costs as a result of the proposed legislation, and estimate that in the case of a new water service line the cost to the homeowner could increase from \$5,000 to \$15,000.

While utilities and larger developers may be more able to handle the added requirements proposed in this legislation, nonetheless they would see increases to the cost of doing work on protected streets for projects that are priorities for the City: for example, those related to the construction of affordable housing, creation of green infrastructure, or installation of new traffic signals, to name a few.

This would be true for construction projects carried out by our sister agencies as well, particularly DEP and DDC. DEP conducted an analysis and found that the proposed legislation would increase its cost for sewer and catch basin repair alone by over \$13 million. If these requirements led to better, more durable restorations, that would be a cost to be weighed. However, for the reasons I have laid out, DOT believes the associated costs would be significant while the improvements to the quality of restorations would be cosmetic.

While DOT cannot support this bill as drafted we would like to engage with the sponsor to evaluate a way forward to address the underlying concerns.

Thank you again for the opportunity to speak before you today on these bills and the important work of protecting and maintaining our streets. It is critical to allow for necessary access to the underground infrastructure our city depends on, while minimizing disruption and protecting the taxpayer's investment in our road network. After you hear from my colleagues I would be happy to answer any questions you may have.



**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY  
HEARING BEFORE THE CITY COUNCIL  
COMMITTEE ON TRANSPORTATION  
June 22, 2017**

Good morning Chair Rodriguez and members of the Committee. I am Michelle Craven, Senior Executive Director of Cityscape and Franchises. Also present to answer questions regarding this legislation are Sean Quinn, Senior Director of the Office of Bicycle and Pedestrian Programs, and Ed Schnell, Director of Revocable Consents and Security. Thank you for having us here today on behalf of Commissioner Trottenberg and Mayor de Blasio to discuss Intro 1658 requiring the installation of bollards consistent with pedestrian safety and in accordance with DOT guidelines at schools, plazas, and Vision Zero priority intersections.

DOT recognizes the heightened concern on the part of the Council for protecting pedestrian spaces in response to the recent incident in Times Square, as well acts of terrorism in other cities using vehicles to drive into crowded pedestrian areas.

Today I will describe the ways in which DOT partners with the NYPD when it comes to the installation of bollards for security purposes. Otherwise, non-security bollards are a tool in DOT's repertoire and I will discuss ways in which we use them for a few particular purposes.

From the outset, I would caution against any bill which would institute a requirement for DOT to consider every location of a particular type for the installation of any kind of bollard. There is no one size fits all fix for street safety and we have many means available to address our varied city streetscapes.

When it comes to security bollards, the proposed legislation would interfere with the expertise and informed judgment of the NYPD regarding counter-terrorism measures. And when it comes to any other use of bollards, this would be an inefficient use of DOT's resources and attention. It would conflict with our approach of selecting the right designs, treatments, and features based on the context of each location in the course of our work, whether we are focusing on intersections in need of re-design, constructing new plaza spaces, or enhancing school safety.

Crashes that take place on sidewalks are shocking, but are responsible for a small percentage of all pedestrian fatalities and serious injuries. And importantly, they are less predictable. Unlike pedestrian injuries overall, targeting high-volume, high-injury locations will not necessarily have as much of an impact on these types of crashes in the way that it does for crashes involving serious injuries and fatalities overall.

Moreover, installing bollards designed to stop the impact of a vehicle is often complicated and expensive, and can potentially cost millions of dollars. Therefore the sites must be chosen with the utmost care and input from security experts.

Installation includes assessing and either moving or accommodating underground infrastructure—water, sewer, power and telecommunications, subway tunnels and building

vaults—as well as jack hammering deep into the ground to install anchors which may be connected together. Muni meters or street furniture may need to be relocated and preserving street trees requires specialized bollards with horizontal connectors.

ADA accessibility must be considered. Bollards can cause conflicts with our pedestrian ramps, although if they are installed as part of a larger capital project they can also make some enhancements to ramp design possible. Emergency vehicle access for incident response also must be considered and the FDNY is therefore involved in our assessments as well.

Bollards have significant impacts on curbside loading and unloading, including passengers in wheelchairs. When it comes to curbside loading the impacts at school locations would particularly need to be considered. Bollard installation also removes about two and a half feet on average from the pedestrian clear path on a sidewalk. In congested locations this loss of space for pedestrians could cause people to spill onto the street.

As you know, DOT is seeking to open up and expand pedestrian space in our city, a mandate strengthened by Local Law 95, recently signed into law by Mayor de Blasio and championed by Chairman Rodriguez. Placing pedestrians all across the city behind barricades would conflict with that goal.

The considerable resources and time devoted to these numerous capital projects would detract from our ability to execute more street improvement projects and build out more sidewalk space in congested areas of the city.

Instead, to protect pedestrians on the street, including in the cross walk and on the sidewalk, we are focusing our resources and energy under Vision Zero on street design, enforcement efforts, and public outreach, which together are changing driver behavior overall, reducing speeding and reckless driving. We must also continue to target unlicensed driving and driving while impaired.

Therefore, while each different type of bollard can be useful in certain situations, DOT cannot support the legislation as proposed.

#### **Overview of Bollard Use**

We use bollards for a few specific purposes. When it comes to the installation of bollards for security, we rely on our NYPD colleagues to identify locations where this may be needed and for analysis of what rating of bollard or level of protection should be achieved. DOT reviews these locations and provides our expertise in pedestrian and ADA access and construction constraints.

For example, in Times Square during the capital construction of the plazas we included bollards at the request of NYPD for security purposes. As you know, Times Square is a unique location and the only one where DOT, through DDC, has installed bollards ourselves. More commonly DOT and NYPD work together when individual property owners install bollards as a building security measure, which make up most of the bollards you see around New York, including at landmark buildings.

At our intersections, sidewalk edges, and plazas we use a variety of treatments to separate vehicles and pedestrians, depending on the needs and space available at the location. Some provide a physical barrier while others delineate or channelize vehicular traffic, and many do some combination of both.

First and foremost, this includes the curb itself. Aside from clearly delineating the roadway from pedestrian space, the height of the curb serves as a partial physical barrier as well. Among other measures, we also use street trees, landscaping features, flexible delineators, planters, and granite blocks. These last three are particularly appropriate for non-capital plazas because they are interim and removable while providing protection and visibility for each of the spaces. Each of our treatments also takes up more or less space that would otherwise be available for pedestrian movement, so we must balance that as well.

We generally use non-security bollards in some specific instances where we are trying to control vehicle access, such as in a plaza. Plaza de las Americas has removable bollards at driveway ramps to allow vehicle access only during event set up. Fordham Plaza has bollards lining a driveway area that is within the plaza to keep cars/trucks within their permitted zone. Similarly, we use basic pipe style bollards in some places on our sidewalks where we seek to prevent cars from parking, ensuring a clear pedestrian pathway.

But when it comes to the edges of plazas generally, we treat them like sidewalks and do not line the spaces with bollards. Additionally, permanent bollards would be incompatible with our current use of interim materials in some plazas. We will continue to use our current toolkit to protect these spaces.

And finally, we use Bell and Martello bollards on our pedestrian islands, which are lower to the ground and are designed to protect the island from turning vehicles.

### **Looking Forward**

DOT will continue to coordinate with NYPD on bollard protection for pedestrian locations at sites they determine to have a high security threat, and will continue to partner with NYPD to conduct assessments on construction feasibility and costs.

Once again, thank you for giving me the opportunity to comment on Intro 1658 and discuss our use of bollards. My colleagues and I would now be happy to answer any questions you may have.

**Testimony of Staten Island Borough President James S. Oddo  
New York City Council Committee on Transportation  
City Hall  
June 22, 2017**

Chairman Rodriguez and members of the City Council's Committee on Transportation, my name is James Oddo and I serve as the Staten Island Borough President. Thank you for the opportunity to testify in favor of Intro's 1375 and 1397, two bills that were introduced by Minority Leader Matteo and myself.

You may be familiar with the term "Pave, Baby, Pave." It is the rallying cry we at Staten Island Borough Hall, and eventually all of Staten Island took up in our efforts to convince the Administration to reverse the course set by the previous Administration and finally invest in our crumbling roads. The numbers tell the story – from Fiscal Year 2000 to Fiscal Year 2014, we only hit the 1,000 lane mile mark – which is considered the minimum necessary to maintain our roads in a state of good repair – four times. This meant that during those years our roads kept deteriorating and we could not keep up with their simple upkeep.

Oh, there were many photo ops during those years touting various "Pothole Blitzes" These amounted to putting band aids on third degree burns and I did not participate in them because they failed to address the true problem, which was the failure to resurface 1000 lane miles or more per year.

In a December 2014 op/ed I asked the new Administration to create a "Marshall Plan" for our roads and commit sufficient resources to not only meet the thousand lane mile mark, but to exceed it in a significant way.

Within months of that op/ed, the Mayor announced a \$242.1 million infusion to do just that. And, to their credit, the Administration has extended this initiative each year since then, paving 1300 lane miles per year.

The results are evident. We are seeing unprecedented levels of paving activity all throughout Staten Island, particularly our main roads. Just as an example, within the last two weeks portions of Richmond Avenue in Eltingville in Councilman Borelli's district have been milled and paved during overnight hours. This strip is a heavily trafficked and was in poor condition. Anyone driving or walking in Staten Island sees the difference and notices the new paving happening in all parts of our borough.



I wish we could end this testimony right here on a positive note, but I can't. If "Pave, Baby, Pave" was a movie it would have a frightening prequel and sequel, both called "Street Cuts: The Rise and Fall of Our Roads."

When I am referring to 'Street Cuts' I am referring to the patch job performed in the wake of underground work performed by developers, contractors, utilities, and other entities that need to cut into our streets for any reason. In fact, the prequel I alluded to above refers to the time during the early to mid-2000's when the main issue we dealt with on Staten Island was not deteriorating roads; that would come a little later due to the lack of investment, rather the problem was improperly repaired street cuts. This was the era before the 2008 financial meltdown when every Tom, Dick, and Harry on Staten Island fancied himself a builder and contributed to the over-development crisis. Thus, a dizzying patchwork of street cuts from that era remains throughout our borough. They are evident all around – and you will feel the divots as you drive over each strip that was simply filled in.

The problem was that the Department of Buildings had options when it came to the repairs. It could insist the repairs be made to code, that is half the width of the street plus five feet, or it could accept less than that, or waive any requirement altogether.

As our crumbling roads started taking center stage and the amount of building slowed to a trickle, the street cuts issue was replaced by the overall conditions of all our roads and the need for greater resurfacing.

Now, for the sequel. As "Pave, Baby, Pave" kicked into full gear it soon became clear that we had a problem. My constituents were thrilled their roads were finally being paved and then disappointed when within weeks they noticed utilities or contractors begin to make cuts in those freshly paved roads. This is like a collective slap in the face for residents, and a horrific waste of resources for city taxpayers. As we know, simply restoring a trench with asphalt means that trench will soon fail and our freshly paved roads will be filled with multiple divots.

The status quo is no longer acceptable. As we know, the Administrative Code and DOT Rules do not permit "protected streets" to be opened except for emergency work, or unless an entity "demonstrates that the need for the work could not have reasonably been anticipated prior to or during" such resurfacing. A protected street is one that has been resurfaced within the past five years. These are two large loopholes.

With respect to emergencies, no one disputes the fact that real emergencies happen. If there is a gas leak and National Grid must dig into the street there must be a mechanism for them to legally do so. With that said, it seems obvious that the definition of "emergency" can be stretched and perhaps events that aren't true emergencies, like the gas leak example, might slip through the cracks.

The Rules also permit the issuance of a permit on protected streets in the Commissioner's discretion for work that could not have reasonably been anticipated prior to the resurfacing. This would conceivably cover many situations, such as construction activity.

Intro. 1375 is a simple notification bill. As an elected official that has been vocal on this issue, I get messages on social media often from residents who are irate that their freshly paved street is being dug into and they want to know why. And I usually don't have any information so I ask the local DOT and they give me the information. Intro. 1375 would simply require DOT to provide the Borough President, the local Council Member, and the local Community Board with notification at least ten days before approving a permit for cutting into a protected street in non-emergency situations. We are supposed to be partners in government and there is no reason we should not have this information. This would give us a chance to do our jobs and truly vet the request in a way bureaucratic institutions usually fail to do. Borough Presidents, Council Members, and Community Boards know their neighborhoods better than anyone else, and we should know before such a cut is made in a recently paved street.

Recognizing that true emergency situations that endanger public safety or will likely cause imminent interruption of utility service are different, the legislation requires the same notification no less than 24 hours after issuing such an emergency permit. This is generous since the notification should happen within minutes of issuing the permit. This will allow us to have the information we need at our fingertips to respond to the inevitable constituent queries that will soon come once the jackhammers start on a newly paved street. So, instead of contacting DOT and waiting for a response from them before we can respond to a constituent, we will have the information and will be able to alert folks before they contact us via social media or other ways. It will also allow us to do our own vetting of the "emergency."

This legislation will put no burden on DOT.

While Intro. 1375 deals with the time before a street cut has been made, Intro. 1397 seeks to improve the quality of the restorations after a cut has been made in a newly paved street. It's just common sense that those who make such a cut should restore it as closely as possible to its condition after it was resurfaced. This is the only way to protect the city's resurfacing investment.

The legislation would require those who cut into protected streets to restore the pavement from curb to curb and twenty feet in each direction of the cut. This would eliminate any ambiguity or discretion, and would mean the end of narrow utility strips that soon lead to divots, which continue to plague so many of our roads and always fail. While we are open to discussing whether 20 feet on both sides of the cut is ideal, or maybe it should be 15, the premise is the same, the status quo is no longer acceptable and utilities and contractors must respect the city's investment by restoring the road from curb to curb as closely as possible to the condition it was previously in. If anything, this legislation is a taxpayer protection bill.

Within the last few weeks I participated in a meeting here at City Hall with Deputy Mayor Shorris' staff, DOT, and utility officials. DOT officials gave all the reasons why they believe half plus 5 or curb to curb restorations would not work and gave a litany of new procedures they have implemented, including rule changes for more durable restoration, restoration in-kind for street cuts, including restoration of concrete base, better enforcement of materials in the backfill, an expanded DOT inspection process, and expanded testing after construction. DOT also indicated that summonses are routinely issued for work that was not a true "emergency."

While this all sounds great on paper, cuts continue to be made, and the confidence of New Yorkers continues to wane. Intro. 1397 would be a wakeup call for all who cut into our streets and a reminder that they must be a full partner in protecting the investment made by city taxpayers. The status quo doesn't work. It's time for us to find a new way. Curb to curb and twenty feet on each side of each cut or a similar standard would eliminate failed trenches and help us improve our roads.

Thank you for the opportunity to discuss this important issue. I look forward to working with the Council and the Administration on reforming a process that has been broken for far too long.

## **Con Edison Testimony**

### **Before the New York City Council**

#### **Transportation Committee**

**June 22, 2017**

Good morning Chairman Rodriguez and members of the Committee. I am Henry Dong, Director of Con Edison's Construction Business Services, and I am pleased to appear before you today.

I am testifying in reference to Intros 1375 and 1397. My testimony will give you an overview of Con Edison's work maintaining and expanding the critical energy infrastructure that serves our city.

I will describe how Intros 1375 and 1397 would add unnecessary costs, impact parking, increase noise and traffic, and delay service to customers.

We understand the concern about cutting into streets that were paved in the past five years and street restorations that are not done properly. For Con Edison, proper street restorations are critical because the electric, gas, and steam infrastructure beneath the roadways must be reliably and safely protected.

But this legislation will not lead to improved street restorations. Curb-to-curb restorations will not prevent street depressions where backfilling and compaction are improperly performed. Proper backfill compaction and restoration are much more effective for safeguarding a street's long-term viability.

A new mandatory requirement for curb-to-curb restorations will instead create delays, and unnecessary, costly construction. This legislation will force repaving from one side of the street to the other regardless of need, creating more traffic and night work.

I would like to speak about our energy-delivery systems and the work we need to do on them every day. Our underground electric delivery system serving New York City includes more than 255,000 manholes and service boxes, 33,000 transformers, and 88,000 miles of cable. We also maintain a gas-delivery system with more than 2,200 miles of gas mains in the city. And our district steam system in Manhattan, with 105 miles of pipe, is the largest in the world, serving iconic buildings like the Empire State Building.

On any given day, Con Edison deals with emergencies that require immediate work on these systems in the roadways.



Or, there might be a streetlight that requires repair, or installation.

Or, there are new customer projects, such as a business expansion, or a new school, or apartment building, necessitating new service, or a service upgrade.

Con Edison has a responsibility to accommodate these customers, and to meet their energy needs. If that building is ready for service within the five-year window of the protected street, we will have to excavate the street to connect the electric, gas and/or steam services.

We don't have the option to tell the customer or the school that they have to wait for the five-year period to be over.

Intro 1397 would require restoration of pavement after the opening of a protected street to extend to the curb line and 20 feet in each side of the restoration.

Let's take a look at the impact of this legislation in an emergency situation, when there's a gas leak that needs to be repaired.

Today, the cost to mill and pave following the repair of a small gas leak in a six foot by six foot area is approximately \$400 and will take a few hours to complete.

Under Intro 1397, the area footprint needing restoration on a four-lane street would require milling and paving 180 square yards. The cost to mill and pave that area would be more than 40 times the current cost, or \$17,000. Depending on the permit stipulations, this work could take several days to complete. A wider street like First Avenue would cost more.

Spread that new requirement over more jobs and you have dramatically increased costs.

These costs will be borne by Con Edison's customers.

Again, this work would cause more disruptions to residents and businesses, with more days of reduced on-street parking, lane closures and possible night work.

For a new building, whether it's a school or an apartment building, we have to be able to provide service and meet the customer's schedule.

Each situation is unique. Getting service to the customer will depend on the building's energy needs and what is currently available on our system. Placing these costly and cumbersome street restoration requirements on all protected streets, regardless of the work needed and when the street was last paved, would be unduly burdensome and cause delays.

Intro 1375 would require that the DOT notify the borough president, local council member and local community board 10 days prior to issuing a permit for planned work on a protected street.

At a minimum, this will extend the current time it takes to get a permit issued by 10 days. If objections are raised, the delay could be even longer.

We often have a short timeframe to perform our work to meet a customer's schedule or to coordinate with other NYC construction projects; we work closely with DOT to expedite the turnaround time on permits. The additional review time will delay our ability to get service to our customers and add uncertainty to their schedules.

This bill could cause delays in other ways. A larger job that covers several streets could require permits for both protected and unprotected streets. If the permit process for the protected streets requires a lengthier review, it could delay the entire job. There is more uncertainty for the work.

We work closely with the City to manage all of our activities in the streets. We regularly coordinate with the City and State agencies, including the New York City Department of Transportation ("DOT"), the Department of Design and Construction ("DDC") and the Department of Environmental Protection ("DEP"). We have internal organizations dedicated to working with them on street reconstructions, paving schedules and street depressions. With constant communication and ongoing coordination, we do our best to avoid working in streets that were recently paved. Additionally, we are collaborating with DDC on further implementation of joint bidding, so that utility work is embedded in street reconstruction projects.

Despite these best efforts, it is inevitable that we will need to work on streets paved within the past five years. DOT already has rules that direct us to meet additional requirements for backfilling and roadway restoration on protected streets.

We also recognize the importance of letting elected officials and the public know when we are working in their communities. Con Edison regularly sends notices to let elected officials and customers know when we will be working in an area for an extended time. We have seen many elected officials use this information and tweet it to their constituents. We appreciate their support in getting the message out.

Thank you for the opportunity to appear before you today. I'd be happy to answer any questions you may have.



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

**New York, NY – June 22, 2017**

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

The Mayor, the Department of Transportation, and the Council all deserve credit for increasing investment in road repaving to historic levels. In 2014, AAA and other organizations called for increased investment in the street network, which had remained stagnant at approximately 1000 lane miles or less each year. The City delivered, and DOT projects that it will resurface 1300 lane miles in each of FY 17 and FY 18.

However, increased construction and utility projects threaten to undermine this success. The City's administrative code rightly restricts work on "protected streets," or streets that have been resurfaced or reconstructed within five years, to protect the City's investment in those construction projects. But permits to perform work on protected streets have been increasing over the last decade, reducing the quality of recently repaved streets.

Of course, it benefits the City to have a booming construction business. Indeed, the City's economy shows signs of life in many sectors. This boom is reflected in the increasing number of vehicles that use City streets: between 2011 and 2016, the number of passenger vehicles registered in the five boroughs rose by 150,000 – an 8.5% increase. Drivers of these vehicles want to know that the investment of their tax dollars in the quality of streets will be protected.

Int. 1397 would require any entity that opens a protected street with a permit to restore any removed pavement to a greater degree than is currently required: up to the curb line on both sides of the restoration and parallel to the curb line for 20 feet on each side. These additional restrictions will ensure that contractors cannot perform work in such a manner that reduces the usefulness of the repaving process.

It is immensely frustrating for drivers to see the work that DOT's repaving crews put in, enjoy the benefits of a repaved or reconstructed street, and watch those benefits be reduced by contractors performing "emergency work." Of course, genuine emergencies do exist, and in such cases, the work must be allowed to proceed. But the street should not be materially worse after such work.

Accordingly, AAA supports Int. 1397 and hopes that this hearing will begin a dialogue about the specific provisions necessary to support the goals of the bill. Thank you for the opportunity to comment.



New York City Council Committee on Transportation Hearing  
June 22, 2017  
Testimony of Eric McClure, Executive Director, StreetsPAC

StreetsPAC strongly supports Intro 1658, legislation that would require the Department of Transportation to install bollards adjacent to schools, pedestrian plazas and priority intersections.

Advocates have been warning about the need to physically protect pedestrians from motor vehicles for years. Approximately 10% of pedestrian deaths in New York City occur when drivers of motor vehicles strike victims on sidewalks. The fact that, historically, all but a handful of these incidents have been unintentional, offers little comfort to victims, or their families or friends.

And now a new threat imperils pedestrians. Whether it's a deliberate terror attack, as we've seen on multiple occasions in London over the past few months, and in Nice last summer, or the act of a mentally unstable individual, as we experienced firsthand in Times Square just a few weeks ago, a car or truck can be turned into a deadly weapon with no advance warning.

Alyssa Elsmann, the young woman killed when Richard Rojas steered his car onto the sidewalk at 7<sup>th</sup> Avenue and 42<sup>nd</sup> Street on May 18, would likely be alive today if the bollards protecting the Thomson Reuters building at 3 Times Square had been placed at the curb line instead of along the building's façade. Thankfully, a metal bollard at the corner of 7<sup>th</sup> Avenue and 45<sup>th</sup> Street put an end to Rojas's carnage.

People-protecting bollards are prevalent in many densely populated cities in Europe and around the globe. And while protective bollards have been installed in numerous locations around New York City, in too many cases, as at 3 Times Square, they've been deployed to protect property rather than pedestrians. As we've seen too often, the human body makes for a very "soft target" for a speeding car or truck.

As Transportation Alternatives wrote in "Rethinking Bollards," their excellent 2007 white paper outlining how bollards can save lives and prevent injuries, "the potential to deploy bollards to protect pedestrians and enhance our public spaces... remains severely underexploited."

We urge the Committee on Transportation to vote Intro 1658 out of committee as soon as possible, we urge the full Council to pass it quickly, and we urge Mayor de Blasio to sign it into law without delay.

**Statement**  
**of**  
**FRANK PROST**  
**Director Downstate Construction, National Grid**  
**TO THE NEW YORK CITY COUNCIL**  
**Regarding Int. No. 1375 and Int. No. 1397**

**June 22, 2017**

Chairman Rodriguez, Councilmember Matteo, members of the City Council, distinguished colleagues from the utility industry, local elected representatives, and others in attendance, thank you for the opportunity to appear today to discuss these important issues.

My name is Frank Prost, and I am the Director of National Grid's Downstate New York Gas Construction Department. I have worked for National Grid and its predecessor companies for 25 years in various positions within gas operations. In my current role, I oversee all of National Grid's gas constructions activities in New York City and on Long Island.

My purpose today is to provide National Grid's perspective on the proposed amendments to the Administrative Code of the City of New York that would require the Department of Transportation (DOT) to provide 10 days' notice to the relevant council member, borough president, and community board of its intent to approve an application for a permit to open a street that has been resurfaced in the last five years ("protected street") (Int. No. 1375) and impose additional restoration requirements for any opening of a protected street (Int. No. 1397). As a utility company that regularly engages in excavation activities in the City of New York, National Grid supports efforts to maintain the integrity of City streets and, more generally, promote safe and efficient construction practices within the City of New York. The Council must consider, however, the extent to which the proposed amendments will encumber efforts to perform necessary maintenance activities and deliver needed infrastructure investments that will maintain the safety and reliability of critical energy networks in the City of New York.

National Grid's gas distribution network serves more than 1.8 million customers in Downstate New York – including in Brooklyn, Staten Island and most of Queens. We operate and maintain more than 9,000 miles of underground gas transmission and distribution pipelines throughout our service territory in New York City. National Grid's number one priority is the safety of the public, our customers, and our employees. Our commitment to safety is shared by our highly skilled, dedicated workforce that includes field personnel and customer agents who are among the best in the industry.

Because National Grid's gas network is largely located underground, our construction, maintenance, and emergency repair work requires regular excavations in City streets to access these facilities. Indeed, National Grid applies for approximately 45,000 excavation permits each year. National Grid crews work every day to ensure safe operations by repairing gas leaks, upgrading mains, expanding the gas network, and installing safety valves on gas services in accordance with New York City law. As we ramp-up investments to enhance our network and meet a growing demand for natural gas in the City, the number of street opening permits will only increase. Over the next 20 years National Grid will replace more than ten million feet of aging, leak prone distribution infrastructure in the City. We will also deliver major system reliability and reinforcement projects to ensure our network is capable of meeting the demands of harsh winter weather and withstanding increasingly severe storm events, including the Metropolitan Reliability Infrastructure Project, a \$190 million project to reinforce the backbone of the Brooklyn gas system, and the Northern Queens Project, a \$100 million reinforcement and reliability project that will improve our ability to serve one of the most constrained areas of the system. This will enable more oil-to-gas conversion in the City that save businesses and residents millions in annual energy costs and have positive environmental impacts by reducing carbon emissions. Over the next three years, National Grid will invest more than \$3 billion on gas infrastructure in Downstate New York - tripling the level of investment from recent years. These investments are designed to ensure the delivery of safe, reliable, economic, and clean energy that our customers use to heat their homes and power their businesses.

To reduce the impact of construction activities, National Grid works closely with the DOT, Department of Environmental Protection (DEP), Department of Design and Construction (DDC), and other City agencies to leverage opportunities to coordinate its construction with City infrastructure replacement projects and road resurfacing programs. National Grid also employs a number of technologies and best practices designed to avoid street excavations altogether. This includes employing "low dig" technology, as opposed to traditional open cut methods for main installation, including use of directional drilling machines for services and small mains. We are also deploying an innovative robotic joint sealing technology that is able to traverse the main and access joints without requiring a pit excavation at each joint, as well as pipe lining technology that extends the life of existing main. Because these technologies involve less excavation than traditional pipe replacement, they reduce construction costs, avoid damage to roads and vegetation, minimize disruptions to the public, and provide environmental benefits in the form of reduced gas emissions and construction debris. However, even with these significant improvements, street excavations remain a necessary part of operating a gas utility in a major metropolitan area.

While National Grid understands the good intentions of this bill, and supports the overarching goal of improved communications related to construction activities in the City of New York and preserving protected streets, the proposed legislation presents potential cost challenges and logistical concerns with regard to National Grid's ability to effectively serve customers in the City. As a provider of essential gas services, National Grid has an obligation to our customers, regulators, and communities to manage its gas system safely and efficiently – and this legislation could encumber its ability to meet that obligation.

Our primary concern with the proposed legislation is the potential for construction delays resulting from an extended evaluation period by various constituencies for each new permit, as well as increased costs resulting from the proposed paving requirements. These construction delays could negatively impact system performance, increase costs to the company and its customers, delay connections for new customers, and jeopardize National Grid's ability to complete mandated work. In addition to the significant increased costs, expanding the paving requirements will adversely impact traffic and parking availability on City streets. National Grid's construction activities in the City of New York are already overseen by the DOT, DEP and other City agencies, and our work is comprehensively regulated by the New York State Public Service Commission. Therefore, National Grid does not believe that additional oversight or approvals are required with regard to each individual street opening permit. Nor do we believe that the additional paving requirements are necessary given the current extensive requirements and will only serve to increase costs to utilities and their customers.

National Grid is proud of its long history of working collaboratively with the City of New York. At a time when the City, National Grid, and other utilities are investing at unprecedented levels to modernize infrastructure, it is more critical than ever that all parties work together to operate efficiently within the City to minimize costs and disruptions to residents. To that end, National Grid is committed to maintaining an open dialogue regarding its future workplans and construction activities in the City of New York. We believe that transparency with City agencies and other stakeholders with regard to the scale, scope, and timing of our work will benefit all parties.

Going forward, National Grid welcomes the opportunity to work collaboratively with the City and other stakeholders to deliver infrastructure investments as efficiently and cost effectively as possible.

Thank you for this opportunity to address the Council.



Patrick A. Lespinasse  
State Government Affairs  
New York State  
140 West Street, 6<sup>th</sup> Floor  
New York, NY 10007

**VERIZON TESTIMONY  
NEW YORK CITY COUNCIL  
COMMITTEE ON TRANSPORTATION  
JUNE 22, 2017**

**RE: Int. 1375-2016 and Int. 1397-2016**

Dear Chairman Rodriguez and Members of the Transportation Committee:

Thank you for the opportunity to allow Verizon New York to submit testimony in regards to Int. 1375-2016 and Int. 1397-2016.

Simply stated, these Introductions, both separately and collectively, will lead to delaying vital and necessary services to the citizens of New York City. Additionally, these intros will lead to increased costs to customers and further disruption and congestion of the streets of the City.

**Int. 1375-2016**

Int. 1375 would require the Department of Transportation (DOT) to delay approval of work permits for 10 days.

A notice requirement "prior" to the approval of permits by the Department of Transportation will inevitably lead to a de facto review period, the intent of which is to clearly create an additional approval process. These delays and potential denials of permits for important work are shortsighted and pose additional burdens on customers seeking vital services.

Currently, once a permit is approved by DOT, the agency posts these active permits online on their website. Community members and elected officials can access this information anytime. In our dealings with community members, many do not know this information source exists. If it were properly utilized by our community members and elected officials, they would have the same info this intro proposes to provide.

To add another layer of review prior to approval of our permits would not only delay planned infrastructure projects but also impact customers who are experiencing out of service issues, thus lengthening the time it would take us to get these customers back up and running.

**Int. 1397-2016**

Int. 1397 would require any restoration of pavement, made subsequent to opening a protected street, to extend to the curb line and to be surrounded by 20 feet of pavement on each side of such restoration.



While we can appreciate the stated purpose of the bill – which is to prolong the integrity of protected streets by preventing the accumulation of a patchwork of pavement restorations – DOT currently retains the authority and oversight ability to direct utilities to perform restorative work in the exact manner the legislation prescribes. Our concern is that the codification of these requirements will strip DOT of their professional discretion and remove our ability to work with the City to assess each situation on their own merits, case by case.

Along those lines, it is important to note that every street is different, as is every excavation and condition. Thus, in certain circumstances, a larger restoration may have the unintended effect of actually compromising the integrity of the street. The more surface area that is exposed, the more vulnerable the streets become to potholes and other problems. Other negative effects will likely include extended periods of time for restoration work; further inconveniences to the public and surrounding businesses; increased traffic and congestion; and noise concerns.

Verizon works collaboratively with the DOT's HIQA (Highway Inspections & Quality Assurance) Division to determine the best course of action. If the agency determines that Verizon or any utility has not met its obligations, there are remedies in place. Preliminarily, the agency issues the utility a Corrective Action Request (CAR), which requires said utility to remediate the particular issue.

The legislation will increase the time it takes us to complete a job and also increase our costs.

Lastly, as the City looks to Verizon to expand its fiber optic network to provide more access to cable television, broadband and voice services, legislation like the ones proposed will unquestionably slow our progress.

Thank you for your time.

**Testimony to the New York City Council**  
**Committee on Transportation**  
**June 22, 2017**  
*A Local Law to amend the administrative code of the city of New York,*  
*in relation to installation of bollards*

My name is Tim Tompkins, and I am the President of the Times Square Alliance, which works to improve and promote the Times Square district. Thank you, Chair Rodriguez and members of the Transportation Committee for allowing me the opportunity to testify before you today.

We care deeply about pedestrian safety. As you know, Times Square is incredibly congested, with pedestrian traffic regularly exceeding 300,000 people per day, and reaching as high as 480,000 per day. Our district makes up 0.1% of New York City's land area, but contains 95% of its theaters and 16% of its hotels. Safety is at the core of everything we do to make the Times Square experience better for these pedestrians, so we greatly appreciate the Council's efforts to prevent another tragedy like the one we saw in Times Square last month, or the horrific crashes that have taken place in France and the U.K. in recent months. The incident in Times Square, in particular, highlighted the importance of strategic safety improvements; if weren't for existing bollards around the pedestrian plazas, the number of casualties may have been much higher.

Any plan to improve pedestrian safety in New York's public spaces should involve consultations with the plaza partners, local property owners and other stakeholders who are most familiar with each area's unique needs and challenges. Each location should be subject to a thorough risk analysis that informs the placement and style of pedestrian protections installed.

In the case of Times Square, the Alliance stands ready to work with our partners in city government to create a plan to add more pedestrian-safety protections where appropriate. We have already begun working with local stakeholders, as well as Snohetta, the architecture firm that designed the pedestrian plazas, to develop specific proposals. Parallel and connected to that process, the Alliance encourages the City's Department of Transportation to complete its already-planned studies of vehicular and pedestrian traffic in the Times Square area, which can help identify key safety vulnerabilities as well as concerns related to traffic flow.

The Times Square Alliance is committed to providing safe streets for our residents and visitors, so we thank you for making this a priority on the city's agenda. By working together, we can ensure that residents and visitors can walk our streets without fear.

Thank you for the opportunity to testify.

**FOR THE RECORD**

# Working Drivers By the Numbers

91% of IDG members are **US immigrants** from more than 59 countries.

57% of IDG survey respondents identified they **make less than \$50,000/year**.

78% of IDG survey respondents **drive full time** (at least 30 hours per week).

56% of IDG survey respondents indicated they **care for a dependent** under the age of 18.

27% of IDG survey respondents indicated they **do not have health insurance**, but want it.

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Since 2011, the rates paid to drivers have declined, while commissions have climbed.

	2011 Uber	2017 UberBlack	2017 UberX
Base Fare	\$8.00	\$7.00	\$2.55
Per Mile	\$4.90	\$3.75	\$1.75
Per Minute	\$1.25	\$0.65	\$0.35

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## Tipping Rule Support

The Independent Drivers Guild's tipping rule has gained support from labor unions including the Central Labor Council and the State AFL-CIO, a growing list of elected officials, ride-hailing driver organizations, immigrant rights organizations, transportation safety advocates, and other community groups. More than 10,000 supporters have signed the Guild's online petition calling for in-app tipping.

Learn more at [DrivingGuild.org](http://DrivingGuild.org)  
or contact us at [info@drivingguild.org](mailto:info@drivingguild.org)



**IDG** INDEPENDENT  
DRIVERS GUILD



# The Tipping Rule: A \$300 Million Dollar Issue for New York City Drivers

When app-based ride-hail companies came on the scene, they offered enticing pay, incentives and bonuses to woo drivers away from driving for traditional black car companies or taxi cabs. However, once these app-based companies dominated the market they slashed driver pay in a race to the bottom.

To make matters worse, the biggest ride-hail company, Uber, told passengers tips were not expected and has refused to offer an in-app tipping option to make tipping easy. As a result, drivers have lost out on hundreds of millions of dollars in tipping income.

**The Rule:** The Independent Drivers Guild, which represents and advocates for 50,000 ride-hail drivers in New York City, proposed a rule to the Taxi and Limousine Commission (TLC) to require ride-hail apps to offer an in-app tipping option. The TLC must decide on the rule by April 17, 2017.

**TLC Precedent:** The TLC already requires taxis to offer a tipping option in their touchscreen payment systems. The TLC has also required ride-hail apps to comply with other rules set for the taxi industry.<sup>1</sup>

**Ride-Hail Company Precedent and Policies:** Uber has a tipping option currently for UberTAXI drivers, but offers no in-app tipping option for their other services. Uber's largest competitor, Lyft, offers a tipping option.

Other ride-hail app policies vary. Gett offers in-app tipping, as does Juno but with major drawbacks: the option button is small, it only becomes visible if a passenger rates their driver five stars, and the option disappears after two hours. Via does not offer a tipping option.

1. Taxicab Passenger Enhancements Project (TPEP) TLC rule §75-25 (a)(2)(ii)

## Tipping By the Numbers



New York City Uber drivers generated approximately **1.5 billion dollars** in revenue in 2016<sup>1</sup>



The TLC requires taxicab touchscreens to offer a **20 percent tip button** as the minimum suggested tip.<sup>2</sup>



**97 percent of solo taxi passengers who paid by credit card** tipped their driver, taking advantage of that option. **Most passengers tipped at 20 percent.**<sup>3</sup>



A **20 percent gratuity** would equate to a **\$300 million dollar raise** for Uber and Via drivers.

1. Black Car Fund data

2. Taxicab Passenger Enhancements Project (TPEP) TLC rule §75-25 (a)(2)(ii)

3. Quartz analysis of TLC Data from the first half of 2015, <https://qz.com/911997/uber-has-absolutely-no-good-reason-for-keeping-tipping-out-of-its-app/>



**Testimony of  
Sami Naim - Public Policy Manager, Lyft  
New York City City Council, Committee on Transportation  
Re: Intro. 1646 - Gratuity for Black Car and Luxury Limousine Service  
June 22, 2017**

Chairman Rodriguez and members of the Council Committee on Transportation. I am writing to you today in **support** of Intro. 1646, an amendment to the administrative code that would require a gratuity option for black car and luxury limousine service.

We share with Chairman Rodriguez the belief that tipping drivers is the right thing to do. Indeed, that is why Lyft has offered an in-app gratuity option since our earliest days, and was the first ridesharing company to do so.

After four years, Lyft drivers have earned \$100 million in tips. Nine months after that, total tips doubled to \$200 million. And just this week, we are celebrating another milestone: Lyft drivers have now earned over a quarter billion dollars in tips.

In fact, to celebrate this milestone, we are further enhancing our tipping options to make it even easier for passengers to thank our drivers for great service. Lyft passengers will begin to see \$2, \$5, and \$10 when the fare is above \$25, instead of the current \$1, \$2, and \$5 tip options. The custom tip option will remain available for all rides.

Intro. 1646 memorializes what Lyft has always believed to be an industry best practice. That is why we support this effort. Moreover, the bill as currently drafted is broad enough to allow companies to bring further innovations to tipping, such as the additional tipping feature Lyft announced this week.

We look forward to working with you on this important piece of legislation. Please feel free to reach out to me if you have any questions or concerns. Thank you.

**FOR THE RECORD**

**Testimony of Ryan Price, Executive Director  
Independent Drivers Guild  
New York City Council Committee on Transportation  
June 21, 2017**

Good Morning Chairman Rodriguez and Members of the Committee, my name is Ryan Price and I am the Executive Director of the The Independent Drivers Guild. The IDG is a nonprofit affiliate of the International Association of Machinists and Aerospace Workers (IAMAW) that represents 50,000 working drivers throughout the for-hire vehicle industry. The IAMAW has been the only union to successfully organize black car workers in New York City, and has been doing so for twenty years. The IDG started in May of 2016. We focus on organizing workers of the app-based for-hire vehicle industry to win a more fair for-hire vehicle industry. In the past year, we've heard from tens of thousands of workers on how to improve the for-hire vehicle industry, and organize to realize those improvements.

On behalf of our membership, first and foremost, we thank you Mr. Chairman for your leadership and support of this very important issue that will have a significant and meaningful impact on the lives of thousands of drivers and their families. We also want to thank the the Taxi and Limousine Commission for accepting our petition to mandate a tipping option across the for-hire vehicle industry, as well as Council Member Espinal, Chin, Lander, Menchaca, Public Advocate Tish James and Comptroller Scott Stringer and many other city and state officials for supporting our long-run campaign and proposing a local law to cement our proposal to make tipping standard again.

We support Intro 1646 which mandates a gratuity option for black car and luxury limousine services. We stand in strong support of this legislation, which will provide a desperately needed raise to thousands of New York families who are struggling to make ends meet after years of pay cuts. We also urge the adoption of four essential amendments for the economic well-being of our members—91% of whom are US immigrants from more than 150 countries, 56% of whom care for a dependent, and 27% of whom lack and are seeking health insurance—and stress how vital it is that workers and regulators continue work hand-in-hand to protect New Yorkers by implementing pay regulation.

Labor platform companies like Uber, Lyft, Juno, Gett, and Via all know how important it is to have a tipping option, but those companies seem incapable of developing a policy that workers are actually asking for. Those companies know Americans are struggling to pay their debts and often feel fortunate to just have a job—so when companies slash pay, the workers are pressured to both perform more trips per hour and work dangerously long shifts just to feed their families and keep up—and the company profits more than ever.

New York City can be the global leader and be a part of curbing the culture of driver exploitation. A strong tipping regulation is potentially a \$300 million dollar issue for New York City for-hire vehicle workers and their families. We urge New York's City Council Members and the Taxi and Limousine Commission to strengthen the driver protections they have proposed and ensure fair and consistent application of the tipping option for all for hire vehicle drivers through these four actions:

- Mandate parity with the Taxi industry by requiring the tip options be 20%, 25%, 30%, or other—and offer customers the option to select a preset tip percentage to be automatically applied across all trips on that platform.
- Bar any additional hurdles to tipping or notification of the tipping option. For example, companies should be prohibited from requiring customers to rate a driver's service at a certain level before being able to give gratuity.
- The option to tip must be available for a minimum of twenty-four hours.
- Gratuity must be classified as completely separate from a worker's pay. That way companies cannot take a cut of a worker's gratuity, and gratuity cannot count toward "incentives"—therefore acting as an effective tipped wage. This will also ensure the estimated \$300 million in gratuities per year would stay in the hands of New Yorkers rather than being raided by multinational corporations.

We again thank you for your support and request the swift passage of Intro 1646 and thank you for supporting New York City for-hire vehicle workers.

Thank you and I am available for any questions the committee may have

*The Independent Drivers Guild is a Machinists Union affiliate representing app-based drivers. We are Uber, Lyft, Via, Juno, Gett workers united for a fair for-hire vehicle industry.*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/21/2017

(PLEASE PRINT)

Name: Ryan Wenttaja

Address: 33 Beaver Street, 22nd Floor, New York, NY

I represent: NYC TLC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1658, 1375, 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/27/2017

(PLEASE PRINT)

Name: Montgomery Dean

Address: 255 Water St. NY, NY 10041

I represent: NYCDOT

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375, 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: Leon Heyward

Address: NYC DOT

I represent: \_\_\_\_\_

Address: \_\_\_\_\_



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1658 Res. No. \_\_\_\_\_

in favor  in opposition

Date: Jun 22, 2017

(PLEASE PRINT)

Name: Michelle Craven

Address: NYC DOT

I represent: NYC DOT

Address: 55 Water St, 9<sup>th</sup> Fl, New York, NY 10011

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1646 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6.22.17

(PLEASE PRINT)

Name: Meera Joshi

Address: \_\_\_\_\_

I represent: Taxi & Limousine Comm.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MARIO SENA

Address: 3271 BRUCKNER BLVD

I represent: AGAPE LUXURY (CAR SERVICE)

Address: 560 SOUTHERN BLVD

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ALEX IACOBI

Address: 5014-16th Ave. #298, BK, NY 11204

I represent: IOG - ~~Uber~~

Address: 3100 47th, C.T.C.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1646 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michele DOTTIN

Address: 240 MacDougal St. #1, BKlyn

I represent: IOG

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1646 Res. No. \_\_\_\_\_

in favor  in opposition

Date: June 22, 2017

(PLEASE PRINT)

Name: Jose Mulero

Address: 730 E 165th St.

I represent: IOG

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1646 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12/17

(PLEASE PRINT)

Name: STEVENSON

Address: 97-07 63 RPT 10

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1646 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ryan Price

Address: 1392 Jefferson St, Brooklyn, NY, 11237

I represent: Independent Drivers GUILD

Address: 3100 47th Ave, #3100 Long Island City, NY

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1375, 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: PATRICK LESPINASSE

Address: 140 WEST ST., 6TH FL. NYC 10007

I represent: VERIZON

Address: 140 WEST ST., 6TH FL. NYC 10007

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375/5137 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: Christopher DeGiacco

Address: 101 Richmond Avenue, Suite 100, NY 11501

I represent: Borough President James Oddo

Address: 10 Richmond Terrace

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-22-17

(PLEASE PRINT)

Name: Alec Slatky

Address: 1415 Kellum Place, Garden City, NY 11530

I represent: AAA Northeast

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375/1297 Res. No. \_\_\_\_\_

in favor  in opposition

Date: June 22, 2017

(PLEASE PRINT)

Name: David Omach GMACH

Address: 4 Irving Place, NY, NY

I represent: Con Edison

Address: 4 Irving Place, NY, NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375, 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Keith Rooney

Address: 2 STEWART CT.

I represent: NATIONAL GRID

Address: 1 METROTECH BRADLYN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375 - 1397 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: HENRY DONG

Address: 4 IRVING PLACE

I represent: CON EDISON

Address: 4 IRVING PLACE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: CHRISTINA GUELI

Address: 435 WINANT AVE ST. NY 10309

I represent: NATIONAL GRID

Address: 1 METROTECH CTR. BROOKLYN, NY 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/2017

(PLEASE PRINT)

Name: Richard Mezic

Address: \_\_\_\_\_

I represent: National Grid

Address: one Metrotech Ctr

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1375/17 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/22/17

(PLEASE PRINT)

Name: FRANK PROST

Address: Maspeth Ave, Bayside NY

I represent: NATIONAL GRID

Address: \_\_\_\_\_

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