

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
NOVEMBER 1, 2011**

Good morning Chairman Vacca and members of the Transportation Committee. My name is David Woloch and I am the Deputy Commissioner for External Affairs at the New York City Department of Transportation (DOT). With me today is Galileo Orlando, DOT's Deputy Commissioner for Roadway Repair and Maintenance. As you know, our roadway repair operations constitute the foundation of DOT's mission to create smooth streets throughout the five boroughs, and we agree with the Council about the importance of providing key information to the public on the state of their repair. With the creation of the Daily Pothole and the introduction of maps that display important data sets related to the agency's work, we have taken important steps to achieve this goal. We are proud of our progress in this arena, we are eager to add to it, and I look forward to updating the Committee this afternoon on our efforts.

Let me begin by describing the progress we have made in roadway repair operations, despite the City's current fiscal constraints. In July 2010, the department opened a second municipal asphalt plant in Corona, Queens. City-owned plants save the City millions of dollars each year and are able to produce sustainable recycled asphalt pavement (RAP). The use of RAP helps the City avoid a half million miles of annual truck trips to carry milled asphalt to landfills, reducing air pollution, street congestion, and damage to our roadways. Another critical step the department took to improve our roadways was securing, with the Council's help, funds to resurface 1,000 lane miles in fiscal year 2012. This target helps us address more streets that require repair and demonstrates our commitment to continuing an aggressive response to the damage caused by last winter's severe weather. As you recall, earlier this year the

Bloomberg Administration designated \$2 million to fund crews to repair more potholes and complete targeted paving projects at locations in all five boroughs. The allocation allowed DOT's crews to increase the total number of potholes repaired per day from 2,000 to between 3,000 and 4,000, and accelerated the effort to recover from the effects of the harsh winter.

While Intro 567 would require DOT to post on our website information regarding the agency's resurfacing and capital improvement programs, earlier this year we added a transportation portal to the NYCityMap that displays various data sets related to the agency's main operations. For example, New Yorkers can use the map to check the City's truck route network or learn where CityRacks are located. The map also shows DOT's 10 year capital plan as well as those streets that are designated as "Protected Streets" after resurfacing. This information is especially helpful for utilities, contractors, and other entities that perform work in the street, and has helped improve coordination and reduce unnecessary street work.

We are continuing to focus on building upon these layers and will work with the Council and others to do so. Last year, Council Member Oddo suggested that we develop a system to display a street's assessment rating and resurfacing history. We liked his suggestion, embraced it, and got to work. Within the next two weeks we expect to make this information available for the first time, allowing New Yorkers to check the condition of the blocks on which they live or drive to work and learn the last time the streets were paved. With this system imminent, it's not clear to us that the proposed legislation is necessary, although we are happy to discuss this with the Council. Our work over the past year with this innovative mapping technology demonstrates the department's commitment to providing relevant information directly to the public, and I

expect that we will continue to add other useful data sets and functionality moving forward.

While paving is the most important tool in our arsenal to maintain the health of our streets, we also focus on short-term repairs, particularly when cold weather prohibits resurfacing. Intro 629 would require the department to report information to the Council on our pothole repair efforts. DOT is happy to provide regular updates on our robust pothole repair program. In fact, earlier this year we launched a site called the Daily Pothole for that very purpose, allowing the public to track our pot-hole filling efforts and report conditions easily online. The scope of DOT's pothole operation has increased dramatically over the past decade, particularly as bad weather in recent years has wrought havoc on our streets. Last fiscal year the agency repaired 418,168 potholes, the most ever.

Last winter in particular took a heavy toll on our streets but the agency was able to respond appropriately. As you would expect, the large increase in pothole repairs had a noticeable effect on our response time to complaints. In fiscal year 2011, as reported by the MMR, the average time to close a pothole work order where repair was done was 10.8 days. The fact that this number increased from fiscal year 2010 reflects several factors, but primarily the effects of severe winter weather, during which our roadway crews first assisted with the citywide snow removal effort before returning their full attention to roadway repairs. Yet despite these challenges, in fiscal year 2011 90% of reported potholes were acted upon within a targeted 30 days, and many were repaired much sooner. Given the priority the agency places on quick pothole repairs and the public's desire for rapid response, we agree that DOT should track statistics on a reduced targeted repair timeframe of 15 days, not just 30 days—and we have begun to do so. That being said, because the success of our pothole operation depends on a

variety of factors and future administrations must have the flexibility to set targets based on available resources, we cannot support codifying a specific target. As a threshold matter, we also cannot support codifying by local law specific requirements for pavement repairs in the Mayor's Management Report (MMR) specifically. The content of the MMR is prescribed in general terms by the chapter of the City Charter concerning the powers and duties of the Mayor, so that the goals and measures contained in that report can be refined by the chief executive as measurement techniques and performance goals evolve over time. Codifying in law the content of particular sections of the report is not consistent with this scheme.

So while we support requiring DOT to report on pothole complaints, repairs made, and the target for completing repairs, and we agree the agency should report on a targeted repair timeframe of 15 days at the current time, we do not believe that the legislation should codify this as a specific target and we do not think that the MMR should be specified in the bill. But as I noted, we do support most of what is currently reflected by Intro 629.

One of DOT's core missions is to create safe and effective streets for all New Yorkers. The agency is just as committed to improving how we communicate information to the public. We have been pleased to work closely with the Council over the past several years on enhancements to our outreach processes and data collection. With that same spirit of cooperation, we look forward to continuing discussions on how the agency tracks and shares key information on the state of repair of our streets with the public and the Council. We would be happy to answer your questions at this time.

**TESTIMONY OF
JOHN NUCATOLA,
DIRECTOR FOR THE BUREAU OF CLEANING AND COLLECTION
NEW YORK CITY DEPARTMENT OF SANITATION**

**NEW YORK CITY COUNCIL COMMITTEE ON TRANSPORTATION
TUESDAY, NOVEMBER 1, 2011 – 1:00 P.M.
250 BROADWAY – 14TH FLOOR**

**Intro No. 546 - A LOCAL LAW to amend the administrative code of the city of New York,
in relation to prohibiting the affixing of adhesive stickers on motor vehicles**

Good Afternoon Chairperson Vacca, and members of the Committee on Transportation. I am John Nucatola, Director for the Bureau of Cleaning and Collection for the New York City Department of Sanitation. With me today is Doug Marsiglia, Chief of Cleaning for the New York City Department of Sanitation. The Department is here to testify on Intro. No. 546 under consideration today. This bill proposes to prohibit the affixing of adhesive stickers on illegally parked motor vehicles. However, such legislation will not apply when the sticker is required due to other laws or as a matter of public safety.

As you know street cleanliness and litter control is a core Department mission essential to preserving the quality of life for the City's residents. Mechanical brooms are the Department's most cost effective method of street cleaning. Alternate side parking rules ensure that there is open and unhindered curbside accessibility to sanitation workers who operate mechanical brooms to clean over 6,000 curb miles of the City's streets covered under current alternate side parking rules. Any decrease in the Department's ability to enforce against those who violate the City's alternate side parking laws would greatly impact community cleanliness.

Street cleanliness is at an all time high, with an average street cleanliness rating of 94.5 for Fiscal Year 2011, and a rating of 94.8 for Fiscal Year 2012 to date. This cleanliness can be attributed to the Department's ability to enforce the alternate side parking regulations in a manner that alerts the public that the failure to move their cars in accordance with parking regulations is detrimental to their neighborhood's quality of life. The Department is empowered to enforce street cleaning regulations by the Department of Transportation. The City and the Department are authorized to issue summonses for the failure to move such motor vehicles with fines ranging from \$45.00 to \$65.00 depending on the location.

Additionally, the Department is empowered by Section 4-08(a)(10)(ii) of Title 34 of the Rules of the City of New York, to affix a sticker on the operator's side back seat window of the vehicle informing said operator of said violations and the interference with the Department's cleaning of the streets. The sticker states, "This vehicle violates New York City Traffic Rules. As a result, this street could not be properly cleaned. A cleaner New York is up to you." These stickers, which have been authorized since 1988, have served as an effective deterrent for those owners who deem a fine to be easier than moving the car to allow the Department to do its job.

It is important to note that prior to Department's authorization to affix such stickers, the City's average street cleanliness rating was only at 73. As stated earlier in my testimony, today the City enjoys a scorecard rating of over 94. The Department feels that there is a direct correlation with its ability to enforce the alternate side parking regulations and the deterring quality that the affixation of such sticker provides, with the all time high street cleanliness rating that the City enjoys.

The Department feels that while the affixing of said sticker might seem punitive to some, it works as effective deterrent against those who flagrantly violate the law. It also serves as notice to the neighborhood that the Department is doing its job and it is because of the failure of certain motor vehicle owners that certain streets cannot properly be cleaned.

Notwithstanding, the Department understands the concerns that motor vehicle owners have regarding the removal of said sticker. In fact, the Department is currently exploring the possibility of changing the adhesive used, or even the type of sticker (i.e., compostable) in an effort to make these stickers easier to remove. However, such change would have to be cost effective and not cost prohibitive.

An unintended consequence of this legislation is that the Department's abandoned vehicle program, as authorized under Section 1224 of the New York State Motor Vehicle Law, would also be included under the sticker prohibition proposed by Intro. No. 546. The law allows a motor vehicle to be classified as abandoned if there are no license plates affixed and such vehicle is worth less than \$1,250. After a vehicle is deemed abandoned by the Department, it will tag such motor vehicle on its body by affixing a sticker. This sticker is necessary to ensure that the public is alerted that such vehicle is deemed abandoned and that such vehicle will be picked up by a Departmentally contracted vendor for salvage.

Another issue presented by the language of the bill concerns the possibility that the bill would prevent City agencies from being able to place necessary stickers on vehicles for a variety of reasons, having nothing to do with violations of law. For example, when the Police Department relocates a vehicle because of a special event, a parade or an emergency, it places a sticker on the vehicle, with a direction to enforcement personnel not to summons or tow the vehicle within 48 hours from the date of relocation. Similarly, when the Police Department has taken custody of a vehicle and is safeguarding it at the local stationhouse, it places a sticker on the vehicle indicating that the vehicle is in police custody, and warning against tampering or removing parts from the vehicle. Using stickers for these purposes ensures that these notices will not be removed by anyone, or blown away by weather conditions. However, these types of stickers might not fall within the exceptions listed in the bill, since they might not be interpreted as being affixed due to other laws, or as a matter of public safety, and so the bill would seem to prohibit their use.

For all of the above reasons, the Department of Sanitation respectfully opposes Intro. No. 546. We will be happy to answer any questions you may have.

**STATEMENT OF AAA NEW YORK, INC.,
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON TRANSPORTATION
NEW YORK, NY
November 1, 2011**

My name is Jeffrey A. Frediani, I am a Legislative Analyst with AAA New York. AAA New York serves more than 1.6 million members residing in the City of New York and adjacent counties of New York State. We support all of the proposed Introductions.

As proposed in Intro. 567, drivers would have the opportunity to view information on the Department of Transportation website regarding the resurfacing and capital improvements of each city block. Allowing drivers to search by city block to see what year resurfacing or improvements were last completed, along with the street rating and an approximation of when such projects will take place, will provide drivers with valuable information to plan for alternate routes and avoid the inconvenience of street reconstruction projects. Indeed, a searchable database providing drivers with information on their particular block will also help quell drivers' fears that particular roads or neighborhoods have been forgotten or neglected.

Intro. 629, regarding reporting on certain pothole repair work by the DOT, will allow the City to improve the process of repairing potholes. Requiring a report with the number of pothole complaints, the target time period for repairing them, the number of potholes repaired, and those repaired within the target period, and within fifteen days, will allow the council and public to gauge the performance of the city's repair efforts. We all know the impact potholes have had on city streets the past year has been enormous. And the impact goes beyond just a "quality of life" issue for New Yorkers, it

has real financial impacts. According to The Road Information Program (TRIP), the New York metropolitan area has the seventh-worst road system in the country. Driving on these roads costs drivers an additional \$640 a year beyond the typical vehicle wear and tear. We believe requiring DOT to disclose information with respect to pothole repair will go a long way towards getting potholes repaired quickly, and provide DOT management and the public with data to improve performance and repair goals.

In addition, we support Intro 412-A, relating to hearings on bicycle lanes with affected community boards. All too often we receive calls from our members upset about a bicycle lane that seemed to just appear overnight. Requiring the Department of Transportation to hold hearings with the community, they can be sure that everyone can share their views as to whether a bike lane should be constructed or removed, instead of pushing a project through without hearing the comments and concerns of the residents in the area.

Finally, we support Intro. 546, prohibiting the use of adhesive stickers on a motor vehicle. Receiving a parking ticket in New York already comes with a hefty fine, so we do not see any need for the overkill of placing a difficult to remove sticker on a vehicle to notify, and punish for a second time, an individual violating a parking restriction as well. In fact, we recently received an email from a member who claimed he had to spend three hours and pay a mechanic \$25 to have one of these stickers removed after he was too ill to move his car for street cleaning.

Thank you for the opportunity to comment.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11-1-2011

(PLEASE PRINT)

Name: Deputy Commissioner David Waloch

Address: _____

I represent: NYCDOT

Address: 55 Water Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: 11-1-2011

(PLEASE PRINT)

Name: Deputy Commissioner Galileo Orlando

Address: _____

I represent: NYC DOT

Address: 55 Water Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: _____

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Name: GALILEO ORLANDO

Address: _____

I represent: DOT

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 567 629 412, 564 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JEFFREY FREDIANT

Address: 1415 KELLUM PLACE, GARDEN CITY, 11530

I represent: AAA & New York

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 546 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DOUG MARSIGLIA, CHIEF

Address: BUREAU OF CLEANING

I represent: DSNY

Address: 125 NORTH ST., NY, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 546 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOHN NUCATOLA, DIRECTOR

Address: BUREAU OF CLEANING & COLLECTION

I represent: DSNY

Address: 125 NORTH ST., NY, NY 10013

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