

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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June 11, 2009  
Start: 11:23am  
Recess: 2:00pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JOHN C. LIU  
Chairperson

COUNCIL MEMBERS:  
Simcha Felder  
Dan Garodnick  
Vincent Ignizio  
G. Oliver Koppell  
Darlene Mealy  
Diana Reyna  
Eric Ulrich  
James Vacca

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

David Woloch  
Deputy Commissioner for External Affairs  
New York City Department of Transportation (NYDOT)

Victor Rosen  
Assistant Commissioner  
NYDOT Traffic Operations Bureau

Sue Petito  
Assistant Commissioner for Intergovernmental Affairs  
New York City Police Department

James Huntley  
President  
CWA Local 1182

Veronica Vanterpool  
Associate Director  
Tristate Transportation Campaign

Christine Berthet  
Cofounder  
Chekpeds

Chris Ficalora  
Vice President, Eastern North America  
Zipcar

George Gorman  
Legislative Coordinator  
ABATE of New York State

Nancy Ortiz  
Resident  
District Two

Cheryl Stewart  
Resident  
District Six, Red Hook, Brooklyn

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

Jesse Erlbaum  
Resident and Small Business Owner  
District 29, Forest Hills, Queens

Sandra Fleming  
Resident  
District 27, Queens

Andrea Sears  
Resident  
District 35, Crown Heights, Brooklyn

John Simon  
President  
Gotham Skulls Motorcycle Club

Mark Davis  
Member, Satan's Soldiers Motorcyclist Club  
Representative, AIM

Mary Jo Gracin  
Resident  
District 19, Beach Hurst

Ellen Patterson  
Representative  
Concerned Citizens for Motorcycle Safety (CCMS)

Karen Perine  
Representative  
New York Motorcycle Taskforce, Staten Island

Howard Lepsowitz  
Resident  
New York City

CHAIRPERSON LIU: Welcome to today's hearing of the City Council's Committee on Transportation. My name is John Liu, I have the privilege of chairing this Committee. Today the Committee is convening a hearing for the purpose of examining four pieces of legislation related to parking in the City of New York. Proposed Intro 886-A introduced by Council Member Vacca would require photographs to be included with certain parking violations. This is already done in some U.S. cities. Chicago started a pilot program last year using photographic evidence of parking violations, and it's been so successful that it is expanding the program. Chicago found that photographing evidence actually reduced the number of appeals and helped it collect fines sooner. Obviously we look to make sure that in fact the ticketing is being done in a fair manner, and that's why the photographic evidence would help that, as well. Intro number 980, introduced by Transportation Committee member Jessica Lappin, would require the Department of Transportation to develop a plan for motorcycle parking at MUNI meters. With increasing fuel prices, many New

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2     Yorkers are looking at alternatives to the car,  
3     and are now riding motorcycles and mopeds. It is  
4     currently very difficult to park such a vehicle at  
5     a MUNI meter, because there is no way to fasten a  
6     MUNI meter receipt to a motorcycle or a scooter or  
7     a moped. And often, when you do attach a MUNI  
8     meter receipt to such a vehicle, it is stolen.

9     Intro number 1017, introduced by Council Member  
10    Felder, would require the DOT to provide one  
11    week's notice before DOT can temporarily or  
12    permanently change a parking restriction. We've  
13    received complaints from constituents whose cars  
14    have been ticketed because the parking  
15    restrictions were changed during the time, during  
16    the time that their cars were parked. This bill  
17    is about providing adequate notice to the public  
18    before a parking restriction can be changed. And  
19    Intro number 901, which I introduced, would  
20    require the City to set aside some parking spots  
21    in municipal lots, for car sharing programs. Car  
22    sharing programs are very popular in New York  
23    City, because they allow residents to have access  
24    to a car only when they need it, saving money for  
25    maintenance, insurance and parking. Car sharing

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2 programs are good for the City because many New  
3 Yorkers can share one car, eliminating the need  
4 for them to each get their own car. And in fact  
5 many other cities across the United States have  
6 recognized these benefits and have set aside  
7 parking spots in garages and on streets for such  
8 car sharing programs. We're joined by Council  
9 Members Oliver Koppell of The Bronx, Daniel  
10 Garodnick of Manhattan, and James Vacca of The  
11 Bronx. I'd like to offer the floor to Council  
12 Member Vacca, to make some opening remarks on his  
13 bill.

14 COUNCIL MEMBER VACCA: Thank you,  
15 Mr. Chair. I've introduced this bill because New  
16 York City is now in the middle of the most  
17 ferocious ticket blitz that we've seen in City  
18 history. And the current system, where the City  
19 is judge and jury, when it comes to traffic  
20 summonses, is something that concerns my  
21 residents. There's not a day goes by where I  
22 don't get people saying to me that they are being  
23 given summonses as they let their elderly wife or  
24 husband out of the car, to go to a doctor, and  
25 they are sitting in the front seat of the car.

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2 There are people getting tickets from agents who  
3 are behind them, writing summonses as they sit in  
4 the car. There are stories after stories. But  
5 the reality is that many people feel that the  
6 issuance of traffic tickets in New York City is no  
7 longer an issue that revolves around public  
8 safety, it revolves around producing revenue for  
9 the City of New York. Over ten million tickets  
10 were issued in Fiscal Year '08, the number of  
11 tickets issued annually has surged by 42 percent  
12 since 2002, \$624 million in revenue in FY'08, more  
13 than DOT's total budget. My concern is that we  
14 have a situation now in our City where even when  
15 you plead on a traffic ticket, there are 15  
16 separate violations which allow the defense, "I  
17 was not parked in violation of the posted sign."  
18 That defense is a joke. "I was not parked in  
19 violation of the posted sign," becomes a he  
20 said/she said situation. It is another instance  
21 where the motorist is presumed guilty unless found  
22 innocent. Which is the reverse in so much as our  
23 justice system intended. Chicago experiment has  
24 proven that cameras can work; my bill does not  
25 involve a large fiscal cost the City of New York;

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2 in fact, my bill will end up long term saving the  
3 City money. My bill would phase in cameras as we  
4 buy new devices. The Chicago experiment has  
5 worked and the Chicago experiment is being  
6 expanded. And here in our City, rather than  
7 having the City issue the ticket and the person  
8 then going to a judge, who is another City  
9 employee for adjudication, we feel that a picture  
10 will, number one, show proof perfect that the  
11 person is wrong, or be positive proof the person  
12 is right. Either way, this picture will require  
13 less traffic agents to go to court; it will  
14 require people who know they're wrong not to go  
15 and make a case that's not substantiated. And I'm  
16 not the only one who feels this way. I have to  
17 tell you that in the State of Illinois, where  
18 municipalities are now required to submit to  
19 photograph interrogation, the bill that was  
20 originally passed in Illinois was introduced by  
21 State Senator Barack Obama. So, I'm in good  
22 company. So I hope Chairman Liu, I thank you  
23 first for your courteous cooperation and your help  
24 today, in your allowing this hearing to be held.  
25 But I think that people in our City are entitled



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2 to fairness, and I think they are entitled to  
3 having the existing situation, which is  
4 unacceptable, addressed, and I think my bill does  
5 so. Thank you.

6 CHAIRPERSON LIU: Thank you,  
7 Council Member Vacca. I can't wait till 2012,  
8 when there might be a big election, people might  
9 be saying, "James Vacca was just a City Councilman  
10 four years ago." [laughs]

11 COUNCIL MEMBER VACCA: I can't  
12 imagine what else they'll say, but I'll take that.

13 CHAIRPERSON LIU: [laughs] We are  
14 delighted to be joined by officials of the  
15 Department of Transportation and the NYPD. And at  
16 this point we turn the floor over to our esteemed  
17 officials of the Bloomberg Administration.

18 COUNCIL MEMBER KOPPELL: Mr.  
19 Chairman. Mr. Chairman.

20 CHAIRPERSON LIU: Excuse me,  
21 Council Member Koppell has something.

22 COUNCIL MEMBER KOPPELL: Yeah,  
23 before the witnesses testify, I apologize Mr.  
24 Chairman, the time of the hearing was changed from  
25 10:00 to 11:00, and I had made an appointment.

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2 I'm going to have to leave at this point, but I do  
3 want to say that I've read the bills carefully,  
4 and I personally think they all represent good  
5 ideas. I'd like to be, I'm the sponsor of some,  
6 but I'd like to be added as sponsor of my  
7 colleague Mr. Vacca's bill, also Lew Fidler's  
8 bill, both of which I commend. And I appreciate  
9 and apologize for having to leave early.

10 CHAIRPERSON LIU: Thank you, I  
11 think you meant Council Member Felder.

12 COUNCIL MEMBER KOPPELL: Oh, it's  
13 Felder, I'm sorry, I mis--

14 CHAIRPERSON LIU: We'll make sure  
15 that you are added as a cosponsor on all four  
16 pieces of legislation.

17 COUNCIL MEMBER KOPPELL: Thank you,  
18 Mr. Chairman.

19 CHAIRPERSON LIU: Thank you,  
20 Council Member Koppell. Commissioner Woloch,  
21 Petito.

22 DAVID WOLOCH: Okay.

23 CHAIRPERSON LIU: Proceed as you  
24 wish.

25 DAVID WOLOCH: Great, thank you.

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2 Good morning, I am David Woloch, Deputy  
3 Commissioner for External Affairs at the New York  
4 City Department of Transportation. And with me  
5 here today is Victor Rosen, Assistant Commissioner  
6 in DOT's Traffic Operations Bureau, and to my left  
7 Sue Petito, Assistant Commissioner for  
8 Intergovernmental Affairs at the New York City  
9 Police Department. And thank you for inviting us  
10 here today to testify on Intros 1017, 901 and 980,  
11 and then you'll be hearing from Commissioner  
12 Petito. Intro 1017 requires the Department to  
13 post notice of any change to parking restrictions,  
14 permanent or temporary, in the area, and on our  
15 website one week in advance of its effective date.  
16 This notice is to include at a minimum the  
17 proposed change and date it will take effect. DOT  
18 maintains a vast portfolio of street signage, 1.3  
19 million in total, about 20 percent of which are  
20 used to designate parking restrictions.

21 Currently, we complete all non-priority regulatory  
22 sign orders within 90 days, which affords us the  
23 flexibility to complete work as efficiently as  
24 possible. When a permanent change to an existing  
25 regulation occurs, crews visit the location once

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2 to replace signage. Under Intro 1017, staff would  
3 be required to go out twice, once to post notice,  
4 then again to change the signage, essentially  
5 doubling their workload and undoubtedly resulting  
6 in the need for additional staff or overtime  
7 outlays. In addition to the cost associated with  
8 the increased workload, this legislation also  
9 impacts the efficiency of our operations. We  
10 prioritize work based on need and staffing levels,  
11 often changes are bundled with other work being  
12 done in the area. Should we have to comply with  
13 this bill, crews would have to adhere to a rigid  
14 schedule, returning exactly seven days following  
15 the posting of notice. Should weather, staffing  
16 levels or an emergency delay our crews beyond  
17 seven days, we would need to return to the  
18 location, post new notice, then for a third time  
19 return a week later. This would create  
20 considerable inefficiencies as it introduces a  
21 period where despite the ability to do so, work  
22 cannot be completed. In addition to permanent  
23 restrictions, Intro 1017 also addresses temporary  
24 restrictions, which may be used by DOT, other city  
25 agencies, and even private contractors. Temporary

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2 signage is installed to notify motorists of  
3 restrictions related to special events, temporary  
4 construction or street reconstruction. In  
5 addition to signs for non-DOT uses, DOT also  
6 utilizes temporary signage as part of our repaving  
7 operations. In this case, one week's advance  
8 notice is particularly problematic as once our  
9 crews enter a community board, the specific  
10 streets captured on any given day depends on how  
11 quickly work gets done, which will vary based on  
12 location. The condition of the roadway, equipment  
13 issues and even weather affects the speed at which  
14 work is completed. In this case, to comply with  
15 the bill, we would have to restrict parking for  
16 more time than actually necessary in order to  
17 ensure the curb is clear for us to repave.

18 Further, it's important to point out that the more  
19 time notice is posted, the less chance it'll  
20 actually remain intact. Often, even when notice  
21 is posted days in advance, due to tampering or  
22 weather conditions, it disappears by the time  
23 crews come to repave. In these cases, signs are  
24 missing at the most important period, right before  
25 regulations are changed. While we do recognize

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2 the benefit associated with advance notification,  
3 as required in Intro 1017 the necessary staffing  
4 costs and impact on our operations are just too  
5 great. We appreciate however the real concerns  
6 driving this proposal, and are eager to think  
7 through alternative approaches. Now let me turn  
8 to the next bill before us today, Intro 901, which  
9 requires DOT to reserve ten spaces or ten percent  
10 of all spaces in City owned parking facilities to  
11 be designated for use by car sharing programs.

12 The bill specifies that should demand exceed  
13 supply, every two years a lottery system will be  
14 issued to allocate available spaces, and that if  
15 supply exceeds demand, excess spaces may be exempt  
16 until a car sharing program requests the space.

17 DOT strongly supports the concept the car sharing,  
18 as it has the potential to greatly reduce  
19 congestion, allowing us to yield the mobility and  
20 environmental benefits associated with decreased  
21 car ownership in the City. Accordingly, we do  
22 support this legislation. We would like to work  
23 with you finalizing the exact language of the  
24 bill, particularly how it relates to our current  
25 management contracts, and hope to work on that

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2 with you. However, it's important we don't  
3 overstate the impact of our own parking  
4 facilities. As you know, over the years, DOT has  
5 sold many of its lots and garages, particularly  
6 those in high demand areas, such as Manhattan and  
7 Downtown Brooklyn. As a result, a number of  
8 facilities are in less congested areas, often not  
9 in sought after destinations, further from public  
10 transportation, where more residents own cars.  
11 And therefore, there's less of a demand for car  
12 sharing programs in some of these locations.  
13 Finally, we would like to address Intro 980, which  
14 requires DOT to create and implement a plan that  
15 offers a solution for securing receipts to  
16 motorcycles parked at MUNI meters. At present,  
17 motorcyclists must find some way to affix receipts  
18 to their vehicles in order to park at MUNI meters.  
19 The absence of an enclosed dashboard makes this  
20 difficult, as weather conditions or theft are  
21 issues that must be considered. Currently, when  
22 we're contacted by motorcyclists faced with this  
23 problem, we offer to send them free of charge  
24 plastic pouches they may use to display MUNI meter  
25 receipts. These pouches may be affixed to

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2 motorcycles in a number of ways. There are also  
3 retailers that sell devices similar to our  
4 pouches, equipped with combination locks or  
5 plastic ties, like the one I'm holding. Going  
6 forward, there's more we can do to let  
7 motorcyclists know about these devices, such as  
8 posting the information on our website, so riders  
9 are aware of this option. We agree this is a  
10 problem for motorcyclists, and as mandated in the  
11 bill, DOT will continue to explore additional  
12 solutions. Thank you for the opportunity to  
13 testify before you today, and following testimony  
14 on Intro 886A from Assistant Commissioner Petito,  
15 we'd be happy to answer any questions you may have  
16 at this time.

17 SUSAN PETITO: Good morning, Mr.  
18 Chairman, members of the Council. I'm Susan  
19 Petito, Assistant Commissioner of  
20 Intergovernmental Affairs of the New York City  
21 Police Department. I'm pleased to be here today  
22 to discuss Intro 886A, which would mandate that  
23 the police department only put into service what  
24 the bill refers to as "handheld computers" capable  
25 of taking photographs. The bill would further



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2 require that when one of these devices is  
3 utilized, and where practicable, a photograph  
4 evidencing the alleged violation must accompany  
5 every parking summons issued for the types of  
6 violations enumerated in the bill: bus stops,  
7 handicapped zones, bicycle lanes, crosswalks,  
8 sidewalks, fire hydrants, double parking and  
9 failure to display a required document or license  
10 plate. We respectfully urge the Council not to  
11 approve this bill for several reasons. As you  
12 know, the police department's traffic enforcement  
13 agents utilize a device called a "parking ticket  
14 device," to assist in the issuance of summonses.  
15 Parking ticket devices are not what would  
16 typically be thought of as computers. They have  
17 extremely limited memory and are not wireless  
18 devices or internet accessible. They perform one  
19 function: producing paper summonses based upon  
20 the entries of traffic enforcement agents, into a  
21 template form loaded into the device. The parking  
22 ticket devices currently used by the police  
23 department do not have the physical capacity to be  
24 retrofit to include a camera. Further, the  
25 department would be required to develop a new

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2 infrastructure to create, store, download, and  
3 transmit photographs associated with the  
4 enumerated parking violations, not only impacting  
5 police department resources, but also seriously  
6 implicating the resources and operations of the  
7 Department of Finance, which is responsible for  
8 the further processing and adjudication of parking  
9 violations issued by our agents. The storage of  
10 millions of photographs would overwhelm the  
11 capacity of the Department of Finance, which would  
12 be required to retain them for at least a year,  
13 and possibly longer, depending on the disposition  
14 of the summons. Every administrative law judge  
15 adjudicating parking summonses would need to be  
16 able to access these photographs, and if the  
17 photograph were to be considered a part of the  
18 Notice of Violation, then an electronic or other  
19 mechanism would need to be designed in order to  
20 somehow communicate that photograph to the owner  
21 of the vehicle receiving the summons. Beyond the  
22 technical and fiscal consequences flowing from  
23 enactment of such a requirement, the bill  
24 introduces a host of complications regarding the  
25 evidentiary value of photographs, and the use to

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2 which they would be required to be put by  
3 administrative law judges adjudicating summonses.  
4 It is unclear whether the intent of the bill is to  
5 provide for automatic dismissal of summonses,  
6 which are not accompanied by a photograph; but the  
7 plain language of the bill would seem to so  
8 indicate. There may be circumstances in which  
9 photographs are not clear, or not capable of being  
10 taken or downloaded. It is uncertain whether and  
11 how explanations would need to be provided in such  
12 cases, and it is further uncertain whether and how  
13 the photographs would need to be verified or  
14 authenticated as part of the adjudication process.  
15 In addition, it is unclear what probative value  
16 such photographs may have, since the violations  
17 they are assumed to document may not be easily  
18 determined from a photograph. For example, the  
19 exact distance a vehicle is parked from a hydrant.  
20 In practical terms, the bill would cut down patrol  
21 time; it would require traffic enforcement agents  
22 to spend more time documenting each parking  
23 violation, including potentially having to take  
24 several photographs to get a complete picture of  
25 the violation involved. The likelihood of

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2 encountering a motorist who objects to the  
3 issuance of the violation, or even to the  
4 photographing of their vehicle, would greatly  
5 increase, along with the time spent on each  
6 individual violation. But by far, the most  
7 important reason not to enact this bill is the  
8 tremendous damage it would do to the validity of  
9 all parking summonses issued, not only by our  
10 traffic enforcement agents, but also by police  
11 officers and enforcement personnel of other  
12 agencies. This bill carries with it an underlying  
13 assumption that the prima facie case established  
14 by the issuance of the summons itself, and the  
15 sworn affirmation of its truth by the issuing  
16 officer, is insufficient. The bill in effect  
17 communicates doubt about the validity of parking  
18 summonses unless they are supported by a  
19 contemporaneous photograph, which will ultimately  
20 beg the question of why a photograph is not  
21 required for every violation, no matter how and by  
22 whom it is issued. We believe that the summons  
23 itself must and should continue to provide the  
24 evidence needed to support a finding that the  
25 violation has been committed. We strongly urge

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2 the Council not to approve Intro 886A as  
3 unnecessary and potentially destructive to the  
4 City's efforts to keep traffic moving and most  
5 important, to keep all those who use our streets  
6 safe. Thank you and we'll welcome your questions.

7 CHAIRPERSON LIU: Thank you very  
8 much. I was speechless for a few minutes there,  
9 with Commissioner Woloch's testimony. Speechless  
10 in a good way, but I was brought quickly back down  
11 to reality by Commissioner Petito's testimony.  
12 [laughter] Thanks for giving us that reality  
13 check. These things almost sounded too good to be  
14 true. I appreciate the testimony. The, so just  
15 to recap pretty quickly, the Administration is  
16 actually in favor of Intro 901. That is the car  
17 sharing.

18 DAVID WOLOCH: Correct.

19 CHAIRPERSON LIU: Wow. That's,  
20 that's amazing. I think that's the first time.

21 DAVID WOLOCH: No, not the first  
22 time.

23 CHAIRPERSON LIU: First time in  
24 recent memory.

25 DAVID WOLOCH: There've been a few

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CHAIRPERSON LIU: Okay. And then the, and then it appears, although you don't actually say it, but it appears that you, that the Administration supports Intro 980, which really just calls for the Department of Transportation to come up with, come up with a way for motorcyclists to display their receipts.

DAVID WOLOCH: Yeah, I mean, we're already working on this, I think with or without a bill, it's something we're prepared to go forward with.

CHAIRPERSON LIU: Well, hopefully, sometimes with a bill in place, the Department of Transportation would work a little quicker.

DAVID WOLOCH: We're going to, we're going to work quickly, regardless.

CHAIRPERSON LIU: Okay. And then, Intro 1017. There are different kinds of changes and regulations. Some changes and regulations need to be implemented immediately, and some of them are really, could've been implemented a week ago, could've been implemented the following week, the following month. And so, there's got to be a

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2 way. My--My inclination is to think that most of  
3 the parking rule changes are actually of the  
4 category where it is not time urgent, that it does  
5 not have to be done on that precise day. And so,  
6 in those cases, isn't there a way for the  
7 Department of Transportation and the NYPD to  
8 coordinate so that even if the sign is put up  
9 there, that there'd be a period of a week, perhaps  
10 two weeks, before the ticketing actually begins?  
11 So that technically the regulation is in place,  
12 but the tickets don't actually have to be issued  
13 for a week or two, to allow people to learn about  
14 that new regulation, and to avoid the situation  
15 where someone had parked their car at a spot, the  
16 regulation changes on them, and then they get  
17 tickets and possibly towed.

18 DAVID WOLOCH: Yeah, I think you're  
19 on the right track. I mean, and that's different  
20 than what's required in the bill. I mean I think  
21 we're in agreement that there's, that there,  
22 there's a legitimate concern. I mean, people  
23 should not be parking where they're allowed to  
24 park, and to come back hours later with a changed  
25 regulation and a summons. It's something out of

1  
2 a, like a Kafka story. It's a real problem. I  
3 think as I testified, the idea of putting up  
4 signage is probably, while there's a benefit to  
5 it, it is I think too burdensome and as I  
6 explained, there's, it would involve a lot of  
7 costs and a lot of inefficiencies. But I think  
8 you're honing in on the right direction, which  
9 there's probably more that the two agencies can do  
10 in terms of communicating when we're going to make  
11 parking regulation changes. And that's something  
12 we, we've been talking about, and which we want to  
13 give some more, some thought to.

14 CHAIRPERSON LIU: Well, I mean, we  
15 got to, we have to put some urgency towards it.  
16 And Council Member Felder is not here to talk  
17 about his bill. He, just for the record, is not a  
18 member of this Committee, so he, there's no  
19 requirement for him to be here. Nonetheless,  
20 Council Member Felder has been a proponent, a  
21 strong proponent of clarifying the rules and  
22 making parking regulations fairer for all New  
23 Yorkers, and to reduce on unfair ticketing. And  
24 so, while the Department of Transportation may say  
25 that, "Well, we're looking at ways, because the



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2 concerns here are real," we need to, again, all  
3 the bills that we're considering today are born  
4 out of a, an increasing level of frustration among  
5 the part of our constituents, who are getting  
6 tickets because of factors that are in many cases  
7 beyond their control, and in many cases felt  
8 unfair. We then hear from the agents who are  
9 charged by the City with writing these summonses,  
10 that there is an incredible amount of pressure  
11 placed on them, so that they have to write these  
12 tickets. In some cases they don't even want to  
13 write these tickets, but it is the Administration  
14 that is insisting on having these summonses  
15 issued. So, to the extent that this continues to  
16 happen, we're going to have to take the, take the  
17 measure of requiring the temporary, the  
18 notifications to be posted. If the Department of  
19 Transportation can come up with a different way so  
20 that it can avoid the expense, the time and  
21 expense of having to post the notices up, then  
22 come up with a different way to do it. But in the  
23 absence of anything concrete, I see no reason why  
24 we should not push forward with this legislation.  
25 The Department of Transportation can always claim

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2 that it's going to introduce additional costs, but  
3 in some cases the additional costs are costs that  
4 should be realized by the City because it is  
5 undertaking unfair policies. So, thanks for the  
6 saying that the concerns are real, but we need  
7 real ways to address those concerns. And then  
8 finally, let's get to the, I guess the one that is  
9 the--the one that is probably the most serious  
10 bill before us today, which I do in concept  
11 support, the fact that with today's technology,  
12 the fact of the matter is that the idea that, the  
13 idea that the handheld devices are not internet  
14 connected, that doesn't, that doesn't--that does  
15 not take away from any capacity in the future to  
16 have handheld devices that in fact are capable of  
17 taking photographs. And so the real heart of the  
18 matter comes down to whether photographs really  
19 should be offered as evidence, as opposed to just  
20 a signed summons, signed by the traffic agent, and  
21 whether that in fact should be sufficient to be  
22 used as evidence. I'm going to allow Council  
23 Member Vacca to ask his questions, and then I'll  
24 ask my follow up questions. Council Member Vacca.

25 COUNCIL MEMBER VACCA: Well, I

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2 think the basis for my bill is that we first have  
3 to understand that we have to do something about  
4 traffic policy in this City. We have to do  
5 something about the onslaught of tickets. When we  
6 have the City of Chicago able to do this, and we  
7 in New York City have come up with so many reasons  
8 why we can't or we won't, I think it's  
9 unacceptable. And basically, my questions revolve  
10 around the current system we're facing and the  
11 inadequacies of it, and how we can make it better.  
12 Let me ask you something, people get a summons  
13 today and they can then go to a judge, and  
14 administrative judge, the administrative judge  
15 will hear their appeal. How is it possible that  
16 in 2005, in 2005 the dismissal rate was 39  
17 percent, and in 2009 it's 22 percent? Why are we  
18 dismissing fewer and fewer summonses? How could  
19 that be possible?

20 SUSAN PETITO: Well, I can't speak  
21 to the Department of Finance's policies, but I  
22 think one of the things that happened during that  
23 time period was the introduction of their  
24 settlement programs. New York City Delivery  
25 Solutions, their commercial abatement program,

1  
2 results in a lot of summonses being dismissed for  
3 companies who belong to those programs. And  
4 again, you know, forgive me, I don't know their  
5 numbers and I don't know their, their dismissal  
6 rates, per se, you know, what types of violations  
7 are being dismissed more often. But, a lot of  
8 summonses are also paid up front. So I don't know  
9 whether you're talking about contested tickets, or  
10 if you're considering all of the tickets that are  
11 issued, and then the overall dismissal rate I  
12 think it lower than that. But in any event, I  
13 would have to defer to the Department of Finance  
14 on that.

15 COUNCIL MEMBER VACCA: You're aware  
16 now that many tickets, we're talking about up to  
17 \$115 each.

18 SUSAN PETITO: Yes.

19 COUNCIL MEMBER VACCA: That's what  
20 people are paying for tickets today. Many people  
21 in total frustration pay the money and don't even  
22 go to the hearings. Many people feel that going  
23 is a waste of time. Many people feel it's a he  
24 said/she said, and that's what my bill would  
25 resolve. My bill would resolve this issue and my

1  
2 bill would provide evidence, either the traffic  
3 agent will not issue the ticket because he knows  
4 he doesn't have a case, or the person will not  
5 fight the ticket knowing that he or she does not  
6 have a case. So that's going to reduce the amount  
7 of the number of administrative judges we need in  
8 this City, and it's also going to save the City  
9 money at the other end, insomuch as the  
10 administrative judges and their concerned. Does  
11 New York City reward administrative judges who  
12 uphold more fines than they dismissed? Than they  
13 dismissed, does New York City reward  
14 administrative judges who find a higher rate of  
15 guilt as opposed to innocence?

16 SUSAN PETITO: Again, I don't work  
17 for the Department of Finance, but I can be pretty  
18 sure that they don't. I believe that the parking  
19 violation, the administrative law judges  
20 adjudicating parking violations are all paid the  
21 same amount.

22 COUNCIL MEMBER VACCA: They're paid  
23 the same amount, but our administrative judges who  
24 are basically part time, are they given more work  
25 and more hours and more days of work if they are

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found to have issued a greater percentage of summonses make, finding people guilty?

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4

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SUSAN PETITO: I highly doubt that, but again, I don't work for the Department of Finance.

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COUNCIL MEMBER VACCA: I wish they were here then, because those are key questions. You mentioned every obstacle to your not being able to have cameras. You're aware that my bill is very specific, and it does not say that a camera is needed in every offense.

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14

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SUSAN PETITO: Yes, it enumerates the violations that I laid out, yes, I'm aware of that.

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COUNCIL MEMBER VACCA: Alright, you say that you cannot store photographs. The City of New York, the storage of millions of photographs would overwhelm the capacity of the Department of Finance? How would it overwhelm the Department of Finance when they have millions of records of who owns what property in the City of New York, and who pays what taxes? How would it overwhelm the Department of Finance to create a system whereby they could keep records of people

1  
2 who get traffic summonses, which I'm sure they  
3 already have, and include in that record a picture  
4 of the offense. How does that overwhelm a City  
5 agency?

6           SUSAN PETITO: Because the system  
7 that the Department of Finance uses, I believe  
8 it's called the Stars System, is designed to  
9 capture and retain information about the parking  
10 summonses. Each photograph, jpegs I think is the  
11 way they're stored, is a certain number of  
12 kilobytes. Now I don't know, I just went on to my  
13 website, my, in my emails. I had a picture of a  
14 mug shot, that was 32 kilobytes. A person, a  
15 photograph of a missing person was 50 kilobytes.  
16 50 kilobytes looked to be about the same size as a  
17 six page memo. So that's a tremendous amount of  
18 space to be kept in the numbers of millions in a  
19 system, this Stars System, that is very old, and  
20 is operating, from what I understand, at peak  
21 capacity now. What would have to happen, is a new  
22 infrastructure designed not only for the storage,  
23 but also the sharing of this, and potentially a  
24 workstation at every administrative law judge's  
25 desk so that they could access the photo. OMB did

1  
2 do a cost estimate for this, and they estimated  
3 that over the next five to seven years, the bill  
4 would cost about \$60 million.

5 COUNCIL MEMBER VACCA: I don't  
6 think that's the cost associated with this program  
7 in Chicago. I think the New York City agencies  
8 develop new technology every day and new systems  
9 every day. And I think that where there's a will  
10 there's a way. I think that price of \$60 million  
11 will not be the cost of such a program. In the  
12 City of Chicago, parking enforcement aides utilize  
13 the new Auto Site handheld ticket printers, with  
14 photographic capabilities, starting in August  
15 2008. And they not only started that program,  
16 they started it with very, they were taking  
17 pictures of very limited offenses, and they now  
18 are expanding the amount of offenses that they  
19 take pictures of.

20 SUSAN PETITO: Well, with all due  
21 respect, I don't know how many summonses are  
22 involved in Chicago. I don't know, I mean our  
23 agents issue many millions a year.

24 COUNCIL MEMBER VACCA: Oh, I know.

25 SUSAN PETITO: So.



1  
2 COUNCIL MEMBER VACCA: My people  
3 know that.

4 SUSAN PETITO: I know you do.

5 COUNCIL MEMBER VACCA: My people  
6 know that there are millions of summonses, they  
7 are followed many times by traffic agents. We  
8 know. That's why there's got to be a protection  
9 for people. And I admit that many times people  
10 are wrong, but the reality of the situation is  
11 that even when you're right, it's impossible, and  
12 people have given up in frustration and just pay  
13 the ticket rather than waster their time at a  
14 hearing. That's how frustrating it's gotten for  
15 them.

16 SUSAN PETITO: Well, but I  
17 disagree, Council Member, because the number of  
18 dismissals you pointed to before shows that it's  
19 not a vain attempt to fight a parking ticket.

20 COUNCIL MEMBER VACCA: No, they're  
21 going there--

22 SUSAN PETITO: The point is that  
23 many people pay them, also, because they  
24 acknowledge that they were wrong.

25 COUNCIL MEMBER VACCA: Many of them

1  
2 pay them and many of them go and plead guilty and  
3 take the reduction rather than go for a hearing  
4 because they do not have faith in the system, and  
5 they feel it's a waste of time and they cannot  
6 give up a day's work to go fight a traffic ticket.

7 SUSAN PETITO: Well, and I think  
8 that we could argue this back and forth for a long  
9 time. The basic argument--

10 COUNCIL MEMBER VACCA: Well, you  
11 indicate here that it is--

12 SUSAN PETITO: --that we are  
13 making, I'm sorry.

14 COUNCIL MEMBER VACCA: You indicate  
15 here, "It is unclear whether the intent of the  
16 bill is to provide for automatic dismissal of  
17 summonses which are not accompanied by a  
18 photograph, but the plain language would seem to  
19 indicate such." Yes!

20 SUSAN PETITO: Okay, it's good to  
21 clarify that, yes.

22 COUNCIL MEMBER VACCA: My intent  
23 and I clarify, if the summons does not have a  
24 picture, it should be dismissed, because if the  
25 law requires a picture and the agent did not

1  
2 include it, then it does not meet the provisions  
3 of the law. So, yes, it should be dismissed.  
4 Isn't it the right of a person, if there's a law  
5 in the City of New York, to make, to have that law  
6 protect them, that it be enforced. I think it's a  
7 basic right. "There may be circumstances in which  
8 the photographs are not clear." Yes. And if  
9 they're not clear, the administrative judge will  
10 have to make a decision. "Well, the picture's not  
11 clear." I don't know, isn't there, isn't there a  
12 term, "presumption of innocence" for people who  
13 get a traffic ticket, like a presumption of  
14 innocence for someone who's arrested for a  
15 criminal offense? If the picture's not clear, the  
16 judge will make a decision whether or not he will  
17 uphold or dismiss the case. "It is, it is  
18 uncertain whether and how explanations would need  
19 to be provided"? "It is uncertain whether and how  
20 explanations would need to be provided." What is  
21 uncertain about whether or not you need to provide  
22 an explanation? I think those pictures would  
23 show, for the most times, irrefutably, whether or  
24 not the person is guilty or not. Is the person in  
25 the crosswalk with his car? Is the person in a

1  
2 bus stop? I think it would show. "And it is  
3 further uncertain how the photographs would need  
4 to be verified or authenticated." Are we, are we  
5 implying that the traffic agent would put a phony  
6 photo on the same ticket? Then the traffic agent  
7 should be fired! How is it impossible to  
8 authenticate whether the picture of the offense  
9 goes with the offense? There's a license plate on  
10 the car, the license plate will be on the ticket.  
11 The car has a color, blue, green; the car has, is  
12 in front of a deli, or if it's in front of a  
13 bakery. I don't understand this, and if there are  
14 traffic agents who are mixing apples and pears,  
15 pictures with cars, they should be fired. So  
16 what's so unclear? "It is unclear what value such  
17 photographs may have"? How is it unclear what,  
18 what value they have? I question this entire  
19 explanation. I understand you're against it. But  
20 the reasons you give for being against this bill  
21 do not make sense. What is the cost of--Have you  
22 or anyone at Department of Finance indicated what  
23 a cost would be of my bill, the phase in that I'm  
24 recommending? What is the fiscal implication of  
25 my bill? How much is the cost going to be?

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2 SUSAN PETITO: \$60 million over the  
3 next five to seven years.

4 COUNCIL MEMBER VACCA: As you  
5 change the equipment, or as you install this new  
6 computer system you anticipate installing?

7 SUSAN PETITO: Hardware, software,  
8 maintenance, personnel costs, project management.  
9 It, for the entire bill to be implemented the we  
10 think you envision it, OMB estimates it to cost  
11 \$60 million over the next five to seven years.

12 COUNCIL MEMBER VACCA: Well, as I  
13 indicated, I question such a high amount because I  
14 question whether or not a new system, a new  
15 computer system would be needed, and cost that  
16 much money. And the fact that my bill is phased  
17 in, I think, and does not include many offenses,  
18 it's something that I'm willing to negotiate with  
19 the Administration. I'm just discouraged that you  
20 took such a hard line, and that many things that  
21 are in here are not true. And this, my bill would  
22 do tremendous damage to the validity of parking  
23 summonses?

24 SUSAN PETITO: Absolutely.

25 COUNCIL MEMBER VACCA: My bill

1  
2 would make sure the traffic summonses are valid.  
3 What's going on today is doing a lot of damage to  
4 the validity of traffic summonses. How we issue  
5 traffic summonses today, it's what's causing a  
6 credibility problem, with the Department.

7 SUSAN PETITO: And obviously I  
8 strongly disagree with that position.

9 COUNCIL MEMBER VACCA: Well, then,  
10 come to my community, come to Brooklyn, come to  
11 Queens, and come and talk to people. And come to  
12 see how many people feel they're being terrorized.  
13 Then we're not out in the field and we're not  
14 hearing from the people out in the communities,  
15 who are petrified of traffic agents and tickets.  
16 Who have traffic agents waiting for the parking  
17 meter to go to that one minute more, and where  
18 they're there lurking waiting for the summons.  
19 How a man, who when he dropped his wife off at  
20 cancer treatment at a bus stop, and opened the  
21 door for his wife, and took the wife out of the  
22 car onto the sidewalk and let her walk to her  
23 cancer treatment, how that elderly man, 79 years  
24 old in my district, was given a summons. There's  
25 case after case like this. We give parking

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2 traffic agents discretion. I question the  
3 discretion that we give many parking traffic  
4 people. I question that discretion, I think it's  
5 been abused many times, and there've been many  
6 confrontations where people have disagreed in the  
7 streets, with traffic agents, and they've been  
8 terrible confrontations. My bill would ameliorate  
9 that, and my bill would address that, because a  
10 picture speaks volumes, as to what really happened  
11 and what did not happen. I really think that this  
12 needs another look. This bill had much thought  
13 and foresight behind it. I'm very serious in how  
14 I feel, and many of my colleagues feel the same  
15 way. And the summons, you feel that the summons  
16 should continue to provide the evidence needed to  
17 support a finding. The summons provides no  
18 evidence beyond what the traffic agent claims  
19 existed, whereby the picture would provide  
20 ironclad evidence. Just by reviewing much of this  
21 testimony, I feel that the objections are  
22 inappropriate, and I think that we could do better  
23 than this. And I hope the Administration will  
24 reconsider. I think this bill has value, and I  
25 think that we can go a long way with this. I

1  
2 think that we have a model to replicate, I think  
3 that we can do it, and as I said before, if Barack  
4 Obama did it in Chicago, we're sitting here in New  
5 York and we're saying we can't do? No, I think  
6 we're saying we won't do. And that's unacceptable  
7 to me.

8 CHAIRPERSON LIU: Thank you,  
9 Council Member Vacca. [applause] [off mic:  
10 Quiet please] [gavel] We've been joined by  
11 Council Member Eric Ulrich of Queens, Council  
12 Member Vincent Ignizio of Staten Island, and  
13 Council Member Diana Reyna of Brooklyn. I would  
14 really have to say that I agree with almost  
15 everything Council Member Vacca says. And the  
16 testimony here, presented by the NYPD, is not as  
17 clearly thought out as it perhaps should be. And,  
18 you know, Commissioner Petito you've appeared  
19 before our Committee many times, we are friends,  
20 you have your job to do, we have our job to do.  
21 Once again, we hear it from our constituents on a  
22 daily basis. And we've been joined by Council  
23 Member Darlene Mealy of Brooklyn. We hear the  
24 frustration of our constituents day after day  
25 after day. And I think the choice of words, I



1  
2 think we have to be careful about, and in fact the  
3 choice of words really would demonstrate the true  
4 thinking behind what we're trying to do here. We  
5 are in no way questioning the integrity of traffic  
6 agents. To suggest that, well, we have to simply  
7 go by the sworn statement of the traffic agent,  
8 otherwise we're questioning their integrity, that  
9 could not be further from the case. The Council  
10 Members here are not questioning the integrity or  
11 the honesty or the responsibility of the traffic  
12 agents, who are charged with one of the most  
13 difficult responsibilities in City government that  
14 anybody could undertake.

15 SUSAN PETITO: Well, Mr. chairman,  
16 with all due respect, Council Member Vacca is  
17 challenging the integrity of the traffic  
18 enforcement agents.

19 CHAIRPERSON LIU: No, he's not,  
20 because what I'm hearing, what I'm hearing, is  
21 that what I'm hearing from Council Member Vacca,  
22 and what I see through this piece of legislation,  
23 which I do support, is that it is calling for the  
24 City to equip these law enforcement officers,  
25 these traffic agents, equip them so that they can

1  
2 make their case. Just as the City equips police  
3 officers and detectives with the tools to justify  
4 their case, if it go, if it comes before a court  
5 of law. The City should provide that equipment to  
6 the traffic agents, also. Council Member Vacca's  
7 bill does not say that, "Oh, the photographs would  
8 be sufficient to dismiss the ticket." It simply  
9 says that the City should provide that kind of  
10 evidence, so that if in fact that violation, that  
11 accusation of a violation of law, winds up in the  
12 court of law, that that judge has information to  
13 look at, to determine in fact whether a violation  
14 took place. It is in no way an indictment on the  
15 traffic agent. It is simply expressing he  
16 frustrations of New Yorkers on a daily basis, that  
17 this City is issuing tickets like never before.  
18 Like never before, where we have ticket revenue  
19 that is approaching, within a couple of years, a  
20 billion dollars a year. One billion dollars a  
21 year of ticket revenue. And in many cases, people  
22 are not contesting it. Why? Because in the vast  
23 majority of cases, when people try to contest a  
24 parking ticket, even though they are completely  
25 convinced they're not guilty of it, the judge has

1  
2 no reason to disbelieve the agent. And therefore,  
3 the guilty, the guilty verdict is issued, and then  
4 they get a surcharge. So, there's no, I mean,  
5 it's not easy to figure out why people don't  
6 contest their parking tickets. They simply throw  
7 up their arms, you know, say a few choice words of  
8 the New York law, and then they pay the ticket.  
9 So, I don't understand why it is that the City  
10 would object to this bill by questioning whether  
11 we're questioning the integrity of the agents on  
12 the ground. We're simply asking the City to  
13 better equip those agents, because when ordinary  
14 citizens are accused of a law, they are presumed  
15 innocent until proven guilty. And we're asking  
16 the City to provide those agents with a means to  
17 make that proof. That's all it is, it's not  
18 questioning anybody's integrity. We've got  
19 questions from Council Member Garodnick.

20 COUNCIL MEMBER GARODNICK: Thank  
21 you very much, Mr. Chairman, and I have recently  
22 been appointed the Chairman of the Vacca for  
23 President Committee, and I'm very pleased to have  
24 that new position. I'm going to change the  
25 subject just briefly for a moment and turn to

1  
2 Intro 901. And was interested to hear your  
3 testimony, Mr. Woloch, on the subject of the  
4 reservation of ten or ten percent of spaces in  
5 city owned parking facilities for car sharing  
6 programs. Just wanted to get sense from you, you  
7 said that these were mostly in less congested  
8 areas and not sought after destinations where we  
9 have these facilities. I don't really have a  
10 sense of how many facilities we have of this type,  
11 in the city. Can you tell me how many garages we  
12 have? And how many spaces?

13 DAVID WOLOCH: Seven garages and 38  
14 fields. If you had asked us five years ago what  
15 the numbers were, they were substantially more.  
16 So, over the past decade, we've been getting out  
17 of the business to some extent.

18 COUNCIL MEMBER GARODNICK: Okay.  
19 So the seven garages and 38 fields contain how  
20 many spaces overall?

21 DAVID WOLOCH: About 7,000.

22 COUNCIL MEMBER GARODNICK: Okay.  
23 So, this would, this legislation would reserved  
24 either ten spaces or ten percent of all spaces. I  
25 guess my question here is, first of all, what is

1

2 the demand for the current 7,000 space? Are they  
3 filled all of the time, or are they at 50 percent  
4 of their capacity? Where are they?

5

6 DAVID WOLOCH: It really varies  
7 depending on the location. So we have some that  
8 are filled, and we have others where the demand is  
9 much less.

10

11 COUNCIL MEMBER GARODNICK: Okay.  
12 And the legislation, I guess you're supportive and  
13 there were a couple of tweaks, perhaps--I don't  
14 know if that was related to making the  
15 distinctions between those which were already at  
16 their capacity and those which have room to give?

17

18 DAVID WOLOCH: Not necessarily. I  
19 think there's just some, I think just some  
20 tweaking we'd, we'd want to do with the language.  
21 But the basic, the basic concept of it is  
22 something we think is a good idea. Car sharing is  
23 a direction that I think increasingly we want to  
24 see more and more of it happening in the city, and  
25 this is, this is one way to help support that.

26

27 COUNCIL MEMBER GARODNICK: Well, I  
28 absolutely agree, and I want to congratulate the  
29 Chairman for his advocacy on the issue, and

1  
2 certainly am supportive of the concept, and hope  
3 that we will be able to find a way to get this  
4 done, because I think that we really do need to  
5 encourage this, well we want to encourage mass  
6 transit first, but certainly car sharing as a way  
7 for us to reduce the number of vehicles on the  
8 road and all of their attendant problems. So we  
9 thank you for your testimony on that. Thanks.

10 DAVID WOLOCH: Thanks.

11 CHAIRPERSON LIU: Thank you,  
12 Council Member Garodnick. Council Member Ignizio?

13 COUNCIL MEMBER IGNIZIO: Thank you  
14 very much. Regards to 901, the car sharing, is  
15 there implementation on Staten Island as planned?

16 DAVID WOLOCH: The implement--so we  
17 have about five facilities in Staten Island. I  
18 mean, the way this would work is, wherever there  
19 is demand from the providers of car sharing  
20 service, they'd be able to take advantage of it.

21 COUNCIL MEMBER IGNIZIO: And this  
22 is primarily municipal lots, and does not apply to  
23 part-and-rides.

24 DAVID WOLOCH: It's only for the  
25 municipal lots and garages.

1  
2 COUNCIL MEMBER IGNIZIO: Okay,  
3 thanks, I just--the concern as you know, and I've  
4 been working with your administration for some  
5 time about adding additional park-and-ride  
6 facilities and spaces, and they are packed to the  
7 hills. And the thought of having ten spaces which  
8 will be kept open in Staten Island, since we don't  
9 really have any car sharing, or would be a  
10 detriment I think, in my community, where it would  
11 be a positive in communities more centrally  
12 located, and that have enhanced car sharing  
13 programs. So I was, that was my concern, I wanted  
14 to just get that on the record. Thank you very  
15 much.

16 DAVID WOLOCH: Follow up from  
17 Council Member Garodnick.

18 COUNCIL MEMBER GARODNICK: Thank  
19 you, very briefly, and Council Member Ignizio  
20 reminded me that I probably should've asked a  
21 similar question related to Manhattan. I assume  
22 that none of the 38 fields are in Manhattan,  
23 although I don't, I don't know where they are.  
24 And just tell us whether any of the fields or  
25 garages are in Manhattan, 'cause I don't really

1  
2 have a sense of the publicly owned facilities for  
3 parking here.

4 DAVID WOLOCH: There's one lot at  
5 Broom and Ludlow, and--

6 COUNCIL MEMBER GARODNICK: That's  
7 one of the gara--when you lot, that's--?

8 DAVID WOLOCH: No, that's one of  
9 the outdoor lots.

10 COUNCIL MEMBER GARODNICK: One of  
11 the fi--Okay, that's the fields, what you're  
12 describing is a field?

13 DAVID WOLOCH: And then--The  
14 fields, correct.

15 COUNCIL MEMBER GARODNICK: And  
16 where is that? I'm sorry.

17 VICTOR ROSEN: Yeah, that's at  
18 Broom and Ludlow.

19 COUNCIL MEMBER GARODNICK: Broom  
20 and Ludlow, okay.

21 VICTOR ROSEN: Yeah, that's a 67  
22 space parking field. And also at Leonard Street,  
23 by Lafayette and Center, that's a 45 space field.

24 COUNCIL MEMBER GARODNICK: Okay,  
25 but none of the, none of the garages are in--



1  
2 VICTOR ROSEN: Oh, yeah, we have  
3 one at Delancey and Essex, which has 357 spaces.

4 COUNCIL MEMBER GARODNICK: Okay,  
5 thank you.

6 VICTOR ROSEN: Sure.

7 COUNCIL MEMBER GARODNICK: Thank  
8 you, Mr. Chairman.

9 CHAIRPERSON LIU: Thank you,  
10 Council Member Garodnick and Council Member  
11 Ignizio. Question from Council Member Mealy.

12 COUNCIL MEMBER MEALY: Yes, do you  
13 have a estimate on the installation of the cameras  
14 on--the handheld?

15 SUSAN PETITO: We have, OMB has  
16 estimated that it would cost \$60 million over the  
17 next five to seven years, to implement the bill.

18 COUNCIL MEMBER MEALY: To implement  
19 the bill?

20 SUSAN PETITO: Right.

21 COUNCIL MEMBER MEALY: So how much,  
22 how much do the traffic agents use--handheld  
23 computers? - - day.

24 SUSAN PETITO: Well, the traffic  
25 agents utilize the parking ticket devices to issue

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all the summonses they issue, every day.

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COUNCIL MEMBER MEALY: How many--

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SUSAN PETITO: So I'm not quite

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sure of the question.

6

COUNCIL MEMBER MEALY: No, how much

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are the handheld computers used by traffic agents?

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Sorry the cost, yes, how much they cost.

9

SUSAN PETITO: Oh, how much do they

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cost?

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COUNCIL MEMBER MEALY: Yes, thank

12

you.

13

SUSAN PETITO: The initial, the

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initial cost of introducing the parking ticket

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devices was, I believe, about \$20 million.

16

COUNCIL MEMBER MEALY: You don't

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think that would be a upgrade and a safety

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procedure, if we don't put cameras on the device?

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SUSAN PETITO: I'm not sure what

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you mean, Council Member, about a safety feature.

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COUNCIL MEMBER MEALY: Yes, with

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the cameras, with the agents. Isn't it on the

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device, there, we're asking to put a camera on the

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device, the ticket device.

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SUSAN PETITO: Right, in order to

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take photographs of the alleged violations.

COUNCIL MEMBER MEALY: Yes,  
wouldn't that be--

SUSAN PETITO: Parking violations.

COUNCIL MEMBER MEALY: Oh, I'm  
sorry, safety, wouldn't that be better?

SUSAN PETITO: Well, for a lot of  
reasons we don't think so, at least the way the  
bill structures it. One of the main problems that  
we have with it, is that for all of the summonses  
that we issue, that don't, would not have a photo  
attached to them, that casts doubt on their  
validity. It undermines the strength of what we  
call the prima facie case, that the strength of  
the summons itself that's being issued, because  
it's not just traffic enforcement agents that  
issue summonses with parking ticket devices.  
Police officers also issue traffic tickets,  
parking violations, summonses. And so what this  
bill does in essence is call into question the  
validity of those summonses. They don't have  
these machines, police officers hand write the  
summonses. And so then the natural question would  
be, "Well, why aren't those summonses supported by

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a photograph as well?"

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COUNCIL MEMBER MEALY: Okay.

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SUSAN PETITO: And we have a

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concern about that.

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COUNCIL MEMBER MEALY: I just

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wanted to hear from you, 'cause it, I see that

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y'all are the number one in revenue, almost to

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billions, and if the police can't do it, why

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should the traffic agents? So, I'm clearly on

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that with you. I have another question in regards

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to Intro, thank you, Commissioner, Intro 980,

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development of the motorcycles. With that, what

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would happen if the mini-meters, if motorcycles

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parked their motorcycle there and someone steal

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their receipt?

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DAVID WOLOCH: Yeah, I mean, right,

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no, I think that's a good question, and I think

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that's part of the, I think that's part of the,

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part of the concern that's been raised. There are

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devices with lots that can be attached, and

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there's probably more we need to, we need to do to

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let folks know they're available. Also--

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COUNCIL MEMBER MEALY: How are you

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letting them know that it's available?

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2 DAVID WOLOCH: What's that?

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COUNCIL MEMBER MEALY: How would  
4 you let them know? What kind of advertisement?

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DAVID WOLOCH: I think at the very  
6 least we can make information available on our  
7 website. There's also other, we know in other  
8 cities, what folks have done, I think it  
9 Washington, is they would write, actually write on  
10 the MUNI meter receipt, that it's for a  
11 motorcycle, which would make it less enticing to  
12 somebody to steal. But you know, there are other  
13 concerns besides theft that have been raised. You  
14 know, they can blow away, the weather. So, I  
15 think it's something we need to think through a  
16 little more, but it seems like at least part of  
17 the solution is to try to do more to get devices  
18 like this into folks' hands.

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COUNCIL MEMBER MEALY: But you  
20 implemented that device, already.

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DAVID WOLOCH: It's not our. I  
22 mean, these are sold, or sold privately. I guess  
23 the suggestion is there's probably more we can do  
24 to let people know that they're available.

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COUNCIL MEMBER MEALY: So shouldn't

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you, do you know the population of motorcycles out here? Do you know how big it is?

DAVID WOLOCH: It's, I don't know the exact number, I do know the number of summonses that were, that were issued for motorcycle parking at a MUNI meter without the receipt. And I think the last fiscal year was about 250.

COUNCIL MEMBER MEALY: I would love to have the breakdown for that.

DAVID WOLOCH: Okay.

COUNCIL MEMBER MEALY: 'Cause I have a constituency, they meet in my office, hundreds, and I was so honored that they came here last time at City Hall and changed the muffler laws on the motorcycles. They came here and almost took over City Hall, and changed legislation, that's what everyone's supposed to do. So, we have to now really start advo--I mean, you got to advocate much more, you know, diligently on trying to help them handle these issues. They're getting tickets, their motorcycles are getting taken, for some non-reasons. So I, I know it's up to you now, to

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2 maybe find parking. That is what this is about,  
3 is it not? Help them with the parking, helping  
4 them with the tickets, 'cause a lot of them do not  
5 go and appeal the tickets, 'cause sometime it's  
6 like no, no recourse. You almost at your end's  
7 wit, 'cause you know they're not going to believe  
8 you 'cause there again they, every ticket is not a  
9 good ticket. Sorry to say. But I want to  
10 advocate much better for our motorcycles out here,  
11 and I hope you can help us with that, with the  
12 free parking on municipal parking. How many slots  
13 do you have for motorcycles?

14 DAVID WOLOCH: We currently don't  
15 provide set aside spots for--

16 COUNCIL MEMBER MEALY: Why not?

17 DAVID WOLOCH: --for motorcycles.  
18 So they're--

19 COUNCIL MEMBER MEALY: Could you  
20 answer why not?

21 DAVID WOLOCH: --they're able--  
22 Well, I think the, the thought they take up, they  
23 take up curb space, they take up less curb space  
24 than a car.

25 COUNCIL MEMBER MEALY: But they are

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motor vehicle, are they not?

DAVID WOLOCH: But they do take up curb space, so they have the same, the same parking meter rates apply to them. I think the big, the big problem, I think, is that the way the MUNI meter system is designed, it works much better for cars than motorcycles. And that's something I think we need to think through a little more. We look forward to hearing from the motorcyclist community.

COUNCIL MEMBER MEALY: You will hear from me, and I hope our Chair, any new municipal parking should advocate to have that, that will save you more space, if you have a specific space for just motorcycles, instead of a car length space with just one motorcycle in it, normally we could get two motorcycles in one car's space, and that's saving a developer. So, I hope that we could start looking into that, Chair, in regards to the motorcycles. Thank you so much.

CHAIRPERSON LIU: I mean, one way to look at it would be just [applause] come on, come on. [off mic: Quiet, please] What, what, how many, how many motorcycles are parking at MUNI



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2 meter spots? Do we have any kind of guesstimate?

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DAVID WOLOCH: I mean, again, the one number we have is we, we have the number of some summonses, which in the last fiscal year, the number of summonses issued to motorcyclists for failure to show the receipt, was about 250, for the year. So, a little less than one a day.

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CHAIRPERSON LIU: Right, so it's a very small number.

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DAVID WOLOCH: Right.

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CHAIRPERSON LIU: And when, when people park their motorcycles or mopeds or scooters, in what would normally be considered on-street parking spaces, parallel parking spaces, are they, are they required to put it perpendicular to the curb? Or parallel to the curb? Or is there no requirement?

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VICTOR ROSEN: I believe it's parallel. But the number, as David said, the number of summonses issued annually is almost off the radar page.

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CHAIRPERSON LIU: Right.

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VICTOR ROSEN: I mean, it's very, very small.

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2 CHAIRPERSON LIU: Well, I mean,  
3 look, if it's that small number, what about some  
4 kind of rule that says that people with  
5 motorcycles or scooters should be able to park in  
6 what would normally be parallel parking on-street  
7 spaces for cars, without having to display their  
8 MUNI meter receipt, if they park their motorcycle,  
9 scooter or moped perpendicular to the curb?  
10 Because they're not taking up that much space.

11 DAVID WOLOCH: I mean, you're  
12 still, you're still taking up space, and as we  
13 know, and as we've talked about many times here in  
14 this room, curb space is increasingly at a--

15 CHAIRPERSON LIU: Yeah, but it's a  
16 lot less.

17 DAVID WOLOCH: --at a premium.

18 CHAIRPERSON LIU: I mean, a car or  
19 an SUV, you know, you're taking up about 20-30  
20 feet of curb space. Right, what's the standard  
21 length for a, an on-street parking space?

22 VICTOR ROSEN: About 22 feet.

23 CHAIRPERSON LIU: Is that the  
24 standard? So--

25 VICTOR ROSEN: That's the standard;

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however, when you have MUNI meter, you have open curb space, so you don't have the arbitrary poles to tell you how much space you have.

CHAIRPERSON LIU: Right.

VICTOR ROSEN: It's open, so you have more space.

CHAIRPERSON LIU: Right, but right now the standard, under the system where there are individual parking meters, the meters are space 22 feet-

VICTOR ROSEN: It's about 20 to 22 feet.

CHAIRPERSON LIU: Apart.

VICTOR ROSEN: Yeah.

CHAIRPERSON LIU: I mean, you know, a motorcycle parked parallel to a curb might take up four feet of curb space. Right?

DAVID WOLOCH: Well, I, maybe we could get more 'cause you need room when you drive it.

CHAIRPERSON LIU: We should just-- why don't we solve this by allowing the motorcyclists and the scooter riders and moped riders to just take up a few feet of curb space,

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2 without having to demonstrate, without, let's give  
3 them a presumption of innocence until you figure  
4 out a way to actually force them to securely  
5 display their MUNI meter receipts.

6                   DAVID WOLOCH: Well, I think, it  
7 seems like there's some decent solutions out  
8 there, and there's a--I mean, the fact that the  
9 number of summonses is so low, doesn't necessarily  
10 mean that there's no motorcyclist parking at MUNI  
11 meters. I mean, it's just that--

12                   CHAIRPERSON LIU: Right, but until  
13 you give, see, this is not--here again, the City  
14 imposes a rule on people. In this case, you're  
15 forcing people to pay for street space. Which is  
16 reasonable. But when the City cannot give people  
17 a way to do it securely, then the City, the onus  
18 is on the City to come up with a better way, as  
19 opposed to forcing people to do something that's  
20 totally unrealistic. That's the point here.

21 [applause] Please. I don't want applause, and I  
22 don't want boos. [laughter] So we're just going  
23 to keep it, keep it quiet and orderly here.

24 That's the point here. You know, a system that  
25 obviously works for people who drive cars, it

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2 doesn't even work for the people who have  
3 convertibles and leave their tops open. Right?  
4 For the vast majority of the people who are using  
5 the spaces, yeah, we're talking about 95, maybe  
6 even 99 percent of the curb space out there  
7 alongside MUNI meter spaces, are for people who  
8 can put their window, who can put their windows up  
9 and therefore lock the MUNI meter receipt on their  
10 dash, securely. But this tiny percentage of  
11 people out there, don't have the physical  
12 capability of demonstrating that they actually  
13 complied with the law. So, until the City comes  
14 up with a way to allow them to demonstrate that  
15 they complied with the law, you shouldn't force  
16 them to try to comply with the law, that some,  
17 that they physically can't demonstrate that they  
18 are in compliance.

19           DAVID WOLOCH: Again, there does  
20 seem to be tools out there that allow for people  
21 to do that. The other interesting stat is last  
22 year there were, in addition to those 250  
23 summonses, there were ten issued to motorcycles  
24 parked at MUNI meters for expired MUNI meter  
25 receipts. So, I mean, meaning that some folks are

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actually using the system.

CHAIRPERSON LIU: Are overstaying their limit.

DAVID WOLOCH: No, they're, right, the point is they're using the system as it exists. But I think, but look, we get that it's not as conducive for motorcycle parking. But again, there does appear to be solutions out there. I think we can do, we can do more--

CHAIRPERSON LIU: I think, I think you're trying your best, alright, I think the DOT is trying its best here, and we look forward to really coming up with some solutions. We have a large number of people who are affected by this legislation. We're going to hear their first hand experiences and their suggestions on how to do this. But again, you know, I would really encourage the DOT and the NYPD to kind of think outside the box on this, and understand what it is that is making people rip the hair out of their heads, out of frustration. And that is as much as we sit there and try to finagle a way where, you know, these motorcycle riders can somehow securely put their, show their receipts. We're forgetting

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2 the point here, that City government is forcing  
3 these people to comply with a law and not giving  
4 them any way to actually demonstrate that they are  
5 compliant with the law. So, I would suggest that  
6 until the City can actually give people that  
7 capability, and maybe that device that you're  
8 showing there is the answer. Until the City  
9 allows people to demonstrate that they are in  
10 compliance, we shouldn't, we shouldn't force  
11 people and then penalize people for accusations of  
12 breaking the law, when in fact we actually cannot  
13 prove that they broke the law. And that's the  
14 whole purpose here. Council Member Vacca.

15 COUNCIL MEMBER VACCA: Yes, Mr.  
16 Chairman, just quickly, you know, I got back and  
17 think the Chairman alluded to it just now. People  
18 are innocent until proven guilty; yet, when you go  
19 to a hearing for a traffic summons, you cannot  
20 really prove you're innocent. You're not given  
21 the mechanism to prove you're innocent. There is  
22 a ticket that the traffic agent issues, and then  
23 it becomes that ticket and the traffic agent's  
24 word against your word. How do you prove  
25 innocence? Innocent people are not allowed to

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2 maintain their innocence. They are told, "Go  
3 prove, go sign a statement that you're guilty and  
4 you'll get a reduced fine, or go to a hearing  
5 which in all likelihood you're going to lose."  
6 That's not the justice system. And I'm not  
7 talking about murder or anything, but people who  
8 get a traffic ticket are entitled to justice.  
9 They're entitled to a fair hearing. The City has  
10 set themselves up as judge and jury. They give  
11 the ticket and they have a City employee  
12 adjudicating. The tickets went up in price. That  
13 also hurts. I don't know if the punishment  
14 sometimes fits the crime. But the maximum fine  
15 used to be \$55, then it went to \$105, in 2002; now  
16 in 2005, it went to \$115. Now, most of the  
17 traffic ticket cost is in a surcharge, that's what  
18 I've seen when I have seen traffic tickets. Now,  
19 surcharges, that word implies to me that it is  
20 temporary. Is there plan, is there a plan, how  
21 long is the surcharge going to be in effect? When  
22 does the surcharge expire? It's a surcharge.  
23 Surcharges tend to sunset. When does this  
24 surcharge sunset?

25 SUSAN PETITO: Again, neither



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2 Commissioner Woloch nor I know the answer to the  
3 question. My impression is that this surcharge is  
4 not a temporary surcharge, that it is an  
5 additional charge above the charge for the penal--  
6 the actual violation penalty, so it is not,  
7 doesn't have an expiration date.

8 COUNCIL MEMBER VACCA: So, why was  
9 it called a surcharge? Why is a surcharge bigger  
10 than the infraction?

11 SUSAN PETITO: Well, I don't know  
12 that the surcharge is bigger than the infraction.  
13 I thought the surcharge was \$15, I could be--

14 COUNCIL MEMBER VACCA: No.

15 SUSAN PETITO: --again, I could be  
16 wrong about that. But surcharge just means a  
17 charge over the underlying penalty, it doesn't  
18 imply temporary, in this case.

19 COUNCIL MEMBER VACCA: Now, the  
20 City recently increased the cost of meters without  
21 notice, in my district and others, meters went up.  
22 And it's now 25 cents for ever 20 minutes. Are  
23 there any plans to increase the price of these  
24 tickets beyond \$115?

25 SUSAN PETITO: Not that I'm aware

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2 of.

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COUNCIL MEMBER VACCA: No one's aware.

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SUSAN PETITO: There are, there are certain, certain violations that are, there are bills pending in Albany to raise the maximum allowable penalty, but generally speaking, all parking violations are limited to a total of \$115, by state law, in the vehicle and traffic law. Again, there are certain bills for violations that certain legislators find particularly egregious, for example overnight commercial parking in a residential area.

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COUNCIL MEMBER VACCA: Yes.

SUSAN PETITO: There's a bill in Albany right now to raise that parking violation.

COUNCIL MEMBER VACCA: Right.

SUSAN PETITO: I believe to \$250.

So, there are individual instances where legislators have put forth proposals to raise penalties. But generally speaking, I believe that the VTL sets the maximum at a total of \$115.

COUNCIL MEMBER VACCA: My last question, and I think the Chairman for indulging

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2 me. My last question is the reason for my photo  
3 bill is multifold. It's, it's the presumption of  
4 innocence, but it's also the reality that when you  
5 go to court, you can only plead guilty and pay up  
6 anyway, a lesser fine; or you go to a hearing  
7 where you cannot produce evidence because you  
8 don't have it. It used to be that judges were  
9 able to reduce fines based on extenuating  
10 circumstances, that they heard at the hearing.  
11 Now, we've had reports of many judges not even  
12 paying attention, or rushing motorists through  
13 these hearings. That's one thing. But my state--  
14 my question to you is, my understanding is that  
15 judges no longer have that authority. That judges  
16 cannot reduce fines based on extenuating  
17 circumstances that are explained or documented,  
18 that that authority was taken away from the  
19 administrative judges. Am I correct?

20 SUSAN PETITO: I believe so. The  
21 administrative law judge determines whether the  
22 defense put forth by the motorist is valid. They  
23 make a factual determination is my understanding.  
24 But they do not have the discretion to change the  
25 penalty amount. There is an initial opportunity,

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2 when a motorist goes to the DOF, the Department of  
3 Finance, to pay, as you referred to before, to pay  
4 a lesser amount by pleading guilty, but once they  
5 decline to do that, then that's when they get  
6 their opportunity to present their defenses to the  
7 administrative law judge.

8 COUNCIL MEMBER VACCA: So this in  
9 reality is a hearing in a very limited way. The  
10 judge's hands are tied. If you have a  
11 circumstance where you're dropping off your wife  
12 at a doctor's appointment, or if you have a  
13 circumstance that is extenuating, where you point  
14 out that there was a situation that you could not  
15 help, that you had to do what you did, the judge's  
16 hands are tied. This is really limited justice.  
17 You're innocent or you're guilty, you can explain  
18 your extenuating circumstance, but that's the  
19 extent of it, even if there's a gray area, the  
20 judge is not allowed, and I don't know why that  
21 authority was taken away from the judges. I'd  
22 like to know why. Are we questioning the  
23 discretionary powers of the judges, like I was  
24 accused of questioning the discretionary powers of  
25 the traffic agents? God forbid.

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2                   SUSAN PETITO: Well, I believe that  
3 a motorist who goes in with a defense, who is  
4 asserting a defense, has ample opportunity to  
5 present evidence. I've done it myself, I've gone  
6 and contested parking tickets, and I've actually  
7 had them dismissed, because I presented sufficient  
8 evidence of my defense. And I think that--

9                   COUNCIL MEMBER VACCA: Yeah, but  
10 the judge, the judge cannot lower the fine based  
11 on extenuating circumstance. Someone may be  
12 guilty of parking in a bus stop, but may have said  
13 that I had to do this to get my wife, who's  
14 handicapped, out of the car. I have handicap  
15 plates, I can prove my wife is physically  
16 disabled, and I had to get her out of the car.  
17 But I'm asking for a reduction based on the  
18 circumstances, and these judges have had that  
19 authority taken away from them. So therefore,  
20 someone like that is going to have to go and say,  
21 knowing that I'm not going to have any  
22 consideration at all, I might as well plead  
23 guilty, not have my day in court, and pay the  
24 fine. And it's those same people who say, "Why  
25 should I take a day off from work, let me pay the

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2 fine and go to work, and get it over with."

3 SUSAN PETITO: And Council Member--

4 COUNCIL MEMBER VACCA: That's why a  
5 picture, but that's why a picture is so important,  
6 that's why a pic--this is something a picture  
7 would address. The current system cannot continue  
8 as it is, it's not fair. It's blatantly unfair.

9 SUSAN PETITO: And I would contest  
10 your characterizing the system that way. Because  
11 in fact, a lot of the people who do not contest  
12 the tickets do not contest them because they are  
13 guilty.

14 COUNCIL MEMBER VACCA: Yes, that's  
15 true, some people--

16 SUSAN PETITO: So, there--and--

17 COUNCIL MEMBER VACCA: --who are  
18 guilty do not contest, I understand that.

19 SUSAN PETITO: The adjudicatory  
20 mechanism exists for them to go and contest the  
21 ticket, if they have a valid defenses.

22 COUNCIL MEMBER VACCA: I have  
23 pointed out that there are people who are  
24 innocent, who the system does not protect. There  
25 are people who re guilty who get tickets, and

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2 they're guilty, they should pay them, and they may  
3 not even go to a hearing because they know they're  
4 guilty. You're right. But there are people who  
5 are innocent and those people who are innocent are  
6 frustrated by the current system, and it does not  
7 have enough protection for innocent people. There  
8 is an unfairness that is inherent.

9 CHAIRPERSON LIU: Thank you,  
10 Council Member Vacca. And I would, you know, with  
11 all due respect to the officials here, I would  
12 have to agree with Council Member Vacca.  
13 Commissioner Petito, you are charged with the  
14 daunting task of defending the system as it is  
15 today, that is your, that is your responsibility  
16 today. I would just ask everybody to consider the  
17 administration officials, not simply Commissioner  
18 Petito, but really the administration and our City  
19 as a whole needs to consider the statements that  
20 have been made so far. That the idea is that you  
21 have to, you know, when someone gets a parking  
22 ticket, they are being accused of breaking the  
23 law. And in fact, based on the testimony that  
24 we're hearing today, it appears that at the moment  
25 that that parking summons is issued, that a guilty

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2 plea has already been rendered. Unless you can  
3 demonstrate your innocence. That is how our  
4 adjudication process is set up right now. That  
5 you, that it is the person being accused of  
6 breaking the law that actually has to submit the  
7 photographic or eyewitness or other evidence to  
8 their innocence. But in the absence of that  
9 evidence, provided by the person accused of  
10 breaking the law, the judge really has no choice  
11 but to say that the person is guilty. That is the  
12 system that has existed for far too long. And  
13 we're holding this hearing, and this legislation  
14 is being put forth because New Yorkers are no  
15 longer satisfied, content, and will no longer  
16 tolerate the system as is. It is not an  
17 indictment of traffic agents, it is not an  
18 indictment of police officers. It is saying that  
19 the adjudication process, the system of  
20 adjudication can no longer be allowed to stand the  
21 way it is. We are living in a time of increasing,  
22 in a time where the public demands increasing  
23 transparency at all levels of government. This is  
24 one area that is still stuck in the 1950s. It has  
25 to change, and we have to get to a system where



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2 when people are accused of breaking the law, that  
3 it is the City's responsibility to prove that they  
4 are guilty, rather than for them to be proved--  
5 rather than for them to be assume guilty and have  
6 to prove their innocence. We have to admit, based  
7 on your testimony today, that's the way the system  
8 is set up today. Even, even the statement that,  
9 "but many of the people who do, who don't contest  
10 their summons are in fact guilty of what they are  
11 accused of." That is true. But in the case of,  
12 you know, we have heard testimony from the Finance  
13 Commissioner, not too long ago, where the Finance  
14 Commissioner testified that the City knows, in the  
15 case of double parking tickets, that a full 25  
16 percent of those tickets would be found  
17 insufficient, or the person being accused of that  
18 crime found not guilty. When there is a system  
19 where the City is issuing tickets, and we know up  
20 front that 25 percent of those accusations of  
21 breaking the law are not in fact, would not fact  
22 hold up, that's a problem, and we have to fix  
23 that. So I would encourage you, Commissioner  
24 Petito, to take back our feedback, and I think  
25 some change is in order in terms of the way we

1  
2 adjudicate parking tickets. And you know, I don't  
3 think we have to, Council Member Vacca is  
4 obviously very passionate about this, it's not  
5 because of his own beliefs, really, but he's--  
6 Well, it is because of his own beliefs, but that  
7 is, that is really reinforced by the complaints  
8 that he gets from his constituents. I get the  
9 same complaints from all over the City. I  
10 daresay, well I don't want to presume Council  
11 Member Felder, he is a unique individual in his  
12 own right. [off mic] Okay. [laughs] Okay, so,  
13 I think we need to work towards a change in the  
14 system. Council Member Felder, do you have some  
15 remarks about your bill? [off mic]

16 COUNCIL MEMBER FELDER: I just want  
17 to say quickly, I apologize for coming late, I had  
18 to take my mother to one of her frequent doctor  
19 visits, and it's a priority for me. I just wanted  
20 to thank the chair for pushing forth the  
21 legislation. I would say that in the, all the  
22 years that I've been in office, I don't think that  
23 there's been one bill that's come before your  
24 committee to change things that the administration  
25 or anyone else was in favor of. I may be wrong,

1

2 there may be one. I knew I would--

3 CHAIRPERSON LIU: Three today. I  
4 think practically three today.

5 DAVID WOLOCH: I think there have  
6 been a few, I think there have been a few.

7 COUNCIL MEMBER FELDER: See, it's a  
8 good thing to come late and not know what you're  
9 talking about. Having said that, I just wanted to  
10 echo the statements that I just heard, in addition  
11 to say that the, I guess my piece of legislation  
12 is the only one they disagree with, if they agree  
13 with the other three?

14 CHAIRPERSON LIU: Well, they, they  
15 agree with what you're trying to do.

16 COUNCIL MEMBER FELDER: Oh.

17 CHAIRPERSON LIU: And they say that  
18 the real concerns driving your proposal, they  
19 appreciate the real concern is driving your  
20 proposal and are eager to think through  
21 alternative approaches.

22 COUNCIL MEMBER FELDER: Oh, then I  
23 apologize to you publicly.

24 CHAIRPERSON LIU: Well, no, I think  
25 that apology is premature, they didn't actually

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2 say that--[laughter]

3

COUNCIL MEMBER FELDER: No, I

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apology--

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DAVID WOLOCH: I'll accept the

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apology.

7

CHAIRPERSON LIU: [laughs]

8

COUNCIL MEMBER FELDER: I apologize

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to you publicly. I would like to see if there are

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any statistics about previous items, how many that

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have been agreed on. But, but in any case, I

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would just say is that the issues really have to

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do with a common decency. Those that have been

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mentioned, in addition to the one that we're

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talking about. You put, somebody puts up a sign,

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whether it's filming a movie, or whatever it may

17

be. I'm not necessarily convinced that there is

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always an alternative, but if you came back and

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said that somebody got a summons and, and they

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were there and there was a posting a day ago, and

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that would be enough for them to get a ticket

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excused, or at least reduced. That would mean

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you're saying there's not a, there's really no

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easy solution. But we understand that if people

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live nearby they may not notice a sign they day

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2 before. But, so that may be an alternative. But  
3 just to penalize people for not seeing a sign the  
4 day before is just, it's just very, very  
5 difficult, very indecent, and we wanted, people  
6 are upset as it is with a variety of issues  
7 regarding the tickets. This shouldn't be one of  
8 the. Thank you, Mr. Chairman.

9 CHAIRPERSON LIU: Thank you,  
10 Council Member Felder. Thank you, Council Member  
11 Vacca. And with that, I want to thank  
12 Commissioner Petito, Commissioner Woloch, and--and  
13 Commissioner Rosen. Thank you very much. We'll  
14 hear from Mr. James Huntley next, to be followed  
15 by Victoria--I'm sorry, Veronica Vanterpool,  
16 Christine Berthet [phonetic] and Glen Belovsky  
17 [phonetic]. Oh, and Chris Ficalora. [pause]  
18 Welcome, Mr. Huntley. Good to see you.

19 JAMES HUNTLEY: Good to see you,  
20 good afternoon. Can you hear me now? Oh, yes,  
21 good afternoon, thank you. Good morning, City  
22 Council Member Mr. Liu and members of the  
23 Transportation Committee. My name is James  
24 Huntley, I'm the President of CWA Local 1182, a  
25 union representing 2,500 traffic and sanitation

1 enforcement officers, agents in New York City.

2 The passes [phonetic] and implication of the Intro

3 886A requiring traffic agents to photograph all

4 ticketable offenses, and include a copy of the

5 photograph with each notice of violation, is

6 something we may want to look at in the future.

7 However, with present technology and

8 accountability systems in place, the utilizations

9 of a camera would not improve productivity. In

10 addition, purchasing over 2,000 new handheld

11 device at \$2,500 per unit, at a time when the City

12 is operating under fiscal constraints and

13 terminating thousands of municipal workers, it is

14 not prudent, particularly when the parking and

15 ticketing devices presently utilized by traffic

16 agents are operating effectively, and provide up

17 to date information to the police department and

18 other agencies. Tickets in dispute are matched

19 with agents monthly, and errors continue to

20 decrease. The use of a camera will slow down the

21 process, not improve the accountability and the

22 cost the City hundred and thousand of dollars.

23 According to a New York Times article of November

24 2008, the number of parking tickets issued

25

1  
2 Citywide has surged 42 percent since Mayor  
3 Bloomberg took office. In 2008, New York City  
4 collected 64 percent more in fines than 2002. At  
5 least 276,000 drivers were ticket earning the City  
6 over \$624 million. The New York City Police  
7 Department uses the most up to date handheld  
8 equipment of any police department in the country.  
9 Traffic agent scans a vehicle registration  
10 sticker, which is affixed on their windshield, and  
11 information about the particular vehicle is  
12 instantly and accurately captured. A traffic  
13 summons is then printed on the spot. After  
14 issuing a ticket, the great, the agent transmits  
15 the ticket information from the handheld to a  
16 Finance Department computer. Since handheld  
17 devices are secured by biometric signatures, a  
18 ticket can be printed only after the unit has  
19 detected the issuing agents signature.  
20 Integrating cameras with present equipment and  
21 procedures is a interesting concept that can be  
22 explored in the future, when the economic  
23 improves, economy improves. Any implementation  
24 plans that must begin carefully and slowly with  
25 input from those that work every day in traffic,

1  
2 that work every day in traffic enforcement and the  
3 unions that represent these dedicated City  
4 employees. Thank you. Right to my right is my  
5 secretary/treasurer, Mr. Patrick Plumber. He's  
6 also from The Bronx, issuing summons from commands  
7 T210/T202; to my left, Ms. Phyllis Stokes, my  
8 delegate lodge, also from The Bronx, that  
9 represent and issuing summons in that location.  
10 Gentlemen, how can we help you today?

11 CHAIRPERSON LIU: Well, I want to  
12 thank you for your testimony. This, and I want to  
13 thank your members of CWA Local 1182 for the work  
14 that they do. It is clearly a very difficult job  
15 that you are tasked with by the City. And as I  
16 stated before, there is no intent to impugn the  
17 integrity of any of our traffic agents. But it is  
18 certainly the feeling that it's the City's  
19 responsibility to equip you and your members with  
20 the devices that are necessary, so that the City  
21 itself can make the case against someone the City  
22 is accusing of breaking the law. And we have  
23 something from Council Member Felder.

24 COUNCIL MEMBER FELDER: Good--Good  
25 afternoon. I was looking at the clock behind you.



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JAMES HUNTLEY: Yes, sir.

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COUNCIL MEMBER FELDER: It wasn't a, and I still, I figured it's not ten to five in the morning, I'm safe. First of all, I wanted to echo the remarks by the Chair, I'd say, like as in any other profession, overwhelmingly the, your union members, the people who work for you, do an extraordinary job under very, very difficult, very difficult circumstances. No one likes getting a summons, no matter what, no matter how guilty we are or not. So, I thank you for your patience, and like in any other, in any other profession there's some people who shouldn't be doing the job, but you had mentioned something interesting, if I may ask, you said that the, under, that you used the 42 percent increase in tickets, used that number. That's from, in what period on you talking about?

20

21

JAMES HUNTLEY: I'm talking about from 2002/2005, we went up a little bit, yes.

22

23

24

COUNCIL MEMBER FELDER: So, and from, in other words, and is that 42 percent over the five years? Or four years? Or is that--

25

JAMES HUNTLEY: I would say over

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2 the five years, yes, sir.

2

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4 COUNCIL MEMBER FELDER: Over the  
5 five years.

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6 JAMES HUNTLEY: Yes, sir.

6

7 COUNCIL MEMBER FELDER: And do you  
8 have any idea, has it increased from 2005 to now?

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9 JAMES HUNTLEY: No, sir.

9

10 COUNCIL MEMBER FELDER: So it's, in  
11 other words, from the time that the Mayor took  
12 oath in 2002, 42 percent more tickets have been  
13 issued. Is that accurate?

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11

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13

14 JAMES HUNTLEY: Well, since he took  
15 office, has been more summons issued. Yes.

14

15

16 COUNCIL MEMBER FELDER: Yeah, yeah.  
17 So, we have, if we had 100 tickets before, we now  
18 have 142 tickets.

16

17

18

19 JAMES HUNTLEY: Yes, sir.

19

20 COUNCIL MEMBER FELDER: Right?

20

21 JAMES HUNTLEY: Yes, sir.

21

22 COUNCIL MEMBER FELDER: And then  
23 when you said about 64 percent more in the fines,  
24 that's the dollar figure you're talking about,  
25 over the same period of time?

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23

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JAMES HUNTLEY: Yes, sir.

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COUNCIL MEMBER FELDER: Very good.

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Would you, and you discussed your hesitancy about

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the, the photograph, the pictures. For the most

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part, it sounded like you were hesitant because it

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would slow things down; if it slowed things down,

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obviously there would be less tickets issued and

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less revenue. I don't want to put any words in

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your mouth, I'm not a lawyer. I'm just trying to-

10

-yeah.

11

JAMES HUNTLEY: I understand your

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point. Yes, sir, I'd like to explain that point,

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is that as you well know, New York City, we had an

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alarming assault rate on my traffic enforcement

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agents. We had a agent in The Bronx that was

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assaulted deliberately by the vehicle, crushed her

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right leg, causing - - of blood to her brain. We

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have agents that lost their baby 'cause a motorist

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punched 'em in they stomach, the females, and

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it's, the reason why we saying do away with the

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photograph at this time, because when we issue

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that summons, we issuing a summons based on the

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violation, and we hitting that vehicle and we out.

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We go onto the next job assignment. The faster

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that you put the summons on a car, the less type

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of assault that might happen to our agents in the streets of New York City. And as you well know, for almost decades, two decades, we never had no type of bill to protect us out there in the streets. We's being assaulted by police, EMS, Fire Department, civilians, people from out of state, and nobody came to our aid. We was able to get a bill passed last year to help us now that if you assault us, it's up to two to seven years. So, that's the reason why we put that in that statement, that we have to issue a summons quickly, with the right violation what we see and observe, and we moving on.

COUNCIL MEMBER FELDER: Right. And I'm happy that you brought up the bill that was passed last year. I think, which was in response to the terrible inequity that had existed for such a long time. At the same time, I think the fact that that bill was passed, is a reason that, you know, I'm going back to the original question, because you know where I'm going to with it, is that I don't care whether we issue less summonses or we raise less money. You are unfortunately in a position where somebody at some point tells your

1  
2 agents to go out and do a job, and you do a  
3 wonderful job, as you're told. I have the liberty  
4 of sitting here and asking you questions, and  
5 saying, "I don't care whether you issue the  
6 tickets, I don't care whether the revenue goes up,  
7 so long as we can feel that there's no question  
8 that the tickets that are issued are in fact  
9 accurate." And maybe, I can't prove it, but maybe  
10 in fact if there were photographs taken, you would  
11 have less of those incidents because people, for  
12 right or for wrong, would know that the offense is  
13 being photographed, there's less of a case of  
14 somebody saying, "I did/I didn't" most of the  
15 time.

16 JAMES HUNTLEY: Well, to answer  
17 that, is that we're not here to be a cash cow for  
18 the City of New York, it's just that we got a job  
19 to do.

20 COUNCIL MEMBER FELDER: Excellent.

21 JAMES HUNTLEY: And a lot of people  
22 is, has contempt on us because we do our job. But  
23 like anything else, we're not here to slow down  
24 the productivity of the City of New York, to take  
25 away or add to it, we just do our job as require

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us to do.

COUNCIL MEMBER FELDER: Okay. I don't want to prolong it. I, again, I want to restate what I said earlier, and agree with you, that you're in a very, very difficult position. I don't, I don't know how it would be possible for you to have agents, I don't think there are agents anywhere in the world that are able to so without the exception of there being sometimes agents that are, act inappropriate and the reverse, absolutely. But, excuse me, but I'm happy that you mentioned what you said. Your job is not to be a cash cow, which we appreciate; you're just doing what you're supposed to do. That's why I would say that if, I know you don't agree, and I'm not, I mean, if you want to change your mind, I'll be happy to accept it. But I'm not trying to force you to agree, all I'm trying to say is that the issue of revenue or tickets, in my mind, should not be a reason. If you believe that you would have less incidents of those that you mentioned, that may be something to be considered, but I, but I'm not, I don't consider the issue of money or tickets. Thank you, Mr. Chairman.

1  
2                   CHAIRPERSON LIU: Thank you, thank  
3 you, Council Member Felder. And Mr. Huntley, and  
4 your associates, we thank you for appearing here  
5 today, and thank you for your member, thank your  
6 members for doing the difficult job that they do.

7                   JAMES HUNTLEY: Chairman, one thing  
8 before we leave, I just want to add to the Council  
9 Member that was, Vacca, I feel that his remarks is  
10 very painful to our membership. He has  
11 constituents that's in The Bronx that voted for  
12 him, and he has to deal with all the people, and  
13 we have children, and we work in that location,  
14 that go to school in that location. We just have  
15 a job that we doing, we get paid \$27,013 per year  
16 to do a job like this. We constantly getting  
17 cussed at, use profanity, spit upon, hit, we're  
18 getting assaulted. So, I feel very, very sad to  
19 hear a council member speak like that about my  
20 membership. That's very sad. And he's very  
21 animate and very excitable. It seems like someone  
22 gave him a ticket. [laughter] But, in a way, I  
23 just feel that, in the coming time that we have to  
24 come and testify, that his remarks should be, the  
25 words he used should not be as harmful as he used

1  
2 today, to incite people to clap and so forth,  
3 because that's not needed for our membership.  
4 Once again, he asking for the device that would  
5 cost \$60 million. My membership is working at  
6 \$27,000, all types of weather, all types of  
7 conditioning, and we get nothing, nothing. So we  
8 not going to sit here and tolerate that. Thank  
9 you so much.

10 CHAIRPERSON LIU: Well, that is  
11 certainly duly noted. Thank you. Alright, with  
12 that we'll call up our next panel consisting of  
13 Veronica Vanterpool, Christina Berthet, Glen  
14 Belovsky and Chris Ficalora. They will be  
15 followed by a panel consisting of George Gorman,  
16 Nancy Ortiz, Cheryl Stewart and Jesse Erlbaum.

17 VERONICA VANTERPOOL: Good  
18 afternoon.

19 CHAIRPERSON LIU: Good afternoon.

20 VERONICA VANTERPOOL: My name is  
21 Veronica Vanterpool, and I'm the Associate  
22 Director of Tristate Transportation Campaign, a  
23 nonprofit regional transit advocacy group working  
24 to improve transportation planning and transit  
25 systems in New York, New Jersey and Connecticut.



1  
2 I'm here to show our support for Intro 901. As a  
3 group working to reduce car dependency and traffic  
4 congestion, we are pleased to see the New York  
5 City Council propose a piece of legislation with  
6 those goals. The five boroughs of New York City  
7 are extremely transit rich, but cars can be a  
8 convenient alternative for those moments when  
9 taking transit is not practical: transporting big  
10 items, traveling with kids in two, arriving at  
11 places in the wee hours of the day. This helps  
12 explain the recent success of car sharing programs  
13 like Zipcar, especially in dense urban cities like  
14 New York. Sometimes people want access to a car  
15 with the responsibility and burdens of car  
16 ownership. For this reason, it makes sense to  
17 reserve parking spaces in public parking  
18 facilities for car sharing programs. A more  
19 accessible and convenient car sharing program  
20 could be a swift measure reducing the number of  
21 car purchases in New York City. According to a  
22 recent post on Green, Inc., a New York Times blog,  
23 other U.S. cities are even looking to leverage car  
24 sharing benefits, by allowing high rise condo  
25 developers to reduce their underground parking

1 requirements, if they agree to provide on site  
2 spaces for commercial or nonprofit car sharing  
3 companies. Car sharing programs reduce the number  
4 of cars on streets. According to Zipcar's  
5 website, every Zipcar takes 15 to 20 personal  
6 vehicles off the road. This is good news for road  
7 infrastructure and air pollution, as fewer cars  
8 mean less wear and tear, and less harmful  
9 pollutants emitted. In fact, many car sharing  
10 programs have green cars in their fleet, adding  
11 additional environmental benefits. Zipcar expects  
12 ten percent of the population to adopt car sharing  
13 as their primary mode of transportation, showing  
14 how quickly the benefits can grow. Additionally,  
15 the popularity of Zipcar in New York City, once  
16 the only car sharing program serving this market,  
17 has prompted competitor programs like Mints  
18 [phonetic] and Connect by Hertz, to step in,  
19 making this an increasingly available option to  
20 others. Without parking accommodations, the  
21 success of these programs is limited, and  
22 potentially stalled. We think Intro 901 is one  
23 sensible solution of many, that addresses traffic  
24 congestion, air pollution, and limited parking  
25

1  
2 space, simply and reasonably. We urge the New  
3 York City Council to pass this legislation. Thank  
4 you.

5 CHAIRPERSON LIU: Thank you very  
6 much. Do you have written testimony?

7 VERONICA VANTERPOOL: Oh, yes, I  
8 do, I'm sorry.

9 CHAIRPERSON LIU: Okay, please  
10 submit it to the sergeant.

11 CHRISTINA BERTHET: Hello.

12 CHAIRPERSON LIU: Ms. Berthet.

13 CHRISTINE BERTHET: Good morning.  
14 I'm Christine Berthet, the cofounder of Chekped,  
15 the coalition for pedestrian safety on the west  
16 side. I am awfully in support of all the bills.  
17 And I would like just to suggest some modification  
18 or improvement to each of them. So, the first one  
19 is on the parking with the picture. I think it's  
20 a very good system. It will generate many more  
21 violations to be paid, and much less to be  
22 challenged. And as such, the photo are a terrific  
23 thing. Now, I would also request that as people  
24 are going to take pictures of cars, where they put  
25 ticket, they should also take pictures of all the

1  
2 cars which are illegally parked, but seem to be  
3 quasi-official. Which is the placards, and the  
4 post office, and the DEA, and all those things  
5 which are really on the curb, which are making why  
6 the other cars have to car park illegally, because  
7 one is the cause of the other. And those pictures  
8 should be sent, without giving a ticket, to the  
9 head of the agency, for them to resolve what the  
10 people are doing in that place with their placard.  
11 And I think if you would do both of those things,  
12 you would create more space for legitimate cars,  
13 because in our neighborhood, I've seen many cars,  
14 many trucks being ticketed, while they were double  
15 parking, because they were illegal post and police  
16 cars parked along the sidewalk. And this is not  
17 right. So, I think it would be really, really  
18 good to have those two objective at the same time.  
19 On the second one, which is on the motorcycles, I  
20 would like to see major tickets given for  
21 motorcycles which are parking on the sidewalk. It  
22 is illegal, they are taking a large space, and I  
23 don't think they are ticketed right now; so, in  
24 addition to your letter. And then secondly, you  
25 know, it's, I would suggest also that your public

1  
2 parking suggestion, Zipcar, you add the motorcycle  
3 to that and say in every public parking there  
4 should be two or three slots reserved to  
5 motorcycle so that they don't have the issue, it  
6 would be less expensive because they wouldn't have  
7 the issue of modifying the, you know, the MUNI  
8 meter. And therefore, it would be better. And  
9 then we have delivery bicycle on the sidewalk,  
10 which we like, because we want deliveries by  
11 bicycle. But when you have ten and 15 and 20 in  
12 front, on the sidewalk, it becomes a problem. And  
13 so a system to park them on the curb, at the  
14 curbside, would be very helpful. On the car  
15 sharing, we love this idea. I think it should  
16 clearly apply at the time of renewal of the  
17 license, not just for new public parking. Because  
18 it doesn't say that there, and generally the  
19 licenses are for ten years. We need to have every  
20 time there is a license renewed, that the people  
21 pay for that, get that done. It should also be  
22 advertised on the signs outside. Right now it is  
23 not advertised, so when you have parking, we  
24 should have a new logo, which is very, very  
25 visible from outside, so people can see it.

1  
2 Today, they have this in a very small letter, so  
3 you know, there should be very visible things so  
4 people can get there. And finally, I would  
5 suggest you are going to be looking at a bill for  
6 accessory parking. And I think in accessory  
7 parking it would make sense, also, because if you  
8 can reduce the need to have a permanent car, by  
9 having in your garage some shared cars, people  
10 which have less money could have a better quality  
11 of life by from time to time having a car  
12 downstairs. So I think it would make sense to do  
13 that. And the parking, finally, change of  
14 notification, I think it makes total sense.

15 However, if you listen to the radio, and if you  
16 get the notice from the DOT about changing parking  
17 regulation, well they pretty much change every two  
18 days. Every two days they are suspended for what  
19 reason. A system which has 50 percent of  
20 exception is not a system. And right now, the  
21 things are suspended every three days. I cannot  
22 believe if you have a car, how you make sense of  
23 what day it's in effect or not. I would suggest  
24 that this system be put in place, but at the same  
25 time, you limit the change of regulation and the

1  
2 suspension to only the ten official holidays of  
3 New York City. And not the other days, because  
4 every two, every two days, it's not in place. So,  
5 I know if I go and I'm, you know, a tourist, and I  
6 come and park, and I see a sign, but everybody's  
7 parked there. What does that mean? Oh, I didn't  
8 listen to the radio, I didn't get the email. And  
9 I don't know, but it's suspended. It's suspended  
10 every three days, every two days, it makes no  
11 sense. It's not a system. It's a collection of  
12 exception. So, these are my suggestion, and I  
13 think all of those bills are very good. Thank you  
14 so much for your help.

15 CHAIRPERSON LIU: Thank you, Ms.  
16 Berthet. Mr. Ficalora?

17 CHRISTOPHER FICALORA: Good  
18 afternoon, Mr. Chairman John Liu and members of  
19 the Committee, I'm Chris Ficalora, the Vice  
20 President of Zipcar for Eastern North America.  
21 And I'd like to thank you for the opportunity to  
22 present testimony in sort of, in support of bill  
23 number 901. This will allow Zipcar and others in  
24 the car sharing category in general to effectively  
25 expand into all the boroughs in such a way that it

1 will benefit all the residents of the New York  
2 Metro area. Zipcar and the car sharing category  
3 takes cars off the road. Studies have shown that  
4 each Zipcar takes more than 15 personally owned  
5 vehicles off the road. In a recent member survey,  
6 65 percent of our New York members reported  
7 selling a car or halting a purchasing decision  
8 upon joining Zipcar. In New York City, this means  
9 that by the end of 2009, over 70,000 vehicles will  
10 have been removed from our congested streets. 40  
11 percent of New Yorkers own vehicles, while in  
12 Brooklyn, Queens and The Bronx, 60 percent own a  
13 vehicle. These areas are car sharing's biggest  
14 opportunity for growth and potential impact;  
15 however, they lack sufficient privately owned  
16 parking to facilitate growth. In addition, car  
17 sharing members drive significantly less than  
18 individual personally owned vehicles. The average  
19 member, Zipcar member, reports driving 2,600 miles  
20 fewer miles per year after becoming a member.  
21 This equates to a savings of 988,000 gallons of  
22 gasoline and prevention of close to 95,000 tons of  
23 carbon emissions just for the year of 2009.  
24 Statistics have shown that members of Zipcar and  
25



1  
2 car sharing programs report a 47 percent increase  
3 in use of public transportation, ten percent  
4 increase in bicycling, and 26 percent increase of  
5 walking. Car sharing saves people money. Zipcar  
6 members report an average savings per month of  
7 \$600, or \$7,200 per year. This savings for New  
8 York members alone in the year 2009 totals over  
9 \$77 million. Zipcar and car sharing is not just,  
10 is not just for consumers. We have partnered with  
11 small, medium and large businesses, universities  
12 and government, even companies like Apple, Google,  
13 Twitter and Starbucks to name a few, are strongly  
14 behind the car sharing model. Throughout our  
15 vehicle network, over 14 million people are within  
16 a ten minute walk to a Zipcar. In a recent study  
17 conducted with the economic, Economist  
18 Intelligence Unit, the category of car sharing  
19 will reach 37 million members and annual revenues  
20 of \$10 billion by the year 2020. Our members were  
21 recently surveyed. This is how the Zipster sees  
22 the world. When asked what aspects of city living  
23 they most wanted to see improvements, they  
24 replied, one, more transportation mass transit  
25 options; two, cost of living, a lower cost of

1  
2 living; and three, fewer homeless. In the same  
3 survey of Zipsters, they underscored the  
4 environment as important, six to one. 96 percent  
5 believe that their actions have an impact on the  
6 environment, 67 percent do not believe that  
7 government leaders or policy makers take global  
8 warming or the environment seriously. And number  
9 three, 52 percent do believe that city life will  
10 improve over the next three years. I tend to  
11 disagree with our members on number two, as I know  
12 our city government cares, and is working very  
13 hard to improve our environment. With that said,  
14 and in closing, we are committed to a great City  
15 of New York, and see a great future for car  
16 sharing. The use of municipal lots will bridge  
17 the gap to a tighter network of car sharing  
18 vehicles for the members of the car sharing  
19 community of New York City. I thank you for your  
20 time, I'll be happy to answer any questions that  
21 you or the Committee have.

22 CHAIRPERSON LIU: Well, thank you  
23 very much, Mr. Ficalora, Ms. Vanterpool and Ms.  
24 Berthet, thanks for participating.

25 CHRISTOPHER FICALORA: Thank you.

1

2

CHAIRPERSON LIU: Next panel

3

consisting of George Gorman, Nancy Ortiz, Cheryl

4

Stewart and Jesse Erlbaum, please proceed.

5

[pause] Actually, Mr. Belovsky, did you want to

6

testify also?

7

GLEN BELOVSKY: Yes, sir.

8

CHAIRPERSON LIU: Okay, you missed

9

your panel. Just come on up. Just everybody just

10

take a seat and just come on up. You guys get

11

all, just all sit down, please. Yeah, yeah, just,

12

you can sit in that seat right there. [pause]

13

Sergeant, can you pull up one more chair for--

14

Please proceed. Please go ahead.

15

GLEN BELOVSKY: Good afternoon, Mr.

16

Controller, I mean, Mr. Chairman. I'm going to

17

make very brief remarks. First of all, thank you

18

for inviting me today, I appreciate it very much.

19

All four bills have great merit. Photo bill is

20

essential, it's done not only in Chicago, but done

21

in London. Those photographs are available on the

22

websites of those cities. They're very useful,

23

and they, I think they will also help reduce

24

injuries to traffic agents and help motorists

25

defend themselves against unfair tickets,

1  
2 especially tickets like blocking pedestrian ramps,  
3 those \$165 tickets, which are absurdly high and in  
4 the middle of the block, which have illegal cuts,  
5 illegal curb cuts, which we all know about. The  
6 other three bills also have great merit,  
7 especially the one about the MUNI meters with the  
8 motorcycles, that's huge as well. There's an easy  
9 way to overcome that, that I didn't hear anyone  
10 talk about today. In the original version of the  
11 MUNI meters, that were, why they're called MUNI  
12 meters, is 'cause they were implemented  
13 originally, I believe on Essex Street, at that lot  
14 downtown. And they used to have the ability to  
15 punch in your license plate. So if you can punch  
16 in your license plate, which all they need is a  
17 keypad, and the manufacturer, Schlumberge  
18 [phonetic] has those, as an option, well they  
19 don't have to be retrofitted or anything like  
20 that, they just can be slid right in. You can  
21 punch in your license plate, your motorcycle  
22 license plate, your vehicle license plate, and you  
23 should not even have to display a receipt because  
24 the agent can see it right on their handheld, and  
25 you'd be able to prove with a receipt online, just

1  
2 like an Easy Pass receipt. And the City can save  
3 tons of money in implementing something like that,  
4 because they're sending out these parking cards to  
5 companies and making people buy that, which is  
6 very environmentally unfriendly, each card is  
7 plastic, it's not recyclable. And so, it's  
8 costing the City a lot more than it has to, and  
9 it's a great inconvenience to people, a lot of  
10 people are getting tickets for parking at MUNI  
11 meters, even when they've purchased the time. And  
12 I believe there's another bill that's not on the  
13 calendar today, that's talking about the DOF to  
14 dismiss tickets in the event someone can prove  
15 that they've paid for the time. So, it's, in my  
16 view, it's in the City's best interest, as well as  
17 the public's, which are not always the same  
18 interests, but in both people's, both parties'  
19 interests, to automate it and to allow you to  
20 automatically use those cards over and over again,  
21 just like an Easy Pass, and just charge your card  
22 every month. If you have any questions for me,  
23 I'd be happy to answer them.

24 CHAIRPERSON LIU: Thank you very  
25 much. Thank you. Mr. Gorman?

1  
2                   GEORGE GORMAN: Thank you, Chairman  
3 Liu, for this opportunity to come and talk to you  
4 today. I'm George Gorman, I'm the Legislative  
5 Coordinator of a ABATE of New York State. We're a  
6 statewide organization that specifically works on  
7 motorcycle rights. I've come to address the 980  
8 DOT bill that you have before you today. We would  
9 like the New York City DOT to work with the  
10 Motorcycle, the New York Motorcycle Task Force in  
11 New York City. We need to reach a compromise  
12 about the positions for motorcycles in this City.  
13 I certainly am enjoying the benefit of the 416A  
14 legislation and the way that, and the way it was  
15 going to handle motorcycle parking. Mr. Gerson  
16 has done a great deal to bring the motorcyclists  
17 of the City together. In the interim, between the  
18 current situation and the final situation that's  
19 going to be worked out, about motorcycle parking,  
20 we'd like see that motorcycle parking in New York  
21 City be free, free to everybody that wants to come  
22 down here. We're talking about parking, not about  
23 storage, you know, we've had people come talk  
24 about motorcycles parked on sidewalks and  
25 certainly if they're using their motorcycle on a

1  
2 regular basis, that they should be able to park  
3 free until some sort of policy or procedure is  
4 worked out.

5 CHAIRPERSON LIU: Alright.

6 GEORGE GORMAN: I'd like to talk  
7 for a brief minute about, or use a quote from  
8 Frank Zappa when he was testifying before  
9 Congress. He says, "America is a system of laws  
10 poorly written and randomly enforced." And  
11 randomly enforced does not count for parking  
12 tickets in New York City, and I'd like to see a  
13 significant change done, and I won't overstay my  
14 welcome here, but more people will talk about  
15 other things that certainly, certainly needs to be  
16 addressed by this legislation. Thank you.

17 CHAIRPERSON LIU: Thank you, thank  
18 you, Mr. Gorman. Ms. Ortiz?

19 NANCY ORTIZ: It is on? Good  
20 afternoon, my name is Nancy Ortiz, I'm a resident  
21 in District Two. My council member's Rosie  
22 Mendez. I would like to thank Transportation  
23 Chair Council Member Liu for not only bringing  
24 Intro 980 to the floor, but holding a published,  
25 public hearing showing a true democracy. I'm

1  
2 going to veer from my statement because I just  
3 want to show a picture of what parking your  
4 motorcycle on a city street, what happens when a  
5 car slams into it, in trying to park. Not only  
6 does it cause damage to my property, but now I am  
7 also responsible for the damage to the Mercedes  
8 that my motorcycle landed on. And not even a  
9 simple, "I'm sorry, here's my plate, call me." I  
10 do look forward to working with New York City and  
11 DOT towards getting a viable plan for motorcycles  
12 and parking in New York City. There were four  
13 allocated motorcycle parking areas that were free  
14 to motorcyclists. I believe the last one, which  
15 is on Wall Street, is in jeopardy of leaving--[off  
16 mic] Okay, they took it away from us, City's  
17 Planning Commission, and no one kind of put  
18 anything in there to try to come up with a  
19 solution of where to move the free motorcycle  
20 parking areas that they took away from us. I  
21 purchased my first motorcycle last year, I saved  
22 almost \$300 a month in gas. And to me that's a  
23 significant savings, especially during this  
24 economical times. And conducting, having DOT  
25 conducting a demographic survey on motorcyclists



1  
2 in New York City, should compel DOT to allocate  
3 parking for motorcycles only, as you can see by my  
4 picture. Automobiles are not very motorcycle  
5 friendly on the roads or in street parking. I  
6 believe all parking MUNI meters should be free to  
7 motorcycles and city municipal parking garages  
8 should also provide a reduced rate, and designated  
9 motorcycle parking only area, inside garages.  
10 They charge more for larger vehicles, so they  
11 should charge less for motorcycles. And  
12 researching other state municipalities and  
13 transportation restructuring methods to include  
14 motorcycle in the public spaces. In conclusion,  
15 motorcycle and scooter ownership is a rapidly  
16 rising, revenue generating for the two wheel  
17 industry, and becoming the new affordable means of  
18 transportation for students, deliveries, and the  
19 workforce. DOT needs to revisit their structure  
20 and parking to include the new growing  
21 environmentally friendly means of transportation.  
22 Thank you so much.

23 CHAIRPERSON LIU: Thank you, Ms.  
24 Ortiz. Ms. Stewart? And I'd like to ask the next  
25 panel to get ready to testify. That would be

1  
2 Sandra Fleming, Andrew Sears, Mark Davis and John  
3 Simon. Ms. Stewart, please proceed.

4                   CHERYL STEWART: Thank you,  
5 Chairman Liu, thank you for inviting us to speak.  
6 My name is Cheryl Stewart, I live in District Six  
7 in Red Hook in Brooklyn. And I urge Council  
8 Member Gonzales to vote yes on Intro 980, the New  
9 York Motorcycle Taskforce, and I strongly support  
10 this measure, which will require New York City DOT  
11 to create a plan for parking motorcycles and  
12 scooters in areas controlled by MUNI meters. I  
13 only wish this Intro would go even further. I've  
14 been riding since 1981, I'm member of the New  
15 York Motorcycle Taskforce, the AMA, and a founding  
16 member of the Sirens Women's Motorcycle Club, as  
17 well as its current vice president. I also  
18 instruct for the Fishtail Riding School.  
19 Depending on which of my bikes I'm riding, I get  
20 between 39 and 52 miles per gallon. I'm  
21 freelance scenic artist, my motorcycles aren't  
22 just recreation for me. I use them to carry  
23 myself and my tools to my various jobs in far  
24 flung areas in and around New York City.  
25 Motorcyclists find ourselves at a serious

1  
2 disadvantage when parking in areas controlled by  
3 MUNI meters, because we have no way to secure our  
4 parking receipts. As we've all been saying, they  
5 get lost or stolen, and there's no uniform place  
6 for officers to look for the receipt. And this  
7 results in onerous and unwarranted fines for us.  
8 And in answer to the gentleman from DOT, his  
9 position that we should put the receipt in a  
10 plastic pouch, that solution is frankly laughable.  
11 It, the, there's no way to put it in a plastic  
12 pouch and expect the pouch to be there, it'd be  
13 just as vulnerable to being stolen as the receipt  
14 itself. And a suggestion otherwise reveals a deep  
15 ignorance of issues for motorcyclists in New York  
16 City, and scooter riders. I don't think anyone's  
17 suggesting that someone would drill a hole in the  
18 outside of their new car to put some security  
19 plastic pouch on it and expect the pouch to be  
20 there when they got back, or even expect someone  
21 to drill the hole in the car. Motorcycles and  
22 scooters reduce congestion and pollution and we  
23 take up a fraction of the parking area of an  
24 average car. Anywhere between five and seven  
25 motorcycles and scooters can part in one regular

1  
2 car parking spot, when they park perpendicular to  
3 the curb, as you were suggesting. New York City  
4 should encourage us to use our environmentally  
5 friendly vehicles. In 2005, the City of Toronto  
6 solved their MUNI meter problem immediately, and  
7 without any outlay of funds, when the Council  
8 agreed to amend city bylaws to simply exempt  
9 motorcycles from parking fees in all areas  
10 controlled by MUNI meters. And they are exempt  
11 permanently, as long as this law is in effect.  
12 Motorcycles and scooters can park in any legal  
13 parking spot anywhere in the City of Toronto  
14 without paying at the meter. Toronto has also  
15 designated motorcycle only parking areas in their  
16 municipal parking lots. This solution would work  
17 immediately and extraordinarily well for us here  
18 in New York City, and I urge the Council and New  
19 York City DOT to adopt this model, which has been  
20 so successfully pioneered in Toronto. London is  
21 another city with significant traffic congestion  
22 problems. Part of their congestion plan is to  
23 actively encourage motorcycle and scooter use in  
24 London because of our small footprint and our  
25 environmental superiority. Besides exempting

1  
2 motorcycles from their congestion pricing plan,  
3 motorcycles and scooters may legally park in areas  
4 painted with diagonal tiger stripes and in any  
5 area that is unused roadway. The London model  
6 would work well in New York City to solve a very  
7 serious shortage of safe parking spots for our  
8 vehicles, which are extremely vulnerable to damage  
9 from getting knocked over by car drivers who park  
10 by feel. Even more than allowing us to park in  
11 the tiger stripes, we need set aside motorcycle  
12 and scooter parking areas in every part of New  
13 York City. The New York Motorcycle Taskforce is a  
14 group of forward thinking, safety minded and  
15 environmentally concerned New York City  
16 motorcyclists. We would be happy to continue this  
17 dialogue and offer our suggestions and strategies  
18 to work with the Transportation Committee to  
19 develop solutions that would benefit all New  
20 Yorkers by reducing congestion and pollution in  
21 New York City. May I give--

22 CHAIRPERSON LIU: Thank you. Yeah,  
23 please present copies of the testimony to the  
24 sergeant. Mr. Simon. No, I'm sorry, not Mr.  
25 Simon, Mr. Erlbaum, please proceed.

1  
2 JESSE ERLBAUM: Thank you very  
3 much, thank you very much, Chairman. My thanks to  
4 the Council for inviting me to speak today. In  
5 particular I'd like to thank Council Member Lappin  
6 who's office has kept me updated on the status of  
7 Intro 980 over the past weeks and months. My name  
8 is Jesse Erlbaum. I'm a 37 year old, second  
9 generation New Yorker, living in Forest Hills,  
10 Queens, District 29, represented by Council Member  
11 Kats, with my wife and two young children. I'm  
12 also a small business owner, I've run my own  
13 computer software development firm since 2002.  
14 Our company's offices are located just south of  
15 Union Square in Manhattan District Two,  
16 represented by Council Member Mendez. I'm also an  
17 avid motorcyclist. I'm a member of New York  
18 Motorcycle Taskforce, as well as the American  
19 Motorcyclists Association. I commute to work in  
20 Manhattan when weather permits via motorcycle. I  
21 do so for the efficiency and convenience in the  
22 early hours at which I travel, as well as the  
23 personal enjoyment I receive from this mode of  
24 conveyance. I'm speaking today in support of  
25 Intro 980, but I believe it must go further.

1  
2 Motorcycles and scooters have special parking  
3 requirements beyond the issue of MUNI meters. The  
4 defining characteristic of a motorcycle, besides  
5 its number of wheels, is that it is small and  
6 light compared to an automobile. Because they are  
7 so small and light, they are very susceptible to  
8 damage when parked between cars and SUVs, which  
9 too often park by feel, bumping the adjacent  
10 vehicle as they squeeze into a spot. If the  
11 adjacent vehicle is another car, the damage may  
12 only be limited to a scratch on the bumper.

13 Scooters and motorcycles have no such protection  
14 and are routinely knocked over. My own  
15 motorcycle's been knocked over while legally  
16 parked three times thus far this year. The result  
17 has been nearly a \$1,000 in damage. In not one of  
18 those incidents did the offending driver leave a  
19 note. My experience is far from unique. Every  
20 single motorcyclist or scooterist I've talked to  
21 has had similar stories. It is for this reason  
22 that I ask that Intro 980 be expanded to direct  
23 the DOT to establish dedicated, specialized,  
24 motorcycle and scooter only parking throughout the  
25 City. The model for such parking is well

1  
2 established in comparable cities in the U.S. and  
3 elsewhere. Along with the written copy of  
4 testimony I've included representative photographs  
5 from San Francisco and London. I hope the Council  
6 will take a moment to look at these photos, as I  
7 believe the respective plans of those cities are  
8 very compatible with our own. The benefit to the  
9 city of providing better parking facilities for  
10 motorcycles and scooters are numerous. The most  
11 obvious advantage is, as I have described,  
12 protection against property damage of our fellow  
13 residents. However, I believe the most profound  
14 advantage is in creating an environmentally  
15 sustainable and less congested New York City. Due  
16 to their smaller size and weight, motorcycles and  
17 scooters are far more fuel efficient than cars.  
18 My motorcycle routinely gets over 40 miles per  
19 gallon. Most scooters get over 80 miles per  
20 gallon. Because of their greater fuel efficiency,  
21 for ever one car or SUV, which is replaced with a  
22 motorcycle or scooter, there will be over two-and-  
23 a-half tons less CO<sub>2</sub> in the atmosphere per year.  
24 Finally, due to their greater space efficiency  
25 when parked, motorcycles and scooters permit more



1  
2 people to access a neighborhood, in the space  
3 which would fit only a single car or SUV, five to  
4 seven motorcycles or scooters could be parked.  
5 That results in perhaps five times as many people  
6 being able to reach an area, more visitors,  
7 shoppers and the workers who support them. My  
8 sincerest thanks to the Council for taking the  
9 time to listen to me today.

10 CHAIRPERSON LIU: Thank you very  
11 much, Mr. Erlbaum. I want to thank the panel for  
12 giving us a--oh, and Ms. Stewart, how many  
13 motorcycles do you have?

14 CHERYL STEWART: Seven.

15 CHAIRPERSON LIU: Seven. Wow, what  
16 kind of motorcycles are they?

17 CHERYL STEWART: I have an FC1, a  
18 Yamaha FC1, a Yamaha YZF600R, I have an old 82  
19 Seikus [phonetic] 650, I have a Kawasaki ZN700,  
20 which should be leaving soon and [laughs] I have  
21 an EX500 and a little 250 bopper.

22 CHAIRPERSON LIU: So, it's like one  
23 for each day of the week. [laughter]

24 CHERYL STEWART: They're not all  
25 running right this moment.

1  
2 JESSE ERLBAUM: And they could all  
3 fit into one automobile parking space.

4 CHERYL STEWART: Yes, they could  
5 all fit into one automobile parking space.

6 CHAIRPERSON LIU: Doesn't seem like  
7 it would behoove any of these vehicles to have a  
8 plastic pouch attached to them.

9 CHERYL STEWART: I would object  
10 very strongly to attached a plastic pouch to any  
11 one of them, yes.

12 CHAIRPERSON LIU: Alright, thank  
13 you. Thank you, our next panel is consisting of  
14 Sandra Feldman, Andrews Sears, Mark Davis, John  
15 Simon, and they will be followed by a panel  
16 consisting of Mary Jo Gracin, Tonya Cruz, and Eli  
17 Patterson. [pause] Please proceed. Ms. Fleming?  
18 Yeah, push the button so the light is on.

19 SANDRA FLEMING: Sorry.

20 CHAIRPERSON LIU: It's alright.

21 SANDRA FLEMING: I'd also like to  
22 submit into testimony the statement of fellow  
23 motorcycle rider Me He Ka [phonetic], so that's  
24 there. But I'll just read my statement. My name  
25 is Sandra Fleming, I'm represented in the City

1 Council by Leroy Comrie of the, of District 27 in  
2 Queens. I'd like to thank the City Council  
3 Members for allowing us to speak today. I'm a  
4 member of the New York's Motorcycle Taskforce,  
5 AMA, and the Sirens Motorcycle Club. And I am in  
6 support of Intro bill 980, but it does go far  
7 enough. I've been a social worker for more than  
8 25 years, and most of my positions have been field  
9 jobs. I've worked with the formerly homeless, the  
10 mentally ill, as a foster care worker, probation  
11 officer, and now as a medical social workers for a  
12 large homecare agency. As you can see, I've spent  
13 most of my career reliant on motor vehicles. At  
14 one time, I used a bicycle, but found myself too  
15 exhausted by the end of the day, and I couldn't  
16 effectively carry my belongings. I'd like to take  
17 moment to thank the City Council for the efforts  
18 they've made to make the City more bicycle  
19 friendly, and hope they do the same for  
20 motorcycles. Riding a motorcycle's become the  
21 perfect solution to combating the rising cost of  
22 fuel, and the nightmare of parking in the City.  
23 The only problem I face, however, is the dangers  
24 of parking my bike on the street. Cars frequently  
25

1  
2 back into it and the repairs are costly. I've  
3 invested in frame sliders, which are supposed to  
4 protect the plastic frame when the bike falls  
5 over, but it did not protect my now dangling  
6 signal light. I urge you to follow the wisdom of  
7 other municipalities who provide motorcycle  
8 parking because they acknowledge that motorcycles  
9 are ecologically friendly, do not contribute to  
10 traffic congestion, and require very little space  
11 to park. Thank you.

12 CHAIRPERSON LIU: Thank you, Ms.  
13 Fleming. Ms. Sears.

14 ANDREA SEARS: Good afternoon, my  
15 name is Andrea Sears, and I live in Crown Heights  
16 in Brooklyn, in the 35<sup>th</sup> Council District,  
17 represented by Letitia James, who is a cosponsor  
18 of Intro 980. I'm a member of the New York  
19 Motorcycle Taskforce and the American Motorcyclist  
20 Association, and I'm president of the Sirens  
21 Women's Motorcycle Club of New York City. In  
22 April, the last motorcycle only parking lot in  
23 this City was permanently closed. That parking  
24 lot, located under the FDR Drive at Walls and  
25 South Streets, had room for more than 100

1  
2 motorcycles and motorscooters, and was frequently  
3 filled to capacity. It was where I parked my  
4 motorcycle while at work, and the other bikes  
5 parked there on a daily basis came from all over  
6 the United States and from Canada. No alternative  
7 was offered. Even parking meters have  
8 disappeared, replaced by MUNI meters, which are  
9 not equipped to deal with motorcycles and  
10 scooters. Intro 980 would address that issue by  
11 requiring the Department of Transportation to  
12 create a means to secure MUNI media receipts to  
13 motorcycles and scooters; however, it does not  
14 solve the problems that make designated motorcycle  
15 only spaces the most appropriate solution for two  
16 wheeled vehicle parking. Many drivers park their  
17 cars by feel, stopping when they make contact with  
18 the vehicle in the next space. Just do the math,  
19 a 2,000 pound moving car hits a 400 pound  
20 stationary motorcycle, the motorcycle loses every  
21 time. I have submitted written testimony from two  
22 members of the Sirens whose motorcycles were  
23 totaled after being knocked over by parking cars,  
24 and the same thing happens hundreds if not  
25 thousands of times every year in this City. And

1  
2 people wonder why motorcycles park on the  
3 sidewalk. While passing Intro 980 may help  
4 motorcycle and scooter riders avoid unwarranted  
5 parking tickets, it does nothing to address this  
6 larger problem. An immediate solution to the  
7 problem of MUNI meters is simple: in Toronto  
8 parking in metered spaces is free for motorcycles  
9 and scooters. It not only solves the problem of  
10 lost and stolen receipts, it also encourages the  
11 use of transportation that both reduces traffic  
12 congestion and is more fuel efficient. To meter  
13 motorcycle parking, simply look to San Francisco  
14 which has had a MUNI meter style system for  
15 motorcycles and scooters since 2003, with an  
16 initial 225 meters, each serving as many as eight  
17 dedicated motorcycle only parking spaces. The  
18 technology already exists. I urge the Council to  
19 pass Intro 980, but to really address the problems  
20 of safety and access to parking, we need dedicated  
21 motorcycle and scooter only parking, not only in  
22 commercial and retail parts of the City, but in  
23 residential areas as well. Reserving just two  
24 standard parking spaces on the block would provide  
25 safe parking for as many as 14 motorcycles and

1  
2 scooters, making them an even more viable  
3 alternative to cars, and thereby helping the City  
4 achieve two of its other stated goals: reducing  
5 traffic congestion and reducing exhaust emissions.  
6 Thank you.

7 CHAIRPERSON LIU: Thank you very  
8 much. Mr. Davis.

9 JOHN SIMON: I'll take the mic  
10 first, John Simon. I want to thank you for your  
11 time, Mr. Chairman, and you have my, you have my  
12 utmost respect and I want to first address the  
13 camera bill. And--

14 CHAIRPERSON LIU: Are you Mr.  
15 Simon?

16 JOHN SIMON: Yes.

17 CHAIRPERSON LIU: Alright, just  
18 state your name for the record.

19 JOHN SIMON: Oh, I'm sorry. My  
20 name is John Simon. I'm the President of the  
21 Gotham Skulls Motorcycle Club in Manhattan. I've  
22 been riding for 20 years. I'm on my third  
23 motorcycle build. The first one I built was  
24 stolen in the City. The second one served me well  
25 for 15 years. And the one I'm building now will

1  
2 probably be taking me into my twilight years.  
3 First off, I just want to address the camera bill.  
4 I've been a photographer for 30 years, I  
5 understand how pictures are captured, and how they  
6 can be captured. And I want to make you aware  
7 that our first taste of cameras in the City has  
8 been the Red Light Cameras. One went up in my  
9 neighborhood on 62<sup>nd</sup>, and I was very interested in  
10 how the system's going to work. Well, they're put  
11 up by usually defense contractors who take 50  
12 percent of the revenue. They'll only put 'em up  
13 if they can make money. I started to investigate  
14 it and found out that the yellow light is short  
15 times in my area, short timing a yellow light,  
16 anything under three seconds is considered  
17 dangerous, causes more rear end collisions. Four  
18 seconds usually is a safe time for a yellow light.  
19 So as a motorcyclist coming up First Ave, the  
20 light turns yellow, I can stop pretty fast, but  
21 what about the car behind me. So, again, this is  
22 a product of putting cameras out there. So if  
23 cameras are going to be used for ticketing in  
24 other respects, we have to make sure we realize  
25 how the photos are taken and why they're taken,



1  
2 and so that's just an alert for the cameras. And  
3 I'll move on quickly to the issue of 980. And  
4 this is statistics I found from going back to  
5 2005, so they've changed slight, more than  
6 slightly now. There probably was, of all the  
7 registered motor vehicles, two percent were  
8 motorcycles back then. There were 60,000 spaces  
9 for parking in the City. That meant that based on  
10 those statistics, 1,200 spaces should've been  
11 allotted for motorcycles. Of those 1,200 spaces,  
12 you can fit six motorcycles in each space, which  
13 would actually bring it up to 7,200 spaces for  
14 parking, if you were to charge each of those  
15 motorcycles a parking fee. Now, there is a way to  
16 park motorcycles six at a time in a space, put up  
17 a MUNI meter that will work properly and not need,  
18 I'm going to defer to Mark on this, he has  
19 information on how it's done in other cities, but  
20 I want to tell you that putting up motorcycle  
21 parking in the City would be cost effective for  
22 the City, and at the same time protect our bikes  
23 and give us a better quality of life for  
24 motorcycling in the City. Thank you very much.

25 CHAIRPERSON LIU: Thank you very

1

2 much. Mr., is it Simon, or Simmons.

3 JOHN SIMON: Simon.

4 CHAIRPERSON LIU: Simon. Mr.  
5 Davis.

6 MARK DAVIS: Good afternoon. I  
7 want to take a moment out to thank you for hearing  
8 what we have to say. I appreciate you also  
9 dropping your name from Bill 1416A. My name is  
10 Mark Davis, been a member of the motorcycling  
11 community for over 29 years. Been with the same  
12 motorcycle for 29 years. I'm a respected member  
13 of Satan's Soldiers Motorcycle Club, in the Jersey  
14 Chapter, it's an international club, well known  
15 here in New York City, with a chapter in The  
16 Bronx. It started from founding members who were  
17 Vietnam vets. Satan's Soldiers is also a member  
18 of National Coalition of Motorcyclists, which is a  
19 very large national lobbying voice for  
20 motorcyclists. We work towards not only fair laws  
21 for motorcyclists, but we also work to raise  
22 awareness and safety for motorcyclists, educate  
23 the public in regards to motorcycles. I'm also an  
24 AIM representative, that's Aid to Injured  
25 Motorcyclists. We work with people who have been

1 injured from motorcycle accidents. And we provide  
2 a tremendous amount of free services for the  
3 motorcyclist. I'm also an accident scene  
4 investigator for the AIM and COM [phonetic] group  
5 of attorneys, and have for many years now been to  
6 many motorcycle accident scenes throughout  
7 Pennsylvania, New Jersey and New York. A few  
8 facts, some answers to your questions, Chairman  
9 Liu, in regards to registered motorcycles in New  
10 York City, there are over 30,000. In New York  
11 State, there are over 900,000. Of course in the  
12 tri-state area, people that come in and out of New  
13 York City, and utilize New York City, such as I  
14 do, for work or for pleasure, that number I do not  
15 have at the present time. Also in answer to  
16 another question that you had in regards to  
17 parking your motorcycle in the city streets of New  
18 York, a motorcycle is required to park in such a  
19 way where the rear tire is touching the curb, and  
20 that the front tire does not exceed six feet out  
21 from that curb. Nobody who has a motorcycle would  
22 actually want their tire that far out, because of  
23 course a passing car could easily clip the tire,  
24 because the average car itself is approximately  
25

1  
2 five feet wide, or less. So, they do require as  
3 perpendicular to the curb as possible. There are  
4 a few solutions that I do have in regards to that,  
5 such as recessed curbs. Okay? As John Simon  
6 mentioned, I do have some information in regards  
7 to how other cities do handle the motorcycle  
8 parking. I'll gladly read for you what I have.

9 In an effort to create a healthier environment, I  
10 encourage all council members to support Intro 980  
11 and to assist in promoting the use of motorcycles  
12 as an environmentally friendly means of  
13 transportation. As a New Jersey resident, and I  
14 don't brag about that often, I cross the Hudson  
15 River three to four times a week, at least, to  
16 either work in the City, enjoy the cultural and  
17 social activities that the City has to offer, and  
18 visit family and friends. I prefer to travel by  
19 motorcycle. I've always been concerned about  
20 parking my most cherished possessions on the City  
21 streets of New York. For example, if I park at a  
22 meter, a car driver may try to squeeze in and  
23 attempt to share the meter, possibly hitting my  
24 bike. This has actually happened twice that I  
25 know of. One time the bike was on its side,

1  
2 damaged; and the other time it was leaning up  
3 against the car. Number two, parking at a MUNI  
4 meter, which of course Bill 980 is addressing, is  
5 something that I've totally avoided, because I  
6 absolutely do not know how to affix the receipt to  
7 the bike, as you've all heard. Somebody also  
8 mentioned the pouches; once again, pouches are  
9 vulnerable to be stolen or blown away, and I would  
10 not want to affix a pouch to the motorcycle. They  
11 are very expensive machines, and we take a great  
12 deal of pride in them. Motorcycles parked on the  
13 streets, as I've just mentioned, are more  
14 vulnerable to being hit and/or stolen. So, I have  
15 a few solutions, few ideas, and certainly willing  
16 to work with you even after today, in person, to  
17 come up with other ideas as well. Since  
18 approximately eight motorcycles can easily park in  
19 the same space that one car would use, designating  
20 motorcycle only parking at the curb would be a  
21 great idea. It is certainly done in other cities.  
22 It can easily be done with drawing and painting on  
23 parallel painted lines, that are approximately six  
24 foot long and three foot apart. These spaces can  
25 easily be numbered. They would be perpendicular

1  
2 to the flow of traffic, of course perpendicular to  
3 the curb. Therefore, the motorcycle parked in any  
4 specific numbered spot could then use a MUNI  
5 meter. And on that MUNI meter itself, I believe  
6 was recently mentioned to you, the information as  
7 to the time that the motorcycle has remaining in  
8 any particular spot would be kept on the MUNI  
9 meter itself. Therefore, you would void the  
10 necessary--the need for having a receipt placed on  
11 the motorcycle. Okay? Of course there is a  
12 fantasy and a dream that we would have free  
13 parking in a sense, because motorcycles, as you've  
14 already recognized, take up much less space. So,  
15 if possible, another idea would be to recess the  
16 parking spaces for the motorcyclist to in the  
17 sense build them into the curb, thus eliminating  
18 the front dire being six foot out from the curb,  
19 thus eliminating its ability to be hit by a  
20 passing car. This of course does cost some money  
21 and would have to reconfigure some of the curbing.  
22 But that would be a safe way in allowing  
23 motorcycles to park without being so vulnerable to  
24 passing traffic. Of course there could be  
25 somebody who goes up on the curb and still hits a

1  
2 motorcycle. Anything's possible in any city.  
3 Okay? As I mentioned, to protect the motorcycle,  
4 there could also be stanchions, metal stanchions  
5 placed on either side of the group of parked  
6 motorcycles. This would also be, let's say,  
7 illuminated or painted in a color that could  
8 easily be seen by a car driver. So. In San  
9 Francisco, and I have pictures, gladly share them  
10 with you, of how they work their MUNI meter system  
11 for motorcycles. They have also recognized the  
12 fact that the motorcycle that does take up less  
13 space can bring in more revenue when there are  
14 more motorcycles parked in a space that one car  
15 would fit. So they actually charge ten cents per  
16 hour per motorcycle. If there is a fee necessary  
17 here in New York, maybe motorcycles can receive a  
18 discount. This can encourage more motorcycling to  
19 be used, and thus hopefully eliminating traffic  
20 congestion, and reducing air pollution, and  
21 reducing the use of fossil fuels. I'm sure I'm  
22 just reiterating what many people have already  
23 said. I do want to--

24 CHAIRPERSON LIU: It'd be helpful  
25 if you had some prepared testimony.

1

MARK DAVIS: Yes.

2

CHAIRPERSON LIU: Okay.

3

MARK DAVIS: That's basically the  
gist of this.

4

5

CHAIRPERSON LIU: Right.

6

MARK DAVIS: I will of course give  
you copies. I just want to end up with thanking  
you for this time. And be very happy, sincerely  
happy to work with you in, on this issue and many  
other issues regarding not only motorcycle  
traffic, but also car traffic.

7

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CHAIRPERSON LIU: Alright. Thank

13

you.

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MARK DAVIS: Thank you very much  
for your time.

15

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CHAIRPERSON LIU: Next panel will  
consist of Mary Jo Gracin, Eli, Ellie Patterson  
and Tonya Cruz. They'll be followed by a panel  
consisting of Andrew Himmel [phonetic], Howard  
Leplecter [phonetic], and Karen Perkins. Ms.  
Gracin? Please proceed.

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MARY JO GRACIN: Commissioner Liu,  
thank you, honored guests, thank you. My name is  
Mary Jo Gracin, I'm a single mother of two living

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1  
2 in Beach Hurst, Council District 19, Tony Avella  
3 is my Councilman. I'm a member of the New York  
4 City Motorcycle and Scooter Taskforce, the  
5 American Motorcycle Association and the City - -  
6 Motorcycle Club. I'm here because I support  
7 proposed Introduction Number 980, but it doesn't  
8 go far enough. Eight years ago, I learned I how  
9 to ride a motorcycle, and soon after I took my  
10 motorbike to work, discovering that commuting by  
11 motorbike improved my quality of life. With my  
12 commute time cut by over half, I could get home to  
13 my kids when they called from school in Queens  
14 from my job in Manhattan, to meetings with  
15 teachers, to be home to actually make and eat  
16 dinner before bedtime, while continuing to work in  
17 the area that I was working. Sadly, it has not  
18 been without it's problems. I am subjected to  
19 police targeting, getting stopped just to show my  
20 papers are in order. I've learned to be alert to  
21 taxicabs that don't see me because they're aiming  
22 for the next fare waving at the corner. I risk  
23 overheating and ruining my bike when I'm stuck in  
24 traffic because there are no special travel lanes  
25 set up for bikes. But the biggest harassment has

1  
2 been the parking situation. When I worked on Wall  
3 Street, I was able to park at the motorcycle  
4 parking area on Wall Street and South Street.

5 When I, but when I moved to a position in Midtown,  
6 I spent two months searching for a parking garage  
7 that accepted motorbikes. I will not park on the  
8 street in Midtown, I will not park at a MUNI meter  
9 because I don't, I can't figure out how to work  
10 the ticket, and I won't park in front of, at a, in  
11 a paid parking spot, because a car can easily try  
12 to get into my spot and knock me over. Last year,  
13 when gas was \$5 a gallon, my brother who owns a  
14 small contracting firm, confided in me that if he  
15 could safely park in the commercial zones in the  
16 City where he can now park his truck when he goes  
17 to visit jobsites, he would rather ride a scooter  
18 to work than drive a truck. So, if the City gave  
19 people incentives to commute by motorbike by  
20 setting aside one car length per block, exempt  
21 from commercial parking restrictions, it would  
22 incent, what, four to six people per block who  
23 currently commute by truck, to use a motorbike  
24 instead. When I started doing the research, I  
25 found out other cities have already successfully

1  
2 implemented motorbike parking plans: Toronto, San  
3 Francisco, London, to name a few. So New York  
4 City is far behind the times. I'm here to state  
5 that proposal number 980 is the first step in the  
6 right direction, and I encourage the Council to  
7 vote for it. If the City could provide a safe  
8 place to park, with barriers so that cars can't  
9 hit us and anchors to prevent theft, I would  
10 gladly pay for that place. If the City was  
11 serious about easing congestion, they would offer  
12 it free of charge, or at a reduced rate. Thank  
13 you.

14 CHAIRPERSON LIU: Thank you, Ms.  
15 Gracin. Ms. Patterson.

16 ELLEN PATTERSON: Yes. Good  
17 morning, good afternoon. My name is Ellen  
18 Patterson. First and foremost I want to thank the  
19 members before us that are in support of 980. We  
20 also thank you, Councilman and Chairperson John  
21 Liu, for the removal of your name from Intro 416A,  
22 that also affects motorcyclists today. I am also  
23 representative of CCMS, Concerned Citizens for  
24 Motorcycle Safety. I am a retired law enforcement  
25 member and a motorcyclist for nine years. We

1 support Intro 980, and also respectfully urge that  
2 the City of New York seek resolution to the  
3 problems encountered by motorcyclists of New York  
4 City. We propose that as it has been done by  
5 other states and municipalities with favorable  
6 results, that the City provide designated free on  
7 and off street parking for motorcyclists,  
8 motorcycles only, or the sale of reduced fee  
9 parking permits that would allow motorcyclists to  
10 park without having to be concerned with the theft  
11 or otherwise destruction of the municipal parking  
12 ticket. Motorcycles have not protection from the  
13 automobiles that park in, within close proximity  
14 of them. The financial burden of repairing a  
15 motorcycle could be much higher than the cost of  
16 repairing an automobile. Motorcycles are fuel  
17 efficient, environmentally friendly, do not  
18 destroy the streets of New York City, and require  
19 very little space for parking; however, we are not  
20 taken into consideration when it applies to the  
21 laws concerning parking, highway construction, and  
22 safety on the streets of New York. The City of  
23 New York allows bus lanes, bicycle lanes, handicap  
24 parking, but does not provide motorcycle parking.  
25

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2

We urge the Council to vote in favor of Intro 980.

3

Thank you for this opportunity.

4

CHAIRPERSON LIU: Thank you, Ms.

5

Patterson.

6

ELLEN PATTERSON: Yes.

7

CHAIRPERSON LIU: Ms. Cruz.

8

TONYA CRUZ: I'd just like to

9

submit the letter from AMA to your office.

10

CHAIRPERSON LIU: Okay, sergeants,

11

please take the letter from Ms. Cruz.

12

TONYA CRUZ: And thank you so much

13

for bringing this to the floor.

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CHAIRPERSON LIU: That's it?

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TONYA CRUZ: That's it.

16

CHAIRPERSON LIU: After all that,

17

that's it.

18

TONYA CRUZ: That's it.

19

CHAIRPERSON LIU: From Tonya Cruz.

20

TONYA CRUZ: That's it.

21

CHAIRPERSON LIU: Coming to my

22

office, in Flushing, at City Hall.

23

TONYA CRUZ: Jumping out of cars on

24

the street.

25

CHAIRPERSON LIU: Jumping out of

1  
2 cars on the street, getting me on the street,  
3 getting me on the steps of City Hall, getting me  
4 next door at Council Chambers, my wife's asking me  
5 "Who's this Tonya person?"

6 TONYA CRUZ: [laughs]

7 CHAIRPERSON LIU: And that's all  
8 you're going to do today. [laughter]

9 TONYA CRUZ: That's all. These are  
10 my friends.

11 CHAIRPERSON LIU: [laughs] Wow.  
12 Well, I want to thank you, Tonya Cruz has been  
13 extraordinarily effective in getting the members  
14 of the City Council to pay attention to these  
15 matters, and motorcycle riders are obviously in  
16 the minority here in New York City, but there are  
17 real issues to be dealt with. And sometimes when  
18 there's a small number of people, or relatively  
19 small number of people affected, it doesn't always  
20 rise to the attention of those of here at City  
21 Hall. But I think the group that is here  
22 advocating on this issue has been very effective,  
23 and I think in large part is due to the efforts of  
24 Ms. Cruz. So, thank you very much for joining us.

25 TONYA CRUZ: And thank you for all

1

2 your support.

3

4

CHAIRPERSON LIU: Okay. Okay, and then we have, we have three other people who--

5

6

TONYA CRUZ: There might be only one over there. Oh.

7

8

CHAIRPERSON LIU: Okay. We have Andrew Himmel, Howard Leplecter and Karen Perkins. Did you wish to give testimony?

9

10

KAREN PERINE: The last name is mine, that you just read, Karen Perine.

11

12

CHAIRPERSON LIU: Oh, Karen Perkins?

13

14

KAREN PERINE: Yep.

15

16

CHAIRPERSON LIU: Okay, yeah, why don't you please proceed then. We weren't sure if you were with the same group.

17

18

KAREN PERINE: Well, she grabbed me and brought me up here, so.

19

20

CHAIRPERSON LIU: Okay.

21

22

KAREN PERINE: Thank you, Chairman Liu, for the opportunity to speak on behalf of New York Motorcyclists. My name is Karen Perine, I am a representative of, Staten Island representative of the New York Motorcycle Taskforce. I've been

23

24

25

1  
2 riding a motorcycle for 29 years, 18 of which has  
3 been in New York City. I commute from Staten  
4 Island by motorcycle to New York City for work  
5 every day, and have collected a short list of  
6 areas that are in desperate need of parking for  
7 motorcycles and scooters. This list just  
8 represents a starting point and targets the eight  
9 most, the eight areas that need this type of  
10 parking the most. The Financial District, City  
11 Hall, Astor Place, Duffy Square, Columbus Circle,  
12 Madison Green, Brooklyn's Metrotech Center, and  
13 Queens Long Island City. Thank you for your time,  
14 and I urge my councilman member, Ken Mitchell, 49<sup>th</sup>  
15 District, to support Intro 980. Thank you.

16 CHAIRPERSON LIU: Thank you, Ms.  
17 Perkins. Mr. Himmell. [off mic] Oh, okay, go  
18 ahead, please.

19 HOWARD LEPSOWITZ [phonetic]: Good  
20 afternoon. I'm going to be brief, 'cause it's  
21 been a long day so far. And there's no need in  
22 repeating what other people have. First, I would  
23 like to start by thanking you, for this bill, and  
24 Council Members Lappin, Avella, Barron, Brewer,  
25 Fidler, Gennaro, James, Koppell, Sears and White,



1  
2 Jr., for supporting this very important  
3 legislation. During the last few years, I have  
4 seen a gradual decrease in the available  
5 motorcycle parking in New York City. With the  
6 introduction and increase of MUNI meters, the  
7 decrease continues at a speedier rate. Since  
8 there is no place to safely secure a MUNI meter  
9 receipt on a motorcycle, I am left with three  
10 choices: purchase parking time, place the receipt  
11 on the motorcycle and hope neither nature nor  
12 human remove the receipt, possibly resulting in a  
13 ticket; purchase parking time, place the receipt  
14 in my pocket, and mailing it in if I do get a  
15 ticket, an obvious inconvenience that a car driver  
16 does not have to put up with--or worse, lose the  
17 receipt and have to pay for a ticket that I did  
18 not deserve; or my third choice would be not pay  
19 for parking and take the risk which I prefer not  
20 to do since this is violating a law. Clearly, all  
21 three of these choices are not acceptable,  
22 therefore Intro 980 in my opinion needs to become  
23 legislation. I also suggest that the City Council  
24 considers future legislation allowing free  
25 motorcycle parking. Motorcycles have a

1  
2 significantly smaller carbon footprint compared to  
3 cars, and I believe this is in line with plans for  
4 a greener New York City. Many municipalities  
5 already have special divisions for motorcycle  
6 parking, New York City should, too. Thank you.

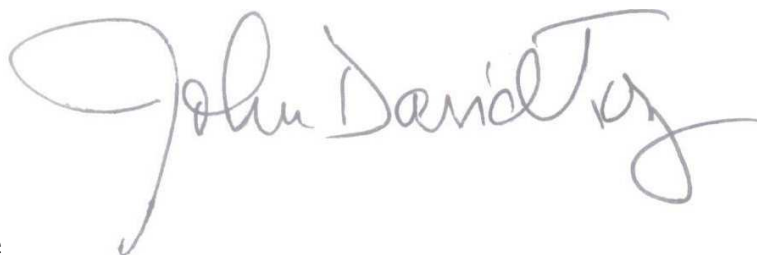
7 CHAIRPERSON LIU: Thank you very  
8 much, Mr. Lepsowitz. And I will state for the  
9 record that I will in general, because I'm the  
10 Chairperson of the Committee, I do not cosponsor  
11 bills introduced by my colleagues that are, those  
12 bills that are referred to my Committee. But  
13 after the hearing that I've conducted, I certainly  
14 will add myself as a sponsor to Intro 980. So, I  
15 really want to thank everybody for coming down  
16 today, and there are issues here that need to be  
17 dealt with. And so, don't be strangers to City  
18 Hall. Thank you. With that, there being no other  
19 witnesses for today's hearing, this Committee,  
20 this, today's hearing of the City Council's  
21 Committee on Transportation is adjourned. [gavel]

22 [pause, background noise]

23

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.

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

Signature

Date July 23, 2009