

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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September 26, 2011

Start: 10:03 am

Recess: 12:23 pm

HELD AT: Committee Room
250 Broadway, 16th Floor

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:

James Vacca
Gale A. Brewer
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Jessica S. Lappin
Ydanis A. Rodriguez
James G. Van Bramer
Vincent M. Ignizio
Peter A. Koo
Lewis A. Fidler

A P P E A R A N C E S

David Woloch
Deputy Commissioner for External Affairs
NYC Department of Transportation

Ryan Russo
Assistant Commissioner for Traffic Management
NYC Department of Transportation

Juan Martinez
General Counsel
Transportation Alternatives

Gene Aronowitz
Transportation Alternatives

Dr. Karen Gourgey
Chair
Pedestrians for Accessible Safe Streets

Nancy Gruskin
Founder/President
Stuart C. Gruskin Family Foundation

Jack Brown
Spokesman
Coalition Against Rogue Riding

Wally Rubin
District Manager
Community Board Five

Ralph Perfetto

Daniel Pearlstein
Student
Benjamin N. Cardozo Law School

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

Ian Dutton
Former Vice Chair
Transportation Committee
Manhattan Community Board 2

Eric McClure
Co-Founder
Park Slope Neighbors

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2 CHAIRPERSON VACCA: I will call
3 this meeting to order. Today is September 26th.
4 We welcome you all to the Committee on
5 Transportation. My name is James Vacca, and I'm
6 the Chair of the New York City Council Committee
7 on Transportation. Today's topic is the impact of
8 major transportation projects on local
9 communities. Can I have your attention please,
10 everyone? Are you ready Jerry?

11 JERRY STAFFIERI: Yes.

12 CHAIRPERSON VACCA: Okay. In light
13 of concerns from communities across the five
14 boroughs, today we will hear testimony on there
15 bills that would alter the language of Local Law
16 90, passed by this body in 2009. That legislation
17 required community notification for major
18 transportation projects. I believe we will hear
19 today from several community boards about their
20 experiences regarding this important matter.

21 Many of you may know that before I
22 came to the New York City Council I had served as
23 a district manager to a local community board for
24 26 years. District managers and local community
25 board members certainly know their neighborhoods.

1
2 We want to empower them with as much information
3 as possible when they consider plans the DOT files
4 for major road improvements.

5 In the past, based on hearings
6 we've held here at my own committee, we spoke
7 about DOT coordination with other mayoral
8 agencies. The legislation we're speaking about
9 today would formalize a process by which before
10 they go to the community board, the Department of
11 Transportation would have to report to them the
12 input they've received from the Police Department,
13 the Fire Department, the Mayor's Office of Small
14 Business Services and the Mayor's Office on
15 Disabilities. All those constituencies in our
16 city are very important as major transportation
17 modifications are reviewed. The legislation we're
18 considering would have community boards with
19 knowledge of those agency inputs prior to the
20 deliberations beginning.

21 We've heard in the past that when
22 major traffic and transportation improvements had
23 taken place, there were issues raised about access
24 to small businesses. Many in the small business
25 community have indicated that they had trouble now

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2 with deliveries and delivery vehicles gaining
3 access. Others in the community representing the
4 visually impaired have mentioned that when
5 pedestrian plazas are constructed, the blind and
6 visually impaired have had difficulty knowing
7 where the plaza begins and the streets ends or
8 vice versa. These are things that DOT should take
9 into account. Our first piece of legislation,
10 Intro 626, would make sure that happens and that
11 community boards know about it.

12 For example, on the Broadway Union
13 Square project, I know that Manhattan Community
14 Board Five told us that they were consulted on a
15 wide variety of issues, as stakeholders in that
16 community were also involved, including the
17 businesses, the Union Square Partnership and civic
18 groups. And when those consultations took place,
19 they addressed pedestrian and traffic issues as
20 well as the delivery issues that arose.

21 Other communities that have had
22 major transportation projects have not had the
23 same level of engagement from DOT or other mayoral
24 agencies. I can think of Fordham Road as one
25 example, Grand Street as another. True, both of

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2 those communities predated Local Law 90, however,
3 they certainly would have benefited from the
4 provisions in Local Law 90 and from the need for
5 this type of engagement. The small business
6 communities in both of those areas had a difficult
7 time with deliveries and getting the same level of
8 foot traffic since the projects were completed.

9 With this legislation, we would
10 make the same commitment to all community boards
11 in the midst of major traffic projects initiated
12 by DOT. These are substantial projects that often
13 transform a neighborhood, and we all want to make
14 sure that our streets are safer and better upon
15 these projects being completed.

16 We're also hearing a bill today,
17 Intro 412, sponsored by my colleague Lew Fidler
18 that would give community boards 90 days notice
19 before the installation of a bike lane. This is
20 common sense legislation. Thirty days is not
21 enough for a community board to meet, discuss and
22 pass a resolution in support of any project.
23 Passing this legislation would give community
24 boards enough time to officially go on record and
25 do an assessment within their districts.

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2 The final piece of legislation
3 we're hearing today, Intro 671, would require the
4 Department of Transportation to make sure that
5 there is a study after transportation improvements
6 are undertaken. We'd like to know how many
7 crashes happening in these areas compared to
8 before the changes. We'd like to know how average
9 speed of vehicles has changed. We want to make
10 sure emergency vehicles have access and that their
11 time to respond to critical emergencies has not
12 been increased due to a new road configuration.

13 All of us are on the same page when
14 it comes to making sure that pedestrians and
15 cyclists are as safe as possible, and getting
16 emergency vehicles and first responders to the
17 scene of an accident after transportation
18 improvements have been effectuated remains a
19 priority to all of us.

20 I also think it's important when
21 you look at major transportation improvements that
22 we assure that things are better, that things have
23 been improved and that we see data and we see
24 information that gives us the specific information
25 we need.

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2 So I think that these bills are
3 common sense bills which will go a long way to
4 assuring that transportation projects are
5 successful, and also go a long way to addressing
6 many of the concerns we've heard here at this
7 committee, based on previous hearings we've held.

8 So I thank you all for coming. I'd
9 like to welcome my colleagues: to my extreme left,
10 Council Member Peter Koo from Queens; to my
11 extreme right, Council Member Lew Fidler from
12 Brooklyn. I'd like to start our first panel. I'm
13 sorry, Councilman Fidler, did you want to make an
14 opening remark?

15 COUNCIL MEMBER FIDLER: Just very
16 briefly, Mr. Chairman. First, I want to thank you
17 very much for calendaring my Intro. I know that
18 without your help and support we wouldn't be
19 hearing it.

20 There's probably been more
21 controversy about bike lanes than anyone could
22 have imagined years ago. For some reason, bike
23 lanes seem to represent some sort of cultural
24 clash. The fact of the matter is it needn't be
25 that way and it shouldn't be that way.

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2 Intro 412 simply will ask
3 communities for input. Communities include bike
4 riders. I've found in my community that some bike
5 lanes that have been proposed are just a mere two
6 blocks away from where the bike riders would like
7 them to be. No one bothered to ask them either.
8 So asking people about bike lanes isn't pro bike
9 lane, it isn't anti bike lane; it's common sense
10 about bike lanes.

11 Certainly to the extent that we
12 engage our neighborhoods, community boards--you
13 know the Chairman indicated he was a former
14 district manager. I'm a former community board
15 chair. The community boards are the appropriate
16 forum for people to come out, for all people in
17 the community to voice their opinion to say we
18 would like a bike lane here; it doesn't make sense
19 over here. You have a problem with the left turn
20 through the bike lane over here, you can't do
21 that. Communities know their neighborhoods.

22 I look forward to moving forward on
23 this legislation and the support of DOT on this
24 bill. Thank you.

25 CHAIRPERSON VACCA: Thank you,

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2 Council Member Fidler. We've been joined, to my
3 left, by Council Member Gale Brewer. I'll now
4 call upon Deputy Commissioner David Woloch and
5 Ryan Russo, Assistant Commissioner, New York City
6 Department of Transportation.

7 DAVID WOLOCH: Good morning,
8 Chairman Vacca and members of the Transportation
9 Committee. My name is David Woloch. I'm the
10 Deputy Commissioner for External Affairs at the
11 New York City Department of Transportation. With
12 me today is Ryan Russo, DOT's Assistant
13 Commissioner for Traffic Management.

14 We're here to testify on three
15 bills related to outreach and data collection for
16 projects DOT undertakes to improve the operation
17 of and safety on our streets. Our work has helped
18 to reduce traffic fatalities to the lowest levels
19 ever, improve service for thousands of bus riders
20 and make dozens of critical corridors work better
21 for all New Yorkers.

22 As you know, we've also made
23 tremendous strides in improving how we communicate
24 and assess our initiatives and are happy to
25 continue to work with the Council to

1 institutionalize and improve upon these efforts.

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3 Two of these bills, Intro 626 and
4 671, as the Chair explained, relate to major
5 transportation projects, projects that alter four
6 or more consecutive blocks or 1,000 consecutive
7 feet of street and involve a major realignment of
8 the roadway, including either addition or removal
9 of vehicle lanes or full time removal of parking.

10 This term was defined by Local Law
11 90 of 2009 which requires DOT to notify affected
12 Council Members and community boards of major
13 transportation projects occurring within their
14 jurisdiction. Within ten business days of
15 receiving notification, the community board may
16 submit recommendations and/or comments on the
17 project and request a presentation to the
18 community board within 30 days.

19 For each of the major
20 transportation projects that DOT has undertaken
21 since the Local Law went into effect, DOT
22 presented to all the impacted community boards.
23 In many cases, presentations were given to both
24 the community boards' transportation committee and
25 the full board.

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2 For most projects, we go
3 significantly beyond the law's requirements. For
4 example, for the First and Second Avenue SBS, four
5 open house meetings were held. We convened a
6 community advisory committee five times and held
7 numerous other meetings with elected officials and
8 other stakeholders during the 2010 design process.

9 More recently, as part of the
10 dialogue about the extension of bike lanes on
11 First and Second Avenues, we held over a dozen
12 meetings this year.

13 In addition to our communication
14 and dialogue with communities, DOT also notifies
15 relevant city agencies of major transportation
16 projects. In particular, DOT regularly consults
17 with the Police and Fire Departments as part of
18 our planning process. For an initiative like
19 First and Second Avenue SBS, we met multiple times
20 with the Police Department to discuss various
21 features of the project.

22 Intro 626 requiring DOT to consult
23 with these agencies and other would codify what is
24 generally our existing practice. We support the
25 overall direction of this bill, though we need to

1 work through the language with the Council.

2
3 Similarly, Intro 412 relating to
4 community hearings on bike lane projects would
5 codify our usual practice and with some
6 adjustments, we support this bill as well.

7 For bicycle lane projects, DOT
8 currently conducts meetings with local
9 stakeholders and the public to solicit feedback
10 and support, including presenting to at least one
11 community board meeting and making that
12 presentation available on the website.

13 This process has been successful in
14 gaining community understanding and support for
15 bicycle lane projects, which are in many cases
16 part of a larger safety improvement project
17 requested by the community.

18 On 44th Drive in Queens earlier
19 this year, for example, DOT added bike lanes to
20 help reduce speeding on Vernon Boulevard to
21 Thompson Avenue, a high crash corridor in Long
22 Island City Queens. Originally, DOT's proposal
23 consisted of a traffic calming scheme without bike
24 lanes, and later added the lanes at the request of
25 the community board. This enhanced traffic

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2 calming project, consisting of high visibility
3 crosswalks, left turn bays and bike lanes was
4 completed in June 2011.

5 Intro 671, a bill requiring the
6 reporting of certain statistics relating to major
7 transportation projects is drafted in the same
8 spirit at DOT's Sustainable Street Index, an
9 annual report providing data on recent trends in
10 traffic, parking, travel and safety. As you know,
11 that report complies with Local Law 23 of 2008
12 that was developed by the Council in collaboration
13 with DOT, Council Member Brewer in particular.

14 This report enables us to
15 communicate our performance driven approach to
16 transportation improvements. It includes a
17 section on project indicators and assessment of
18 major DOT projects completed in the previous
19 calendar year. This assessment covers the impacts
20 on safety, usage for motor vehicles, cyclists,
21 pedestrians, bus riders and travel times in the
22 project areas.

23 For the projects covered in the
24 SSI, DOT collects before and after data for each
25 project to assess its impacts on safety, usage for

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2 motor vehicles, cyclists, pedestrians and bus
3 riders and/or travel times through the project
4 area. The third and most recent SSI published in
5 May of 2011 introduces several new methods of
6 looking at the street network, including a more
7 expansive analysis of millions of taxi GPS trips
8 to determine trends in travel speeds, face to face
9 survey of travel modes and trip purpose in eight
10 neighborhoods across the five boroughs.

11 As demonstrated by the annual SSI,
12 we agree with the idea behind Intro 671, but we
13 also believe that since each project DOT conducts
14 is unique, it requires a customized data
15 collection plan, which this bill does not reflect.
16 Therefore, we can't support the legislation at
17 this time, though we agree with the goals and are
18 happy to continue to work with the Council on this
19 topic.

20 Over the past few years working
21 with the Council, we've made great strides, both
22 in improving conditions on our streets for all
23 road users and in how we study our projects and
24 communicate with stakeholders. We look forward to
25 continuing to work with the Council on these

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2 issues and we'd be happy to answer your questions
3 at this time.

4 CHAIRPERSON VACCA: Thank you. I'd
5 like to welcome Council Member Van Bramer, he was
6 here, I saw him. Council Member Oliver Koppell,
7 to my right. Council Member Vincent Ignizio, to
8 my left.

9 Commissioner, can you describe how
10 many projects the DOT maintains qualify as major
11 capital, major transportation improvements under
12 Local Law 90?

13 DAVID WOLOCH: Last year, we had 15
14 projects and I think we provided the Council with
15 an update on that. Since then there's been
16 another seven over the past few months that we've
17 been in the process of implementing or are about
18 to implement. We have another few projects that
19 haven't actually fallen into the criteria but we
20 still have--in the spirit of the bill--have abided
21 by the process.

22 CHAIRPERSON VACCA: But how many
23 projects in total are we talking about?

24 DAVID WOLOCH: Twenty-two, plus a
25 few more that we've gone through the process for

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2 that haven't actually met the geographic
3 requirements of the bill.

4 CHAIRPERSON VACCA: So 22 right now
5 pursuant to Local Law 90 that have met the bill's
6 provisions. Now, where are you when you go to a
7 community board, in what phase of the project?
8 Have you already designed the project? Is it a
9 preliminary design? Are you ready to go to bid
10 when you go to the community board? Describe to
11 me that internal process and how the consultation
12 fits into it.

13 DAVID WOLOCH: It's important to
14 remember that almost all the projects we're
15 talking about are projects that we're able to do
16 in-house. So we don't actually have to go to bid
17 for most of them. These aren't capital projects
18 that we're going to Department of Design and
19 Construction for, which is important because these
20 are projects that we're generally able to do
21 without expending a lot of money. We will have a
22 design that we'll present to community boards, and
23 based on feedback from the boards, based on
24 feedback from others, those designs will often
25 evolve during that period of dialogue.

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2 CHAIRPERSON VACCA: So these are
3 mostly done by in-house people. So it is not an
4 issue of these transportation improvements being
5 contracted out?

6 DAVID WOLOCH: We have some on-call
7 consultants that we'll use for some of this work,
8 but the point is these aren't capital projects
9 that are going to DDC for capital construction.

10 CHAIRPERSON VACCA: So there is no
11 doubt then that when you go to the community
12 boards, if modifications were suggested and you
13 agree to those modifications, you can modify
14 projects?

15 DAVID WOLOCH: Yes.

16 CHAIRPERSON VACCA: Have there been
17 instances where you've gone to community boards
18 and they have suggested modifications and you've
19 agreed to those modifications?

20 DAVID WOLOCH: Yes.

21 CHAIRPERSON VACCA: We discussed
22 this at a previous hearing I held and I'm glad to
23 know that you don't object to having some type of
24 a more transparent consultation with Police, Fire,
25 Mayor's Office of Disabilities and SBS. In the

1
2 past, sometimes those agencies have not been
3 consulted or they've been consulted based on the
4 project, or tell the level of consultation you've
5 had with those agencies.

6 DAVID WOLOCH: Sure. I think it's
7 important, first off, to distinguish between the
8 different kinds of agencies who we are working
9 with and getting feedback from. They're agencies
10 like Police and Fire who are impacted
11 operationally, and there are other agencies where
12 they are helpful to us, helpful to the city in
13 terms of reaching out to stakeholders that they
14 represent.

15 So taking the second part first,
16 it's interesting that you talked about Fordham
17 Road. I mean, I think we're in agreement that the
18 process that we put in place a few years ago for
19 the Fordham Road project was something that we
20 needed to improve upon. We had an approach to
21 outreach that was, I think, a little more informal
22 than it is now.

23 We worked with stakeholders; we
24 worked with elected officials but in a less formal
25 way. We hadn't, for instance for that project,

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2 convened a community advisory communicate, as we
3 did for subsequent select bus service projects.
4 We did work with elected officials. We worked
5 with the Fordham Business Improvement District.
6 We got a lot of feedback from them.

7 We didn't get feedback, initially
8 in the project, from a group of businesses on
9 another part of the corridor, which we did
10 subsequently and we went back and made
11 improvements. It was a good lesson, I think for
12 all of us, that the outreach we do needs to be
13 comprehensive, it needs to be inclusive, and we've
14 spoken a lot with the Department of Small Business
15 Services over the past few years as we've gotten
16 much better at reaching out to business
17 stakeholders. Not just through business
18 improvement districts but going beyond that: doing
19 surveys of businesses, going door to door.

20 So I think a lot of the important
21 dialogue with SBS was less about getting their
22 feedback about specific projects but getting their
23 guidance on how to work with business communities
24 around the city.

25 CHAIRPERSON VACCA: We had brought

1
2 up also the issue of those who are visually
3 impaired at previous hearings. I wanted to know
4 if DOT has looked into that issue about problems
5 visually impaired people have when navigating new
6 street configurations. Can you enlighten me as to
7 what DOT has done or what you plan to do about
8 this particular constituency?

9 DAVID WOLOCH: It's an area that
10 we've been doing a lot of work on, again, working
11 very closely with the Mayor's Office of People
12 with Disabilities. We actually have a workshop
13 coming up with representatives from that
14 particular community and our engineers to talk
15 about how we do traffic signal work.

16 CHAIRPERSON VACCA: When you do
17 evaluations after a project is completed, is there
18 a six-month evaluation, 60-day evaluation? When
19 is there an evaluation, after a major road
20 modification project is concluded?

21 DAVID WOLOCH: Sure.

22 RYAN RUSSO: What first happens
23 upon implementation is something more on the lines
24 of monitoring. We're making sure, since a new
25 configuration is going in--

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CHAIRPERSON VACCA: [interposing]

Just introduce yourself please.

RYAN RUSSO: I apologize. I'm Ryan Russo, Assistant Commissioner of Traffic Management at DOT.

After initial implementation, there's a monitoring period in which we're sort of keeping our eye on the operations of the street sort of initially, because there's always an adjustment period in which the users of the street have to sort of adjust to the new configuration. There'll be adjustments that we'll make, actually, to the implementation. Because we'll do the planning for the project and then there'll be some signal timing adjustments, maybe some additional signs, a little additional marking.

So there's sort of monitoring period that's immediately after a project, but it's not a formal evaluation, because it would be inappropriate to collect sort of data while patterns are adjusting.

In terms of sort of doing a more formal evaluation, in terms of what the effects were on the project, it's going to vary. In an

1
2 ideal world, we'll want to wait a year. It's best
3 to have before and after data that is from the
4 same time of year. You have a little bit more
5 confidence in that data. Depending on the size
6 and the scope of the project, if you're looking at
7 crashes, you want to make sure that sort of the
8 before condition has a large enough of what we'd
9 call a sample size, enough instances to where if
10 you observe any changes it's not just basic
11 volatility that you would see in the numbers but
12 it actually represents a real change.

13 So the ideal is a year. In some
14 cases, communities, you know we've had such a
15 robust dialogue with the communities that we'll
16 provide sort of interim results earlier than that.
17 But certainly a year would be the ideal.

18 CHAIRPERSON VACCA: Okay. Before I
19 go on to my colleagues, we had a town hall meeting
20 in my district last week about Allerton. And
21 people are mostly happy with it, by the way, but
22 they notice that there's an increase in traffic on
23 the street because people are avoiding the
24 Allerton Avenue configuration. Is that something
25 you take into account? For example, in this case

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2 it was Mace Avenue where they were saying that
3 there's an increase in speed and volume.

4 RYAN RUSSO: Sure. This is
5 something that we're actually very cognizant of.
6 And when we approach our design of projects, we've
7 talked about this at previous hearings in that
8 sometimes to the dismay of some people who want to
9 see something more robust, more lanes of traffic
10 removed or a more robust bike path, we make sure
11 we design the project so that the street in
12 question is designed to handle the traffic that
13 was there before.

14 So the way we'll monitor that is
15 with traffic volume counts. That'll be part of
16 the evaluation. It will be did we sort of, in
17 essence, scare away the traffic onto other
18 streets. So we certainly don't want to see other
19 streets have an increase in volume. There may be
20 a perception of that. But we'll have traffic
21 counts that will mea that and for us to be able to
22 assess that.

23 CHAIRPERSON VACCA: Do you have a
24 copy of that report on this particular location,
25 because I know it's been more than a year? Is

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there a report on the Allerton Avenue

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reconfiguration that I could look at?

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RYAN RUSSO: I believe Allerton was

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in one of the Sustainable Streets index. But I

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can definitely get back to you.

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DAVID WOLOCH: The report is

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actually posted on our website as part of the

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latest SSI report.

10

RYAN RUSSO: Yeah.

11

CHAIRPERSON VACCA: Okay. All

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right, we'll go to questions from my colleagues.

13

Council Member Fidler, do you want to go first?

14

I'd like to recognize Council Member Jessica

15

Lappin, who's joined us.

16

COUNCIL MEMBER FIDLER: Thank you,

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Mr. Chairman. I want to express my disappointment

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that the commissioner is not here. I wanted to

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thank her personally and publicly for the new

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light at Seba Avenue in Gerritsen Beach. It will

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save a life someplace down the line. We'll never

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know, but I'm sure, and I just wanted to say thank

23

you to her.

24

DAVID WOLOCH: We'll pass that

25

back.

1
2 COUNCIL MEMBER FIDLER: Thank you.
3 Also, I'm happy to hear that you're supportive of
4 Intro 412. I guess my first question is you say
5 this is going to codify your ordinary practice.
6 I'm not sure when community board hearings became
7 your ordinary practice. I'm familiar with at
8 least two situations in Brooklyn where that wasn't
9 the case. One was in Williamsburg where there was
10 a bike route picked that was perhaps culturally or
11 religiously insensitive that might have been
12 avoided with some community contact. And then in
13 my own community, when we were redoing the length
14 of Gerritsen Avenue, we were informed that a bike
15 lane was going to go in there. At a stakeholders
16 meeting that I convened with DOT, every community
17 civil leader that was present opposed it and
18 indicated that the bike riders would like the bike
19 lane a couple of blocks away. But in neither case
20 was there a community board hearing. So I'm just
21 kind of wondering when that became your ordinary
22 practice.

23 DAVID WOLOCH: We've talked about
24 this at previous hearings. Our approach to
25 outreach has evolved and improved significantly

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2 over the past few years. I think some of that has
3 to do with previous legislation that we've worked
4 on collaboratively. Other components of it have
5 to do with steps that we took on our own to
6 broaden out outreach even further. So I'm talking
7 about our approach to outreach right now, which in
8 some cases is different than it was a few years
9 ago.

10 COUNCIL MEMBER FIDLER: Well, so at
11 some point in time, community board hearings
12 became a requirement as far as DOT was concerned?

13 DAVID WOLOCH: Our approach, for
14 instance for the past year, is every bike lane
15 that we've implemented this year in 2011, we have
16 reached out to the community board and gone to the
17 community board.

18 COUNCIL MEMBER FIDLER: All right.
19 So sometime about a year ago, that's good to know.
20 Though it's not directly affected by 412, I've
21 gotten a number of questions in the last week or
22 so, actually, about the Bike Share program. I'm
23 not going to get into the specifics of that other
24 than my thought that I'm a little surprised that
25 the Council's land use review procedure isn't

1
2 directly involved. It strikes me as a street
3 franchise. Is there going to be contact with
4 community boards to discuss where Bike Share
5 locations will be? If so, is that going to be
6 formalized in any way? Is there going to be a
7 regulation on that? Is that something that we
8 might include if we were to amend 412?

9 DAVID WOLOCH: I think, again fair
10 to say that our outreach process for all our work
11 has evolved over the past few years. I think the
12 outreach that we're going to undertake and that
13 we've described to the Council and worked through
14 with the Council over the past few weeks goes even
15 beyond that.

16 So we will be working with
17 communities around the city, specifically in terms
18 of the siting issue. We will be coming to
19 community board meetings. We will be holding
20 workshops, hopefully in partnership with City
21 Council members in their neighborhoods. We'll be
22 holding open houses and we'll be doing demos. We
23 will be going to great lengths to get feedback on
24 siting in particular.

25 COUNCIL MEMBER FIDLER: I will say

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2 that there has been a noticeable difference in
3 DOT's responsiveness or outreach on issues like
4 this, at least in my community in the last couple
5 of years. It's definitely improved. There is no
6 question that DOT was suffering from this image
7 that bike lanes were being put wherever and
8 whenever, however somebody thought they belonged,
9 without asking the neighborhood. I think that the
10 issue itself will be less divisive if people know
11 they're going to be asked as opposed to waking up
12 one morning and seeing a bike lane dropped in the
13 neighborhood from the sky. I think that's been
14 good for everybody.

15 So last, I'm pleased to see that
16 you'd support 412 with some adjustments. What are
17 the adjustments?

18 DAVID WOLOCH: I don't know if we
19 want to get into every word right now. I think
20 the way the bill is written right now, it actually
21 has us holding a hearing, which I think probably
22 the way to reword it for us to reach out to the
23 community board and come to a community board
24 hearing. So I think things like that.

25 COUNCIL MEMBER FIDLER: So it's not

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so much a substantive adjustment as technical adjustments is what you're saying?

DAVID WOLOCH: You know, I think important adjustments but I think small in nature. I think the essence of what you're trying to do is something we agree with. We're optimistic we can work it out.

COUNCIL MEMBER FIDLER: I'd be happy to work with you to get to that language so that we can codify this. Because one never knows, the next commissioner may not be so interested in asking neighborhoods what they think about their own bike lanes. Thank you.

CHAIRPERSON VACCA: Thank you, Council Member Fidler. Commissioner, can you describe the status of the Interagency Roadway Safety Plan? This was mandated to be provided to the Council by September 20th. Where do we stand on that insomuch as our gaining this report?

DAVID WOLOCH: We expect to have it done by the end of the week.

CHAIRPERSON VACCA: I wanted to go into a little more detail about pedestrian plazas as well. What data do you rely on before you say

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2 that a pedestrian plaza is needed at a certain
3 location, or would be desirable? What traffic
4 data, what related data do you look at? Why would
5 a pedestrian plaza be here and not there?

6 DAVID WOLOCH: I guess first and
7 foremost what's most important is hearing from a
8 community and hearing from stakeholders that this
9 is something that they want. Every plaza that
10 we've been embarking on is something where we've
11 heard from stakeholders in that neighborhood that
12 this is something that they would like to see on
13 their streets. So that's essentially a
14 requirement for us to move forward, is having
15 voices from a community that are interested in
16 seeing this happen.

17 CHAIRPERSON VACCA: But even if you
18 hear voices from the community, there's got to be
19 criteria you have before you go ahead and study
20 it. Do you just respond to a community request or
21 do you have a requirement that the community
22 request may not be honored based on what you see
23 as a need?

24 DAVID WOLOCH: Absolutely. I mean,
25 we are not going to pursue something without

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2 evaluating it. If you're looking for an exact
3 threshold, a numeric threshold that must be met
4 for us to go further, that's not really going to
5 exist. You have to evaluate each project on its
6 merits on the conditions in that particular area.

7 CHAIRPERSON VACCA: Must there be
8 criteria? Must a pedestrian plaza result in
9 traffic slowdown? Must it result in pedestrian
10 safety improvements? There must be criteria,
11 number one, and number two, are we saying that all
12 the pedestrian plaza requests are community
13 initiated? Does DOT initiate their own pedestrian
14 plaza requests and refer them to the community
15 board?

16 RYAN RUSSO: I think it's best to
17 answer this with illustrations. One of the first
18 things we did, and for people watching from the
19 outside, it looks like the plaza pops up
20 overnight.

21 So in the DUMBO area, there was a
22 triangle next to the Manhattan Bridge that was
23 striped parking, sort of two streets coming
24 together to make a triangle. The DUMBO Bid, the
25 Business Improvement District requested that we

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2 convert the parking, which it would be the
3 businesses who would want the parking. They said
4 well rather than the parking, we would like that
5 to be a pedestrian plaza, and they had a schematic
6 plan that they gave to us that we evaluated and we
7 were able to design and implement.

8 That story is really repeated in
9 most of the projects. It's typically the business
10 interests that are our partners with this, local
11 businesses and merchant groups.

12 Then, depending on what the nature
13 of the changes are--you know, in that case it was
14 really 12 parking spaces turned into a triangular
15 plaza. There was no change to the traffic system
16 at all. If you were doing traffic network
17 changes, it might be something where a local
18 community has an idea but then we have to go and
19 say, well, is this something that makes sense for
20 the traffic system, makes sense for the traffic
21 system, makes sense for circulation, is going to,
22 like you said, improve safety, improve operations.
23 Then we would go and look at that and make sure
24 that we're comfortable and come up with a design,
25 a plan that we then go and outreach to more

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stakeholders and implement.

CHAIRPERSON VACCA: So just to get back to this, what I'm hearing is that when it comes to pedestrian plazas, there's no written in stone type of guideline you have. You are open to requests from local communities and you will then do an assessment.

DAVID WOLOCH: That's pretty fair to say.

CHAIRPERSON VACCA: My second question: are there pedestrian plaza initiatives that your agency advances as opposed to getting a request from a community board? Are there initiatives that you advance and you suggest to a community board as well as what I'm told you get insomuch as requests from a community board or BID?

DAVID WOLOCH: Well that's important. There are more stakeholders there. There are business improvement districts. Pretty much they all come out of a need and a request and engagement with those stakeholders. Typically the BIDs, the community board might not be going-- there's actually a plaza application process in

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2 which entities other than community boards go
3 through. There are rounds of plaza applications.
4 So it's definitely neighborhood groups. It's a
5 larger universe of stakeholders than community
6 boards. What we then will do as part of the
7 evaluation is then go and make sure the community
8 board is more formally involved because there are
9 these other groups. As we know, community
10 districts are up to 100,000 people. They're large
11 districts. So they're sort of local, more on the
12 ground groups.

13 CHAIRPERSON VACCA: Yes, but I
14 understand that and I appreciate that. But there
15 must be instances where DOT initiates a pedestrian
16 plaza study? I mean Times Square, for example,
17 comes to mind right away. Times Square was a DOT
18 initiated. Was that DOT initiated?

19 DAVID WOLOCH: I guess it's a
20 question of what's initiated. For years, in
21 hearing from--

22 CHAIRPERSON VACCA: [interposing]
23 You had complaints about traffic I'm sure.

24 DAVID WOLOCH: Not just complaints
25 about traffic.

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2 CHAIRPERSON VACCA: And pedestrian
3 safety.

4 DAVID WOLOCH: But the idea behind
5 that project was something that many people for
6 years had been asking about. So true, the
7 Community Board Five or any of the other affected
8 community boards had not asked us specifically to
9 do that. But we had heard many, many voices
10 asking for that work to happen. Then we took that
11 and developed a plan and shared that with the
12 community boards. Sometimes projects will be
13 suggested by community boards themselves,
14 sometimes they will be suggested by others.

15 I think the goal for us sort of
16 collectively is to have a system in place where
17 we're going to hear from all these voices. I
18 think we've gotten a lot better over the past few
19 years at having mechanisms in place so that we can
20 get that sort of feedback, get that input and get
21 those suggestions.

22 CHAIRPERSON VACCA: I think we're
23 in the same area of conversation. But I don't
24 think that I'm getting the answer which I think is
25 obvious. DOT does suggest pedestrian plaza

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2 locations. That's not something you cannot do.
3 You can suggest. But my point is that these
4 pedestrian plaza locations may be community-based
5 or may not be community-based. If you suggest
6 them, the communities may be in favor of them or
7 may be against them. But I think we have to say
8 that your agency has a planning division and your
9 agency has traffic calming people and things like
10 that. If you do suggest something, I don't think
11 it's beyond your purview but I think it has to be
12 stated for the record that you have. You have
13 suggested pedestrian plaza locations.

14 DAVID WOLOCH: We would probably
15 have to go back to look at each process. But I
16 guess is that we're not making up these ideas in a
17 vacuum. You know, we're not driving around
18 figuring things out that haven't been figured out
19 by people who know these neighborhoods, who know
20 these communities. There are lots of suggestions
21 out there that have come from neighborhoods
22 themselves. Now, we're going to take what we see
23 as a good idea as opposed to what we see as a bad
24 idea, and we're going to try to move it forward.
25 We've been doing that and we've been doing that

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2 bringing in input from other folks. But we're not
3 making these things up in a vacuum. These ideas
4 have been out there, they've been percolating. As
5 you've said yourself, I mean people in communities
6 know their neighborhoods. There are a lot of good
7 ideas out there.

8 CHAIRPERSON VACCA: I noted your
9 concerns regarding 671 and I'm willing to work
10 with you and look at those concerns. I do know
11 that sometimes many of the new configurations slow
12 down traffic, which is what we would like to do in
13 many instances. But many times they end up
14 slowing down emergency vehicle access. Have you
15 assessed those issues when you do road
16 configurations? That slowing down traffic may
17 result in a slower response for the emergency
18 vehicles?

19 DAVID WOLOCH: Yes. I mean this
20 relates to the other bill. What we do is we reach
21 out to the Fire Department for all the work that
22 we do, and we get feedback from them. And, you
23 know, at times our projects will be modified based
24 on that feedback.

25 CHAIRPERSON VACCA: Council Member

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Ignizio?

COUNCIL MEMBER IGNIZIO: Hi,
Commissioner, I just have a quick question with
regards to implementation of pedestrian plazas
citywide. Clearly there has been a question of--
basically it's a two-fold question that I have.
One: have you substantiated that it has not
negatively impacted traffic in the affected
communities? I know that was a course of
conversation when the Times Square pedestrian
plaza came up, that this would just be a disaster
for traffic, it would slow down and create more of
a problem for traffic backup which ultimately
would have a negative impact on the environment
and go against the stated mission of it. Have you
guys done the surveys on that?

DAVID WOLOCH: Absolutely, 100
percent, yes. At the last hearing on a similar
topic, my colleague Joshua Benson held up the
Green Light for Midtown Report which was our
analysis of the overall effects of reconfiguring
streets in midtown: Seventh Avenue, Sixth Avenue
and Broadway in Times and Harold Square. We just
released, for the project we did at Union Square

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2 that the Council Member mentioned in the
3 beginning, we just went back to Community Board
4 Five, and we have on our website a robust analysis
5 of the effects of that project. So it's something
6 we consider both in the design and then the
7 monitoring.

8 COUNCIL MEMBER IGNIZIO: Can you
9 illustrate the effects of it verbally to me now?
10 I mean, what was the overall impact? Was there a
11 negative impact vis-à-vis traffic or was it--

12 DAVID WOLOCH: [interposing] For
13 which project?

14 COUNCIL MEMBER IGNIZIO: Times
15 Square. I mean quite frankly I'm trying to get a
16 feel citywide. You know, there was concern that
17 this would slow down traffic and create more
18 backups and ultimately create more of an
19 environmental issue.

20 DAVID WOLOCH: Sure, absolutely.
21 So, for Times Square, it's important to remember
22 that Broadway was a southbound artery, southbound
23 only, going diagonally across the grid of midtown,
24 parallel to Seventh Avenue. Those duplicative
25 avenues sort of combined and in essence collided

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2 at Seventh Avenue, thus no real benefit to having
3 Broadway. What we did was widen Seventh Avenue
4 and straighten Seventh Avenue through Times
5 Square. So that improved southbound traffic flow.

6 At Harold Square, Broadway cut
7 across in a diagonal at 34th Street, again
8 southbound. Sixth Avenue, as you know, when you
9 come from downtown, you take Sixth Avenue north
10 into midtown. Because of Broadway's role cutting
11 across, the traffic signal time had to be split
12 into threes. There was time for Broadway to cut
13 across, time for 34th Street, of course, and time
14 for Sixth Avenue. That caused chronic congestion
15 on Sixth Avenue going north to the fact where most
16 cab drivers knew to take Eighth Avenue, take
17 Madison, and avoid Sixth Avenue.

18 Our study found that northbound
19 traffic flow also improved. Sixth Avenue is a
20 much more reliable and improved corridor. So
21 that's sort of an example.

22 COUNCIL MEMBER IGNIZIO: So in
23 environmental study terms, the no-build scenario
24 juxtaposed to the built, in place scenario, the
25 difference in traffic times have been negligible,

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nonexistent, it's been better or it's been worse?

DAVID WOLOCH: On the whole,
better.

COUNCIL MEMBER IGNIZIO: On the
whole better, okay. Finally, and this is probably
an elementary question, but who takes care of the
tables, the chairs, the whatnot? Have you
established one where I represent, who ultimately?
Is it the BID that takes care of it? Is it the
merchant association if they don't have a BID? An
LDC? Is it DOT?

DAVID WOLOCH: This is a challenge
for each one of these projects is there has to be
a maintenance provider who will do that work. In
the cases where there is a business improvement
district, it's usually the BID?

COUNCIL MEMBER IGNIZIO: Okay.
Thank you very much. Thank you, Mr. Chairman that
was my question.

CHAIRPERSON VACCA: Council Member
Koo?

COUNCIL MEMBER KOO: Thank you, Mr.
Chairman. Commissioner, thank you for coming. My
question to you is on those bike lanes. I know

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2 the city has good intentions of building more and
3 more bike lanes. But I always argue, like in
4 downtown areas, we don't need the bike lanes at
5 all because the traffic is already too congested.

6 To give you an example, like on
7 Sanford Avenue in Flushing, every time I drive by
8 there, I don't see any bikes using the lane. But
9 meanwhile, you're taking up one lane for the bike.
10 It used to be two vehicular lanes going westbound
11 one way. At Main Street you can make a right turn
12 or a left turn. But now you only have one lane,
13 so the traffic's much slower, especially when
14 there's a lot of cars coming, you know weekends,
15 and you slow down traffic a lot. And the business
16 people are complaining.

17 So my question is why do you build
18 bike lanes in downtown areas? Say, for example,
19 Flushing is the third busiest traffic area in the
20 whole city, the third busiest. We have a lot of
21 small businesses on Main Street and they depend on
22 space. A lot of delivery trucks, they have no
23 space to park. So it's a hard time for them to
24 deliver goods. Is there a formalized way when you
25 initiate bike lanes in certain areas?

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2 DAVID WOLOCH: I think the issue
3 you're getting at is a fundamental challenge for a
4 lot of work that we do. That it's inherently in
5 the busiest parts of the city where you have the
6 most demands. It's where you have a lot of
7 pedestrian activity, you have a lot of vehicle
8 traffic, you have a lot of commercial activity and
9 so a lot of business needs for metered parking and
10 loading zones. You have connections that are
11 valuable for cyclists to get to the places that
12 they want to go.

13 So it's in these commercial hubs
14 where what we do, trying to balance all these
15 needs, gets to be trickiest. I think what we've
16 seen over the past few years in terms of biking
17 generally is that the numbers have continued to
18 grow dramatically in terms of how many cyclists
19 are out there and they're going to continue to
20 grow.

21 I think in terms of this particular
22 example, I believe, correct me if I'm wrong, there
23 was actually one travel lane before and there was
24 a wide parking lane that sometimes vehicles would
25 use to get by. But I think we're seeing--and in a

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2 way this gets back to the issue that we were
3 talking about earlier. We're beginning to see the
4 value of having robust community dialogue about
5 our bike projects.

6 Just last week, now granted this is
7 in a different part of the city, but also a very
8 busy area, we had three community board votes in
9 Manhattan in favor of more protected bike lanes,
10 Community Board 11 and Community Board 8 and
11 Community Board 4. Just to sort of bring
12 everything together here, what we're seeing is
13 more and more demand from communities themselves
14 for those kind of bike facilities.

15 COUNCIL MEMBER KOO: So if there
16 are underused bike lanes, would you consider
17 eliminating them?

18 DAVID WOLOCH: We're not--

19 COUNCIL MEMBER KOO: The bike lane
20 there might be not even ten people use it on an
21 average day.

22 DAVID WOLOCH: There's nothing we
23 do that is completely set in stone. There have
24 been bike lanes that have been put in place that
25 we've taken out after the fact. But I think it's

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2 important to recognize that in a lot of cases
3 we've put bike facilities in the bike ridership
4 has followed. It didn't necessary come right away
5 but it started to come over time. It's the idea
6 that if you build it, they will come. It may not
7 be there on the first day, but as we do a better
8 job of connecting the network, and that's we've
9 been focused on, ridership has increased and will
10 continue to increase.

11 COUNCIL MEMBER KOO: So is there a
12 formalized procedure for you to outreach to
13 communities like before you have a big project,
14 either a bike lane or a pedestrian plaza? Do you,
15 like, go through certain procedures to outreach?

16 DAVID WOLOCH: Yeah.

17 COUNCIL MEMBER KOO: I mean you
18 mentioned that you outreach to community boards
19 and BIDs. But in my community, I've never heard
20 of you outreaching to the local BID or the
21 merchant association.

22 DAVID WOLOCH: I believe--

23 COUNCIL MEMBER KOO: [interposing]
24 I mean maybe you do--

25 DAVID WOLOCH: [interposing] I

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believe we did in this case. We can go back and check with--

COUNCIL MEMBER KOO: [interposing]
I know everything you said before, you do a lot of outreach, but I think you only do it in Manhattan. In the outer boroughs, you don't do it that often.

DAVID WOLOCH: No. I mean fortunately we've put a process in place. And again, as we talked about earlier with Councilman Fidler, this process has been evolving over the past few years. I think we have a stronger program in place right now than we did a few years ago. That is citywide, in all five boroughs.

COUNCIL MEMBER KOO: Well the past is the past, but I hope in the future you will outreach to the BID, the local merchant association.

DAVID WOLOCH: Absolutely. We are totally committed to that. That's the process we're embarking on now. We think there is value in institutionalizing that even further so that down the road future administrations will do the same kind of robust outreach that's in place today.

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2 COUNCIL MEMBER KOO: Thank you,
3 Commissioner.

4 CHAIRPERSON VACCA: Thank you.
5 We've been joined by my colleagues Council Member
6 Dan Garodnick from Manhattan, to my right, and
7 Council Member David Greenfield, to my extreme
8 right, from Brooklyn. I will now go to Council
9 Member Gale Brewer for a question.

10 COUNCIL MEMBER BREWER: Thank you
11 very much, a couple of questions. You know, in
12 Community Board 7, we have a very robust
13 discussion at the community board, at 4 and 7, and
14 the result I think has been a better bike lane.
15 My question is when you do the bike lane
16 proposals, I know that the PD, Fire Department and
17 Sanitation are involved, because despite what
18 people think, those trucks are able to get down
19 the bike lane and able to take care of any
20 emergency or sanitation issues. But what about
21 Small Business and the Mayor's Office for People
22 with Disabilities, how are they consulted before a
23 bike lane goes in?

24 DAVID WOLOCH: I talked a little
25 bit about this earlier. The process there has

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2 been a little different because the role that
3 those two agencies bring is that they are a
4 conduit to the constituencies that they represent.
5 We've worked with both those agencies broadly on
6 how to better address the concerns of the folks
7 around the city that they represent.

8 Again, just using Small Business
9 Services as an example, we've gotten much more
10 adept at including business groups in the
11 community advisory committees that we convene.

12 COUNCIL MEMBER BREWER: We set the
13 bar very high. We should get paid for consulting.

14 DAVID WOLOCH: We've certainly
15 taken input from Council Members on how to reach
16 out to business stakeholders. As I've talked
17 about earlier, we've gone door to door, we've done
18 merchant surveys. We've tried to reach out to
19 businesses that aren't actually included in the
20 boundaries of the business improvement districts
21 to make sure that their voices aren't left aside.
22 And we've had advice from the Department of Small
23 Business Services as we've done this work over the
24 past few years. I think that's been the real
25 value that they've brought to the table.

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2 I think in terms of input on
3 particular projects, the Department of Small
4 Business Services is going to be--their particular
5 input is going to be less important. What they're
6 going to tell us is: hey, when you go out and talk
7 to the community, you have to hear from this
8 particular business group, whether it's a BID or
9 somebody else.

10 COUNCIL MEMBER BREWER: And the
11 Office of People with Disabilities? I know you're
12 having a meeting that you indicated coming up.

13 DAVID WOLOCH: Right.

14 COUNCIL MEMBER BREWER: But what
15 have you done up to now for their involvement?

16 DAVID WOLOCH: Yeah. Like I said,
17 we have this workshop coming up that they've
18 worked with us to put together. They had pulled
19 together, I think it was last year, a design book
20 called "Inclusive Design Guidelines" that we
21 provided input to. Certainly that's a document
22 that is going to better inform the folks at our
23 agency who help to design streets. So there's
24 sort of broader dialogue that they've been very
25 helpful with.

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2 COUNCIL MEMBER BREWER: The other
3 question I have, and I appreciate that work that
4 we did on the bill that we passed last year on
5 metrics and so on. How does the bill that is
6 being proposed today enhance that or does it
7 complement that in any way, shape or form? I know
8 you have some concerns about it.

9 DAVID WOLOCH: Yeah. I mean I
10 think the goal is to generally build on that and
11 that's, I think, a good discussion for us to have
12 and something that we're open to. It starts to
13 define particular metrics which we're a little
14 concerned about because each project, as Assistant
15 Commissioner Russo talked about earlier, has to be
16 approached differently. But I think the idea
17 seems to be to build upon it and that's certainly
18 a discussion we're open to continue to have.

19 COUNCIL MEMBER BREWER: I also want
20 to thank Margaret Forgione for all her work as a
21 Manhattan Borough Commissioner. I think you know,
22 but others may not, that we're doing an active
23 survey of the bike lanes. I actually am going to
24 some senior centers today. We have it printed in
25 a very large font for them to fill out. Then we

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2 also, of course, have been doing it online. We
3 have thousands of people who are responding. So
4 it's a very good balance I think between the two.

5 DAVID WOLOCH: I'm glad you
6 mentioned that. Something that we haven't
7 mentioned specifically but is really important as
8 we talk about these bills is I think our ability
9 to do the work that we've done and to improve how
10 we do outreach and how we've implemented the
11 requirements that we've collectively put in place
12 and how we've built on that all rests on the back
13 of our borough commissioners. I think the Council
14 Members that are left, you know Margaret Forgione,
15 Connie Moran and Joe Palmieri, all of them do a
16 tremendous job in making sure that we meet the
17 requirements of the legislation and that we reach
18 out to stakeholders for our projects and work with
19 the other agencies. That's what's really made all
20 this, from our vantage point, made all of this
21 work.

22 COUNCIL MEMBER BREWER: Then just
23 finally, in terms of PD, they're stuck, I think,
24 with the enforcement of the bicyclists on many of
25 these projects. It's not just bicyclists but all

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2 the laws that are relating to pedestrians and
3 bicyclists. So my question is how, if at all, are
4 there any extra enforcement revenue enhancements,
5 because that's what it takes, for the police in
6 these different changes in the mode of
7 transportation? Because obviously, it's
8 pedestrians and bicycles if we're going to talk
9 about safety, how are you as a city, not just you,
10 thinking about this issue of the enforcement?
11 It's all levels, but it's hard on PD.

12 DAVID WOLOCH: Yeah. There's no
13 easy answer to that. As the demand for this
14 limited amount of space grows, as there's more
15 traffic volume, as there are more cyclists, as
16 there are more pedestrians, as businesses need
17 more curb access, those challenges just get
18 greater. Enforcement is an extremely important
19 part of making all this work. The Police
20 Department is pulled in lots of different
21 directions I think. Again, there is no easy
22 answer and they're not always going to be able to
23 do all the enforcement we need them to do.

24 We've had a good dialogue with the
25 Police Department, both centrally and at the

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2 borough levels to at least try to work with them
3 to help maximize the amount of traffic enforcement
4 resources that they have.

5 COUNCIL MEMBER BREWER: And then a
6 topic that is not--

7 CHAIRPERSON VACCA: [interposing]
8 Come on, one more question.

9 COUNCIL MEMBER BREWER: One more
10 question.

11 CHAIRPERSON VACCA: It's not
12 related to the hearing?

13 COUNCIL MEMBER BREWER: No.

14 CHAIRPERSON VACCA: Well then next
15 hearing.

16 COUNCIL MEMBER BREWER: I'll tell
17 you it's very interesting. I'll let you stop,
18 Chair.

19 CHAIRPERSON VACCA: Okay.

20 COUNCIL MEMBER BREWER: It's very
21 interesting that today when we charge more for the
22 bridges, everybody is taking public
23 transportation. So I assume you'll figure out
24 what to do about that in a positive way. Thank
25 you.

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2 CHAIRPERSON VACCA: Yes. Thank
3 you. I do have to add, although this is not the
4 topic for today, that I will join my colleague in
5 bringing up a topic that's not on the agenda but
6 that is the issue of safety. I do think that that
7 is at the top of many of our lists. Too many
8 accidents are occurring, and too many of us see in
9 the streets what we don't want to see in the
10 streets.

11 I know the commissioner says that
12 she's concerned about--there's a terminology she
13 uses, I forget what it is. What is it called,
14 David that she says?

15 DAVID WOLOCH: KSI? Killed and
16 severely injured.

17 CHAIRPERSON VACCA: Yes. We have a
18 lot of people that are riding bikes and they are
19 part of the problem not part of the solution.
20 Wrong way on one-way streets and things like that.
21 I saw it myself the other night. So I do think
22 it's going to be part of another discussion
23 separate from these bills.

24 DAVID WOLOCH: But, you know, I
25 should say this is a discussion about safety.

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CHAIRPERSON VACCA: It is, but--

DAVID WOLOCH: [interposing] We're talking--

CHAIRPERSON VACCA: --it doesn't address what Council Member Brewer was bringing up I think and that is an overall context issue. This is trying to increase safety, of course.

DAVID WOLOCH: Absolutely. The work that we're doing is projects that we are putting in place to try to make our streets safer.

CHAIRPERSON VACCA: I understand.

DAVID WOLOCH: We're at an all time low in terms of traffic fatalities. There still is much more progress that we need to make. But it's this kind of work where we are calming streets, where we're improving traffic signal timing, where we are slowing down vehicle speeds where they've been too fast; it's this kind of work that is making our streets safer.

CHAIRPERSON VACCA: But there's definitely a Police Department aspect to this. When people run red lights, when people go the wrong way on a one-way street, those are police issues.

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2 Okay, I want to thank you both for
3 coming. Our first panel will be Paul Steely White
4 from Transportation Alternatives and Gene
5 Aronowitz from Transportation Alternatives.

6 [Pause]

7 CHAIRPERSON VACCA: Two people,
8 yes. We'll try to stick to the three-minute
9 limit, okay? I'll be a little flexible. I'm not
10 going to interrupt people's prepared statements.
11 Would you please introduce yourself for the
12 record?

13 JUAN MARTINEZ: Sure thing. Thank
14 you, Council Members. Thank you, Chairman Vacca.
15 My name is Juan Martinez. I'm the general counsel
16 at Transportation Alternatives. I really
17 appreciate this opportunity to speak about Intro
18 412. Actually, I look forward to discussing our
19 concerns more specifically with the bill sponsor
20 at a moment that he has some time.

21 I just wanted to pick up on
22 something you just said. This is about safety.
23 Bike lanes are proven in every neighborhood around
24 the city, in every city that has them around the
25 world, to save lives and to protect people from

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2 crashes. The city's best study on this, as a
3 matter of fact, between '95 and '05, there were
4 225 cyclist deaths. One of those occurred within
5 a bike lane. If you're concerned, as we are, as
6 everybody in the city is, about protecting life,
7 then you're in favor of bike lanes. If you're
8 concerned particularly about the safety of
9 pedestrians and drivers, you're also in favor of
10 bike lanes.

11 After a bike lane was installed on
12 Ninth Avenue, all traffic related injuries dropped
13 50 percent. That includes injuries to
14 pedestrians, which dropped 30 percent, and
15 injuries to cyclists, which dropped 60 percent.

16 Bike lanes make the street more
17 orderly and they make the street safer. They cut
18 down on aggressive driving. They cut down on
19 speeding. All the things that kill people in
20 traffic, frankly bike lanes cut down on, which is
21 why we're strongly in favor of seeing as many bike
22 lanes as we can around the city.

23 Let me also take a step back to
24 talk specifically about the bill. The current law
25 requires a robust notice and comment period

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2 whenever there's a major transportation project.
3 That's a great thing. That's why we were in favor
4 of Local Law 90. Whenever you have a major street
5 redesign, community input is necessary or else
6 it's probably not going to work.

7 What we're talking about today
8 aren't major street redesigns. They're not major
9 bike lanes. We're talking about the most minor,
10 most boring, most routine bike lanes that DOT
11 paints. We're talking about sharrows, share the
12 road signals on the road. We're talking about
13 bike lanes that don't change the amount of space
14 allocated for vehicles.

15 If a bike lane is long enough, over
16 1,000 some odd feet and it takes up space for
17 parking or space for vehicles, then Local Law 90
18 kicks in. And a lot of the time, DOT, as a best
19 practice, consults with community boards even when
20 those criteria aren't met. That's a great thing.

21 But when we're talking about these
22 routine improvements, the months of delay that
23 happens when you have to go through the community
24 board process means that New Yorkers' safety is
25 delayed. Since we all agree that the priority is

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2 New Yorkers' safety then we should not want to see
3 that delay happen on these cases where the bike
4 lanes are so routine and so pedestrian, frankly.

5 I'd love to take some questions if
6 you have some.

7 CHAIRPERSON VACCA: I'd like to
8 hear the other speaker from your organization
9 first.

10 JUAN MARTINEZ: Oh, absolutely.

11 CHAIRPERSON VACCA: Would you
12 introduce yourself, sir? Turn the microphone on
13 please, sir.

14 GENE ARONOWITZ: Thank you. My
15 name is Gene Aronowitz. Good morning, Chairman
16 Vacca and Council Members.

17 Some people ride bicycles to
18 commute; others ride for pleasure. For me and
19 others like me, it's a matter of life or death.
20 I'll be 74 years old in a couple of weeks and have
21 severe arthritis in both knees. I need to
22 exercise but my options are limited. Jogging is
23 out of the question as is brisk walking. But
24 cycling is perfect for me: no impact, a good
25 aerobic effect and high caloric expenditure. I

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need to ride.

I have a right to be safe when I ride and safety is what bike lanes are all about. The need for bike lanes is also a matter of life or death. Cyclists are getting killed on the New York City streets: 127 of them between 2003 and 2009 and in that same period, 20,285 cyclists were injured. I don't want to be counted in those numbers.

But it's been difficult and frustrating dealing with the gridlock I often encounter as I advocate for safe streets. I was a public official for 15 years including 10 as the Commissioner of Mental Health in Westchester. So when it comes to governmental obstructionist behavior, I know it when I see it and that's how I see Intro 412: an attempt to obstruct the process of developing safe streets, an attempt to tie it in knots. It essentially seeks to duplicate a law that the Council passed just two years ago but adds much more red tape.

Politicians who think that preventing bike lanes is a good way to get votes must be reading different public opinion polls

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2 than I have. In an August 2011 Marist Poll, 66
3 percent of the City's adults supported bike lanes,
4 even more positive than the two previous
5 Quinnipiac Polls.

6 I want you to support my ability to
7 maintain good health in spite of my age and
8 medical condition and I want you to make the
9 possibly of my being maimed or killed on my bike a
10 high priority issue but, even if you don't, I
11 believe that your own interests would be well
12 served by supporting and not impeding the
13 increasingly popular development of bike lanes.

14 Thank you for the opportunity to
15 speak in behalf of safe streets.

16 CHAIRPERSON VACCA: I thank you. I
17 thank you both. I notice that there's a premise
18 that could be discerned from both of your
19 testimonies. That premise is basically that
20 community input kills people, that communities
21 having input represents government obstruction is
22 the term that Mr. Aronowitz used. Is this the
23 position that the organization takes, that
24 community input kills people? That community
25 input should not be robust, deliberative, that it

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2 should not be rushed or that it should be rushed
3 or be minimized at best? Is this the position
4 that the organization takes?

5 JUAN MARTINEZ: Thank you for the
6 opportunity to address that question.
7 Transportation Alternatives loves community input.
8 Our work relies on community input. Nobody else
9 in this city, I dare say, works harder at getting
10 people to attend their community board meetings,
11 explains the community board process, asks people
12 to join their community board than Transportation
13 Alternatives.

14 It's necessary, community input.
15 It's a democracy after all. We love community
16 input. The trouble is that this bill doesn't ask
17 for more community input over crosswalks or to add
18 more parking or for any other safe street
19 improvement or traffic management issue than bike
20 lanes. We're not talking about having more
21 meetings and hearings, again, for crosswalks.

22 When you take a look at the Local
23 Law 90 process, you realize that it's pretty much
24 impossible for a mortal to finish it within three
25 months, when you take into account holidays,

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2 weekends, that kind of thing. And that's if DOT
3 is working around the clock. Now, that's really
4 important to do when you're talking about a
5 project that's going to take a significant
6 expenditure of taxpayer funds, because we're all
7 involved and interested in protecting the
8 taxpayer's dollars.

9 CHAIRPERSON VACCA: Let me ask
10 this. Are you aware that community boards often
11 do not meet in July and August because they have
12 difficulty obtaining quorums? People are aware
13 on vacation, people have family commitments. Do
14 you understand that that is a possible
15 explanation? And I will let Council Member Fidler
16 expand upon his bill. Do you think that making
17 the statement that Intro 412 instead guarantees
18 more mundane routine hearings to discuss literally
19 the most boring bike lanes in our city; don't you
20 think that that minimizes the need for communities
21 to be involved? Maybe you consider it boring and
22 mundane, but maybe people who live in that
23 community consider it important and want to be
24 deliberative.

25 JUAN MARTINEZ: Again, we're

1
2 thrilled when people want to talk about bike
3 lanes. We talk about bike lanes all day and we
4 love talking about bike lanes. But when it comes
5 down to it, we understand that we're asking these
6 volunteers to dedicate their time and their energy
7 and take time away from their jobs and their
8 families to do this service.

9 CHAIRPERSON VACCA: That's a
10 judgment community board members will make.
11 Community board members are on community boards
12 because they've made a commitment to sacrifice
13 time from their families and from their jobs in
14 order to be an effective community board member.
15 Now, if they find that that responsibility is too
16 much for them, then they will resign their
17 position on a community board, but they do not
18 need to be told by anyone else that we are going
19 to let you give less time to your
20 responsibilities, we feel sorry for you and you
21 shouldn't have to do this for three months so
22 we'll make it less. That's patronizing and
23 unacceptable.

24 JUAN MARTINEZ: If I could say--

25 CHAIRPERSON VACCA: [interposing]

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2 And I think it underlies what this term,
3 government obstructionist behavior. You consider
4 community board input to be government
5 obstructionist behavior.

6 JUAN MARTINEZ: That's false, sir.

7 CHAIRPERSON VACCA: Well people who
8 live in local neighborhoods do not consider it
9 government obstructionist behavior. They consider
10 it their opportunity to have a say over where they
11 live. And I resent the implications that
12 communities are part of bureaucratic input
13 process. No, these are the same communities who
14 for years, before the Council intervened, had no
15 input or little input into what was going on. Now
16 that we're formalizing input, you say enough with
17 the input, too much.

18 Well, I differ with Transportation
19 Alternatives on this issue. I differ very
20 strongly and I think my colleagues will differ,
21 because these are not mundane, minor changes to
22 the landscape. Nothing that the Department of
23 Transportation does is mundane. It's all to
24 effectuate pedestrian, cyclist and vehicular
25 safety improvements. That's where we are coming

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from.

GENE ARONOWITZ: Can I respond to the question since I was the one that said obstructionist behavior? I go to many community board meetings and for a particular issue a transportation committee might be the right venue for full consideration of the issue, plus the board meeting. This bill requires a full hearing, a full public hearing, which is not even required for major transportation projects. And sometimes it may be desirable to have a public hearing, and I've been to some, particularly in Bay Ridge, and sometimes it's not desirable or necessary. So the community board could make that choice. The bill requires a public hearing, and I object to that. The other--no, there is no other--

CHAIRPERSON VACCA: [interposing]
Excuse me, sir. If you object to a public hearing, you object to the premise on which the community boards exist under the New York City Charter, as per 1977 New York City Charter revision. Community boards have public hearings when an individual wants to convert a garage into an apartment. That's called a Board of Standards

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and Appeals Public Hearing. That's very mundane to you maybe.

GENE ARONOWITZ: It's not mundane to me at all--

CHAIRPERSON VACCA: [interposing]
But to that person who lives on the block, they have a right to consider what you think is mundane, but they live on that block. To them it's called important. And I'm telling you that if the community boards do not have public hearings, then they are not exercising their responsibility and I, for one, will ask for an explanation. If I ever lived in a community board said we think we know what's best and we'll do this very, very quickly and expeditiously without going to the neighborhood that I live in--let me tell you something, I was a district manager 26 years. My board would have absolutely lambasted me if I took it upon myself to do what I thought was right.

GENE ARONOWITZ: Are you referring to public comment at a community board meeting, a public hearing?

CHAIRPERSON VACCA: No, I'm

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2 referring to public hearings. We should encourage
3 public hearings. The Council has public hearings.
4 What is wrong, why would you and Transportation
5 Alternatives make a statement that we should be
6 limiting public comment? I can't understand for
7 the life of me.

8 GENE ARONOWITZ: I'd love to answer
9 the question.

10 CHAIRPERSON VACCA: If you have
11 nothing to fear because everybody wants bike
12 lanes, why don't we have more public comment? You
13 say the public is on your side. More robust
14 comment should be encouraged then, right?

15 GENE ARONOWITZ: If I could? The
16 trouble is that, again, if we were to start today,
17 I actually sat down and counted, and I sat with a
18 calendar and figured it out. And I said, well if
19 DOT today was going to install a bike lane and
20 start the notice and comment period required by
21 Local Law 90, the bike lane would be eligible to
22 be striped after Christmas. And that's with
23 everybody at DOT making it their highest priority.

24 The fact is that community boards
25 don't have the resources they need. They don't

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have the staff that they need. And it--

CHAIRPERSON VACCA: [interposing]

They will decide that. You should not decide that for them. There is an arrogance here. It takes a Department of Transportation six months to improve a traffic light. So you talk to them about their bureaucracy and their time period. Why are we waiting six months for a traffic light? You can't wait three months for a review on a bike lane?

It's arrogance. I'm sorry. We're here to represent the entire city, and if I don't represent people who have a right to demand input into governmental processes, then I don't belong here. I'm very surprised. Well, no, I should not be surprised. I want to go on to Council Member Fidler.

COUNCIL MEMBER FIDLER: Well, so much for the kumbaya moment. I kind of thought when the person who is rightly credited for moving bike policy in the city forward more than anybody I can think of is supporting Intro 412 that everyone would be on board. Council Member, I am surprised, and I will say that I agree with you completely. It's interesting how when people are

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2 being asked for their opinion that it becomes
3 obstructionist. Really, I will direct my comments
4 to you, Mr. Martinez.

5 You heard DOT say that they're
6 doing this now anyway. The bill is necessary
7 because it clearly isn't required by Local Law 90,
8 so it's not duplicative. So I'm trying to go to
9 the substance of the things that you're saying.
10 It would be asinine to expect--I mean and I don't
11 think you really mean it that 412 should include
12 every crosswalk and traffic light and stop sign
13 and parking change in the City of New York because
14 government would be paralyzed. But it is so
15 painfully obvious that the issue of bike lanes has
16 created public dialogue. People feel strongly
17 about it. People have the right to express their
18 opinion, and that includes bike riders.

19 When you talk about safety, and by
20 the way when Commissioner Sadik-Khan was last here
21 and I raised this idea with her at a prior
22 hearing, she suggested that three months wasn't
23 long enough. So obviously it takes DOT some time
24 to plan, and some while along that process they
25 notify the community board. Hey, we're thinking

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2 about doing a bike lane over here, what do you
3 folks think out there in your neighborhood? I
4 can't understand why you would be against this.
5 It's like being against mom and apple pie.

6 So, the fact of the matter is I've
7 had two bike lanes proposed that weren't on the
8 slate because of community input. They've
9 installed neither of them, I might add, but we had
10 actually in District 18 in Canarsie, there was a
11 proposal for a bike lane. It was proposed down
12 two streets that absolutely nobody came forward
13 and said they wanted there.

14 We did, however, hear from people
15 in the community who said how about putting the
16 bike lanes around our waterfront area? Canarsie
17 is surrounded by water, beautiful parks and
18 whatnot on three sides. How about over there?
19 Or, as someone had suggested, I wanted to take my
20 bike--we don't have any subway stations in
21 Canarsie--but to a subway station near Canarsie.
22 I'd like to be able to bike there. This bike lane
23 goes absolutely nowhere near there.

24 Why shouldn't we have a process
25 like that so that we don't put in a bike lane to

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2 nowhere that nobody wants? People can come
3 forward and say this is where we would like them.
4 Don't waste your taxpayer's money putting it here,
5 put it here. What's wrong with that?

6 JUAN MARTINEZ: They key is, sir,
7 that when we're talking about bike lanes that are
8 on the level of a crosswalk or a stop sign. Where
9 we're not talking about any reduction in vehicle
10 traffic, any significant expenditure of taxpayer
11 money, then we want the DOT to move as quickly as
12 possible.

13 COUNCIL MEMBER FIDLER: But Mr.
14 Martinez, aren't you predetermining the answer to
15 your question by you saying it's not significant,
16 you saying it doesn't have an impact? Why does
17 DOT get to make that decision without coming to a
18 community without perhaps realizing that the
19 location is inappropriate for one reason or
20 another?

21 So the other example, before they
22 had reformed their process to have community board
23 hearings, and I insisted on having a meeting of
24 stakeholders, the issue wasn't bike lanes, the
25 issue was traffic calming on Gerritsen Avenue.

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2 And so I had every civic president up and down
3 Gerritsen Avenue to a meeting with DOT where they
4 mentioned, oh and by the way, because in 1990
5 something there was a master plan for bikes in the
6 City of New York, Gerritsen Avenue is included, we
7 have to put the bike lanes in here. All right?

8 And it was pointed out to DOT that
9 their bike lane would conflict directly with a
10 fire company that's going to be jumping out in an
11 emergency at the same location as one of the
12 worst--I mean DOT has remodeled the intersection
13 five times now because it's just a horrendous
14 intersection at Gerritsen and U, and the fire
15 company all at the same spot. And that, by the
16 way, the bike riders really wanted the bike lanes
17 two blocks over on Stewart, next to Marine Park
18 where they actually would do their biking.

19 What's wrong with that? Why the
20 rush? A crosswalk, per se, will affect one
21 street, one location. There is no such thing as a
22 one-block long bike lane. That's kind of stupid,
23 right? So you're affecting communities. What
24 possible harm could there be to someone asking
25 where it belongs and whether it belongs here?

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JUAN MARTINEZ: If I could say.

The balance was set by this Council in December of 2009, a little less than two years ago. You guys passed Local Law 90, which we supported. And the decision was made if a project is more than four block long and interferes with vehicle traffic and so on, well then there should be a community process. Because the realization was that that process takes a lot of time, it's a good best practice for DOT and we hope they continue it.

But, hopefully, a few years from now, after the editorial pages have quieted down and people have grown more accustomed to the benefits of having bike lanes, not just for cyclists but for motorists and for pedestrians, then these mandatory hearings won't be necessary. Let me say sir--

COUNCIL MEMBER FIDLER:

[interposing] So then they're necessary now.

JUAN MARTINEZ: I don't believe they're necessary now either.

COUNCIL MEMBER FIDLER: Okay. I misunderstood when you said sometime in the future they won't be necessary. Tell me, given what DOT

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2 testified today, how much delay do you anticipate
3 out of the three month period that was required
4 for notification and a public hearing at a
5 community board, which by the way will happen the
6 same night as the community board meeting. That's
7 the way they do them. They don't have separate
8 nights for hearings. They take ten minutes out
9 and have a hearing for everyone who wants to be
10 heard. How much delay? How much time is that
11 going to add to the process? I think I heard DOT
12 say none at all.

13 JUAN MARTINEZ: And hopefully none.
14 Hopefully none--

15 COUNCIL MEMBER FIDLER:
16 [interposing] So then it's not a delay in safety.
17 It's not safety delay then, right? I'm just
18 trying to see whether or not there's a reason to
19 your opposition other than I don't want to.

20 JUAN MARTINEZ: Well, no, clearly,
21 sir. The fear that we have is that there will be
22 delay, not in all cases, hopefully not in most.
23 But what when we're talking about life-saving
24 improvements, when we're talking about the fact
25 that cyclists are dying on the street, also

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2 pedestrians and motorists benefit from this. Let
3 me say, I--

4 COUNCIL MEMBER FIDLER:

5 [interposing] So there's no possibility, Mr.
6 Martinez, that the public hearing process will in
7 fact improve public safety, as in the example I
8 gave you on Gerritsen Avenue where had they put
9 that bike lane in front of Ladder Company 321 at
10 Gerritsen and U, a bike rider might have gotten
11 killed when the engine company pulled out in an
12 emergency because DOT didn't realize there was an
13 engine company there. It's not possible that the
14 system might work to the benefit of the safety of
15 bike riders? That perhaps all deliberate speed is
16 the appropriate measure here?

17 JUAN MARTINEZ: Thankfully, thanks
18 to the introduction proposed by Council Member
19 Vacca, that scenario won't come up again in the
20 future, we hope. The goal, sir, is to make the
21 streets as orderly and as safe as possible. Small
22 minor bike lanes where we're not taking away from
23 vehicle space, we're not taking away from parking,
24 they do that, and they should be--there's this
25 idea, a complete street that we all know we want.

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2 We want a safe space for motorists, we want a safe
3 space for pedestrians, we want a safe space for
4 people on two wheels. How do we get that as fast
5 and as deliberately as possible, but as fast as
6 possible? And those three months matter, sir.

7 COUNCIL MEMBER FIDLER: And again,
8 I'm not going to beat this into the ground,
9 because I really am not getting anything from you
10 other than I don't want to. It really is what it
11 comes down to because you can't tell me, you just
12 couldn't right now tell me what delay there is.
13 Because DOT has already said there is no delay.
14 The commissioner says it should be more than three
15 months. It will not impede their ability to lay
16 out bike lanes. You predetermine what's minor and
17 mundane and routine by determining in your mind
18 that this is minor. Why not ask people what's
19 minor? What's routine to you and mundane to you
20 may not be routine and mundane to the residents of
21 Gerritsen Beach or Marine Park who saw the problem
22 that DOT didn't see. So I think you ought to get
23 on board.

24 It's kind of the attitude that
25 asking people is obstructionist is offensive. The

1
2 fact of the matter is that it's not. From the
3 very, very beginning when I introduced this bill,
4 I've gotten the same kind of guff and crap that
5 I'm trying to stop bike lanes. All I'm trying to
6 do is plan effectively with community input both
7 from bike riders and from community residents who
8 might know their communities better than someone
9 sitting in an ivory tower someplace in Manhattan.
10 I can't understand why Transportation Alternatives
11 wouldn't be behind it.

12 I'm thrilled that the commissioner
13 is behind it, because I think she gets it. She's
14 come out to the communities, she's seen it and she
15 recognizes now. It took some transition. She
16 recognizes now the value of a community buying
17 into the bike lane plan that they actually
18 implement. You ought to look at that a little bit
19 more, you know search your soul a little bit and
20 get past the "I don't want to."

21 Because, quite frankly, we're going
22 to have bike lanes, we need to have bike lanes,
23 and we need to have safe and complete streets.
24 But it's not going to happen if every time someone
25 paints a line on the street there's a civil war.

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JUAN MARTINEZ: Agreed.

CHAIRPERSON VACCA: Thank you, Council Member Fidler. Mr. Martinez, I also have to take issue with your terminology. You used the word delay. "Cyclists are dying because of community board delay," quote/unquote. No. Cyclists are not dying because community boards want a deliberative process, because community boards want 90 days under this legislation.

You argue with the deliberative process. Mr. Steely White's comment on page two of his testimony, he says community boards need to do more to attract a more representative sample of New Yorkers. How dare you. How dare you say the community boards need to--you mean to say that you would like a more representative sample of New Yorkers who agree with you?

JUAN MARTINEZ: No, sir.

CHAIRPERSON VACCA: What's wrong with the community boards being representative of their neighborhoods? Do you know particular boards that are not representing their communities--

JUAN MARTINEZ: [interposing] What

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I would like to point out--

CHAIRPERSON VACCA: --or people who should be removed because they don't represent community interests, community feeling, sentiment or whatever? I mean, how can you say something like that? Because you disagree with their right to assess, because you disagree with their right to have input you say that they need to be more representative? How are they not representative?

JUAN MARTINEZ: As a district manager for 26 years, and as a Council Member, as member of government, you understand that the understanding of the community board process in the city is not nearly as deep as it needs to be. Most ordinary citizens, most ordinary New Yorkers don't know how the community board process works. They don't participate in the community board process. And that's a shame.

CHAIRPERSON VACCA: Yes, but you have 40 to 50 members who are appointed by the borough president and the Council Members. They are there as representative of their community. I don't think people who live in community board districts know how the City Council works or what

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2 the mayor does. This is called representative
3 democracy. This is the form of government we have
4 in the United States of America. It's called
5 representative democracy.

6 I don't expect all my constituents
7 to know everything I do every day or all the
8 prerogatives of my job, but I'm elected to
9 represent them and I must perform with that in
10 mind and take my job seriously and do my job.
11 It's the same thing with a community board member.
12 And for you to say that they're not
13 representative, that's kind of sitting in an ivory
14 tower looking down on people and saying you're not
15 representative because you don't agree with me.

16 JUAN MARTINEZ: We applaud the
17 people who choose to serve.

18 CHAIRPERSON VACCA: Okay. This
19 indicates otherwise. I know it does. I
20 appreciate your testimony. Are there any more
21 questions? Gale Brewer?

22 COUNCIL MEMBER BREWER: Thank you
23 very much. You know, I'm the biggest supporter of
24 bike lanes anybody could ever be. But I do think
25 that there needs to be this kind of input. Can

1
2 you just describe to me in your own words what you
3 think the difference is between Local Law 90 and
4 this current legislation?

5 JUAN MARTINEZ: Absolutely. When
6 we're talking about taking space on the side of
7 the roadway that allows traffic to move the same
8 as it did before, which doesn't take up parking
9 space, but also confers street safety benefits--
10 let me say, I drive quite a bit in the city. I
11 prefer to drive on streets that have bike lanes
12 because I don't have aggressive drivers trying to
13 pull in front of me. I don't have any doubt about
14 where my space ends and somebody else's begins.

15 Those bike lanes, which are
16 probably the majority, they definitely are the
17 majority in this city, when you talk about
18 sharrows as well they are not major transportation
19 projects. You know, about 18 months ago, the
20 Council said okay, those, DOT, we trust you, we
21 trust your engineers, we trust you to follow your
22 street management duty, and please go ahead and do
23 it. That's the major difference.

24 COUNCIL MEMBER BREWER: Okay. The
25 reason I support this legislation, both for what I

1
2 would call the lined bike lanes and then, of
3 course, the protective bike lanes, and I have both
4 right next to where I live and where I have a
5 district office is that you then get buy-in to the
6 success of either the lined ones or the ones that
7 are sheltered.

8 The reason I say that, even the
9 lined ones, just getting the lines repainted on a
10 regular basis, you need buy-in for that from DOT,
11 because that's a challenge. You need the taxi
12 community and the motorist community to remember
13 what their responsibility is in terms of opening
14 doors. You need the delivery responsibility. You
15 need the police responsibility. And the list goes
16 on.

17 So I guess my feeling is in this
18 big city is the more people whose agenda, and in
19 this case agency agenda you're on, then the more
20 people are going to take responsibility because
21 they are invested in the success. So I think it's
22 not just time and building, it's the long-term
23 sustainability. This is such a complicated city
24 that if people don't know about something from the
25 beginning, then they don't feel they have a stake

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in it.

So that's why I'm supportive. I want the bike lanes. I want safety. I want pedestrian safety. I'd love to see the seniors be able to use some of these bike lanes with a big tricycle and we could all pile on. That's a separate topic. That would be my dream--and for free.

But the issue is how do we figure out a way of buying in? Having spent, myself, going door to door on all of these bike lanes, I think that the buy-in at least now is very challenging, and so that's a way to do it. So it's sort of a second agenda that has nothing to do with the original we need bike lanes that are safe. So I think that's something to reconsider.

JUAN MARTINEZ: Thank you.

COUNCIL MEMBER BREWER: Thank you very much, Mr. Chair.

CHAIRPERSON VACCA: Thank you, Council Member Brewer. Thank you very much. Our next panel will be Karen Gregory, Pedestrians for Accessible Safe Streets; Nancy Gruskin, Gruskin Foundation and Jack Brown and Mr. Wally Rubin of

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2 Community Board Five. So we have four people on
3 the panel. I'm going to ask Ms. Gregory if you
4 could go first.

5 [Pause]

6 CHAIRPERSON VACCA: Thank you.
7 Nancy Gruskin, you can come up. Yeah, sure,
8 please, I have four people on this panel. Ms.
9 Gregory, I thank you so much for coming. I thank
10 all of you for your patience too.

11 [Pause]

12 KAREN GREGORY: See what our mic
13 situation is.

14 CHAIRPERSON VACCA: No, you're on.
15 You're on. Can you introduce yourself for the
16 record please?

17 DR. KAREN GOURGEY: Yes, I
18 certainly will. Thank you very much.

19 CHAIRPERSON VACCA: Thank you.

20 DR. KAREN GOURGEY: My name is Dr.
21 Karen Gouragey. That's G-O-U-R-G-E-Y. I do chair
22 a coalition of Pedestrians for Accessible and Safe
23 Streets called PASS. We are an organization of
24 people who are visually impaired and blind, and
25 people who do work with folks who are visually

1
2 impaired and blind. I'm here today to speak in
3 support of Bill No. 626 that has to do with
4 consultation, including the Mayor's Office for
5 People with Disabilities on major transportation
6 projects.

7 New York City with its pedestrian
8 and public transit emphasis is a real draw to
9 people who are blind and visually impaired for
10 obvious reasons. We make very lousy drivers. So
11 being in New York is a very, very important thing
12 to us. And as I think some of you know, we are
13 taught very specific methodologies that allow safe
14 travel with little or no vision. An example of
15 that is when you're going to cross a street, you
16 learn to listen to parallel traffic and that's
17 what you cross with.

18 So that when there are changes to
19 signaling, when there are changes to street
20 geometry, when there are changes to the
21 streetscape in any way, it affects how we are able
22 to travel.

23 Up to now, it's very exciting to me
24 and to have begun to experience that the process
25 with the Department of Transportation is beginning

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2 to change, that there's more happening in terms of
3 community outreach, because our experience, as a
4 community of people with vision loss, has been
5 that we have not been at the table. I live near
6 Union Square and I know we were not at the table
7 when that project was done. I know that the
8 project that's on the table now for redesign up in
9 Council Member Brewer's area--71st to 96th, I
10 think that's part of your area--there hasn't been
11 any input in terms of the implications of those
12 changes for people who are blind and visually
13 impaired.

14 So my point is that we are a part
15 of this city, we are tax paying citizens and we
16 need to be at the table from the beginning. We
17 need to no longer be an after thought. One way of
18 codifying this, one way of approaching it is to
19 ensure that the Mayor's Office of People with
20 Disabilities is, in fact, consulted when
21 transportation projects are happening. That is
22 the essence of my statement.

23 If I may, I would like to make one
24 comment related to the bike lane issue. Is that
25 permitted? Thank you. One thing that we have

1
2 been asking for, for some time, is a text-based
3 searchable database so that at least those of us
4 who travel, because again, I'm not going to know
5 when there's a painted bike lane in a street and
6 I'm going out there with my dog to curb her, or
7 I'm going out to cross a street or whatever I'm
8 doing, I don't know there's a bike lane there.

9 But at least, if there is a database that is
10 searchable, that's text-based, that is accessible
11 both by phone and by computer, so that we could at
12 least be able to call and know that when we go on
13 a particular trip, when we hit particular streets
14 we're going to encounter bike lanes. That sort of
15 thing would be extremely helpful.

16 So my point is that we need and
17 want to be full participants in the community and
18 we need to be spoken with and our needs need to be
19 taken into account. We're experiencing that now
20 with DOT. Our past coalition has actually been
21 able to assist DOT in a particular situation over
22 at Seventh Avenue and 23rd Street. And I think we
23 have members of our group who have been able to be
24 very helpful. In fact, we were an important part
25 of making this workshop happen that they spoke

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2 I'd just like to extend a heartfelt
3 thank you to Chairman Vacca for all of his
4 wonderful and passionate work championing
5 bicycle/pedestrian issues and holding all these
6 agencies accountable. It's wonderful to hear.

7 I support Intro 671, and applaud
8 any opportunity to gather more data about how New
9 Yorkers use the city streets. The sponsors are
10 taking a necessary and thoughtful step through
11 this legislation to ensure that the safety and
12 efficiency of our new transportation improvements
13 can be measured.

14 I am here today, though, to ask
15 that you make the proposed law even better,
16 representing that the future of our streets may
17 not resemble the past, and include the most
18 important pedestrian safety metrics.

19 As proposed, the only measured
20 behavior is vehicular speed. However, to be most
21 effective, this bill should include reporting of
22 data about how unlawful behaviors that have proven
23 to be far more dangerous, including failure to ob
24 traffic signals, as well as failure to yield. DOT
25 reporting shows that 47 percent of accidents that

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2 result in serious pedestrian injury occur at
3 signalized intersections, while only 21 percent
4 are primarily due to speed. While understanding
5 speed rates is an important element in analyzing
6 the success of a project, it only provides a small
7 part of the picture.

8 Our New York streets look far
9 different today than they did a decade ago. We've
10 made great strides in considering the needs and
11 behavior of motor vehicles, but cyclists and
12 pedestrians, as well. This law needs to reflect
13 that or I fear that we will be in this room next
14 year, updating this legislative language.
15 Complete streets need complete data, and
16 collection needs to apply not just to motor
17 vehicles but to bicycles and pedestrians, as well.
18 Oh god. Thank you.

19 CHAIRPERSON VACCA: Thank you, Ms.
20 Gruskin. I mean I first have to thank you for
21 your work and for your dedication to the issue.
22 Both you and Ms. Gourgey are to be commended. The
23 issues that affect the blind are very important to
24 all of us. My father was blind and I think of how
25 he would navigate some of the new configurations

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2 and I do worry. I do think that your suggestion
3 was good about a verbal type of way blind people
4 could access where bike paths are or pedestrian
5 plazas, whatever, because this way they would have
6 pre-knowledge.

7 DR. KAREN GOURGEY: Yes, it's a
8 beginning.

9 CHAIRPERSON VACCA: It's a
10 beginning. And Ms. Gruskin, I'd like you to be in
11 touch with my staff so we could talk further and
12 consider your suggestions. Sir, would you
13 identify yourself please?

14 WALLY RUBIN: Sure. I'm Wally
15 Rubin. I'm the district manager of Community
16 Board Five. I'm not here today to speak in favor
17 or against the legislation. I was asked to come
18 here to speak about our experience working with
19 DOT.

20 Community Board Five is chiefly
21 Manhattan's Central Business District. We go from
22 Union Square to Central Park and, with a few carve
23 outs, from 8th Avenue to Lexington. As such, over
24 the last three years, we've seen a lot of the
25 Department of Transportation, as they created a

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2 succession of pedestrian plazas, bike lanes and
3 traffic changes in our district.

4 With each of these efforts, they
5 have reached out to us, to the BIDs, and to the
6 greater community, to tell us of their plans and
7 listen to our concerns. They have held forums and
8 talk backs, co-hosted by a variety of community
9 groups, including us, and made changes when
10 concerns were expressed. They have listened and
11 more than once gone back to the drawing board in
12 response to what they've heard.

13 In the spring of 2010, for
14 instance, they came to us with extensive plans to
15 make changes to the traffic patterns, and create
16 designated bike lanes and pedestrian plazas,
17 around Union Square and on Broadway from Union
18 Square up to 23rd Street. There was considerable
19 concern expressed by businesses and residents
20 around the Union Square and historic Flatiron
21 district about some of these proposals.

22 Community Board Five took the
23 unprecedented step of holding three public forums,
24 over three consecutive months, so the community
25 could air their grievances. More than 50 people

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2 showed up at each of these forums, which would be,
3 for our board, an extraordinary turnout at even
4 one meeting, but virtually unheard of for three
5 consecutive meetings on the same topic.

6 Many who came were furious over
7 this or that part of the proposal. Each time,
8 representatives of DOT were there, listening and
9 answering questions and they came back with
10 proposed revisions in response to what they heard.
11 Not every complaint was ameliorated, but the
12 process of listening and adjusting was honored.

13 In the end, Community Board Five
14 voted to support DOT's effort, with the proviso
15 that they come back to us after a period of time
16 with their evaluation of how things were working.
17 True to their word, DOT came back to us last
18 month. In cooperation with the Union Square
19 Partnership, they had done various tests and
20 surveys in the area and found that most of the
21 changes they made had either positive effects or
22 at least no negative effects on traffic flow and
23 pedestrian safety.

24 Local business owners found no
25 deleterious effect from the changes put in place

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2 and some, of course, had profited from the
3 increased foot traffic. DOT's evaluation showed
4 that there were still one or two trouble spots or
5 matters that needed further improvement or greater
6 enforcement. This was still a work in progress,
7 although like most things in New York that was
8 acknowledged by DOT.

9 What was remarkable was that, after
10 the crush of residents and businesses in
11 attendance at the first three meetings the year
12 before, virtually no one from the public came to
13 this follow-up discussion. We could detect none
14 of the anger or fear that was palpable before the
15 plan was put in place.

16 Community Board Five is grateful
17 for our relationship with Margaret Forgione, the
18 Manhattan Borough Commissioner of DOT, and the
19 others at DOT with whom we have worked. We only
20 wish that other city agencies would be as
21 responsive and as interested in our input as is
22 DOT. Thank you for this opportunity to speak
23 today.

24 CHAIRPERSON VACCA: I thank you
25 very much. I thank you for coming, first of all,

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and being here.

WALLY RUBIN: Thank you.

CHAIRPERSON VACCA: I think my colleague Lew Fidler was correct in that there's been more of a consultative process. You are symbolic of that process. I thank your community board for its deliberative process.

WALLY RUBIN: Thank you.

CHAIRPERSON VACCA: And your inclusive process. Of course, we have success and success is what matters.

WALLY RUBIN: Thank you.

CHAIRPERSON VACCA: Thank you, sir. Sir, would you come to the microphone. I'm sorry, do you mind, Nancy? No, you can all stay. I just need one chair.

NANCY GRUSKIN: No, no, no, he can have it.

CHAIRPERSON VACCA: Okay, thank you. Thank you. Are you okay? Okay. Can you please have a seat and identify yourself for the record, sir?

JACK BROWN: Yes. My name is Jack Brown. I'm the former owner of the Hi Ho Cyclery,

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2 165 Avenue A. I'm a bike rider and I've been hit
3 by a rogue bike rider, so I have those street
4 credentials as well. I'm the spokesman for the
5 Coalition Against Rogue Riding which focuses on
6 even handed enforcement of the motor vehicle laws
7 as a way of getting a handle on the rogue riding.

8 In 2003 The Rudin Center for
9 Transportation at NYU conducted a joint study with
10 NACTO. The sole conclusion was that to achieve a
11 responsible bike culture in New York City a
12 cooperative approach was needed. Over the past
13 three years the Coalition against Rogue Riding is
14 aware of two times when the Department of
15 Transportation and Transportation Alternatives
16 have refused to participate in a task force on the
17 issue. The result is an irresponsible bike
18 culture, bike bedlam, a public safety crisis.
19 These bills constitute an effort to do
20 legislatively that which has not been done
21 reasonably and cooperatively. CARR endorses them
22 wholeheartedly.

23 Last night on "60 Minutes," a
24 segment was devoted to Police Commissioner Ray
25 Kelly. The focus was the formidable

1
2 counterterrorism department established under his
3 watch. There is no question the NYPD knows what
4 is going on in the streets and on the sidewalks.
5 It is also clear that when Mayor Bloomberg decides
6 to focus on public concerns like Hurricane Irene
7 or the tenth anniversary of 9-11 no expense is
8 spared. No stone left unturned.

9 In a recent "Numbers Guy" column in
10 the "Wall street Journal" Carl Bialik quotes Bruce
11 Hoffman, director of Georgetown University's
12 Center for Peace and Security Studies. "Terrorism
13 is not a numbers game. That is the point of
14 terrorism. A small group of dedicated well
15 trained and highly motivated individuals can have
16 a disproportionate impact on any society's sense
17 of security and profoundly affect government
18 policies."

19 If powerbroker Robert Moses
20 expended unreasonable zeal facilitating use of the
21 automobile then the virtually zero tolerance for
22 motor vehicles expressed by Mr. Mark Gorton and
23 pursued by Transportation Alternatives operating
24 with a presumption of moral and pragmatic
25 superiority through the Department of

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2 Transportation is equally unwise and radical. Two
3 wrongs don't make a right. Thank you.

4 CHAIRPERSON VACCA: I thank you.

5 JACK BROWN: Thank you for your
6 diligence in pursuing a balanced bike culture and a
7 public safety issue.

8 CHAIRPERSON VACCA: Thank you.

9 Thank you, sir. Our last panel will be Ralph
10 Perfetto, Brooklyn New York, Shore Road; Daniel
11 Pearlstein; Ian Dutton; and Eric McClure from Park
12 Slope Neighbors. And I do want to mention we've
13 been joined by my colleague to my extreme left, is
14 Council Member Ydanis Rodriguez of Manhattan. Mr.
15 Perfetto, would you please go first, and introduce
16 yourself, for the record?

17 RALPH PERFETTO: My name is Ralph
18 Perfetto. I'd like to preface a comment that was
19 heard here earlier before I make my statement. I
20 believe Mr. Aronowitz said that he was 73-years-
21 old. He had worked in government with Mental
22 Health and he needed to bicycle, he needed the
23 city to act quickly, DOT to act quickly because he
24 had to bicycle for his health to fight his
25 arthritis. I will say that I'm 77-years-old. I

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2 also was active with government, the New York
3 State Board of Business for a mental facility and
4 advocate for over 35 years. I fight any potential
5 arthritis by going on a stationary bicycle and I
6 thank God for government intervention. So I
7 wanted to say that.

8 Now, I wish to speak in favor of
9 Intro 412, requiring the Department of
10 Transportation to hold hearings--

11 CHAIRPERSON VACCA: [interposing]
12 I'm sorry, do you represent an organization or a
13 community board or anything?

14 RALPH PERFETTO: No, I'm not from a
15 community board.

16 CHAIRPERSON VACCA: Okay, no
17 problem.

18 RALPH PERFETTO: Anyway, I speak in
19 favor of Intro 412, to hold the hearings before a
20 bike lane is constructed because each street in a
21 community board district may be different
22 physically, or in the way the volume of vehicle
23 and pedestrian traffic is conducted.

24 While I can see the merit in Mayor
25 Bloomberg's initiative to encourage bicycling to

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2 cut down on automobile traffic and pollution,
3 while helping people to live healthier lives
4 through cycling exercise, I see it as a single-
5 minded plan without a comprehensive study on the
6 impact on unregulated cycling on pedestrian
7 safety.

8 While I was employed in the Office
9 of the New York City Public Advocate, I
10 investigated a case where a bicycle outing
11 sponsored by Transportation alternatives in Pelham
12 Park, Bronx. When the group of cyclists exited
13 the park, a frail elderly man happened to walk by
14 the exit, on the sidewalk, and was struck by a
15 bike. He later died of his injuries. I became
16 active for responsible cycling when a dear rabbi
17 friend of mine was knocked down by a delivery boy
18 riding on the sidewalk in Bay Ridge, my community
19 in Brooklyn. He never fully recovered from his
20 injuries.

21 One day after the Pelham Park
22 incident, I faxed a memo from the Public
23 Advocate's office to 76 precincts in the city,
24 police precincts, reminding them of the law
25 prohibiting adults from riding bicycles on the

1
2 sidewalk, and that the penalty was a \$50.00 fine
3 at that time.

4 That evening as I walked from the
5 Municipal Building to the City Hall Subway Station
6 on Broadway, I had a discussion with a police
7 officer from the 40th Precinct. I had my back to
8 the sidewalk as we spoke by that entrance to City
9 Hall Park. Just then a man approximately in his
10 mid 30's dressed in spandex and wearing a helmet,
11 on a 10 speed bike, brushed by me at a rate of
12 high speed into the park, almost knocking me down.

13 After that memo was sent I saw only
14 one police precinct take that memo seriously and
15 do something about it. That was Brooklyn's 84th
16 Precinct. They confiscated the bikes of offenders
17 and the people had to come and redeem them by
18 paying fines.

19 I have witnessed many seniors, or
20 handicapped people, crossing a street properly at
21 an intersection nearly get mowed down by cyclists
22 who suddenly appear at top speed in bike lanes.
23 If you want to see how serious the enforcement is
24 on rogue riders, then get the number of moving
25 violation summonses issued to motorists, and the

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2 number issued to bicycle riders since only January
3 of this year, and my case will be substantiated.

4 I want to thank you for this
5 opportunity, and hope that you initiate a
6 comprehensive study, followed by legislation to
7 make the streets safe for pedestrians by
8 regulating rogue riders. I thank you so much for
9 this opportunity.

10 CHAIRPERSON VACCA: I thank you
11 very much for your testimony. Stay, stay. Sir?

12 DANIEL PEARLSTEIN: Good morning.

13 CHAIRPERSON VACCA: Introduce
14 yourself please.

15 DANIEL PEARLSTEIN: Chairperson
16 Vacca and committee members my name is Daniel
17 Pearlstein. I am here this morning to oppose
18 Intro 412 of 2010. I hold a master's degree in
19 urban planning from Cornell and I'm a law student
20 at Cardozo.

21 I recently studied the process by
22 which the DOT incorporates community input into
23 the street safety improvement process. What I
24 found, which is heartening, is that the city is
25 taking its mandate to make streets safer seriously

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2 and that our streets are getting safer, which all
3 recent studies confirm. I also found a lot of
4 community process behind the recent street safety
5 improvements and a lot of time and attention given
6 to community concerns, even though consensus is
7 all but impossible in as diverse and opinionated
8 city as ours. It is a time consuming, deliberate
9 process with many weeks and months between
10 hearings and meetings. But for major projects
11 this makes sense.

12 For instance, on Prospect Park
13 West, it took three years between when Community
14 Board 6 requested the DOT do a study and when the
15 bicycle path was finally painted on the street.
16 During that time, DOT made at least three
17 presentations to the community board, its
18 transportation committee and the general public.
19 And there was an additional presentation to
20 evaluate the path some months after it was
21 installed.

22 On First and Second Avenues, an
23 iterate of community process that began more than
24 two years is still ongoing, and we hear almost
25 weekly reports of presentations and community

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2 board votes as the bicycle lanes there are
3 constructed in phases. What is more, these are
4 both projects begun before the Council enacted
5 Local Law 90 of 2009, which largely
6 institutionalized the process by which the DOT was
7 already consulting with community leaders prior to
8 making street safety improvements. Indeed, Local
9 Law 90 sets out a detailed timeline for community
10 comment, which in practice is virtually identical
11 to the one proposed in Intro 412.

12 This process is time consuming, but
13 it's helpful for these major street redesigns.
14 For smaller projects, such as those which do not
15 redistribute space devoted to cars and trucks, the
16 process is too cumbersome and too lengthy. We
17 need safer streets today, not months from now and
18 certainly not years from now. For this reason, I
19 urge you to reconsider Intro 412. Thank you.

20 CHAIRPERSON VACCA: Thank you, sir.
21 Sir, would you introduce yourself for the record
22 please?

23 IAN DUTTON: Sure. Once again,
24 thank you for allowing me to address you regarding
25 proposed Intros 412, 626 and 671. My name is Ian

1
2 Dutton. Until earlier this year, I was the vice-
3 chair of the Transportation Committee of Community
4 Board 2, Manhattan, which encompasses Greenwich
5 Village and SoHo.

6 Our district was the first in the
7 city with a mature bike lane network, the result
8 of years of advocacy for relief from the crush of
9 motor vehicle traffic that predates my time in the
10 community. I can say categorically that DOT has
11 not installed a single bicycle infrastructure
12 project without first obtaining the approval of
13 CB2, and with the respectful exemption of those
14 that Council Member Fidler alluded to earlier, had
15 not done so in any community district in at least
16 the last 5 years.

17 On the contrary, DOT has held off
18 and reconfigured proposed bike lane installations
19 when they were faced with negative outcomes at the
20 community board level, such as on Eighth Avenue in
21 Chelsea or on Broadway approaching Union Square.

22 Local Law 90 already applies to
23 installation of bicycle infrastructure and my
24 experience is that DOT adheres to the letter and
25 the spirit of this law and this law, in fact,

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2 gives community boards sufficient input into the
3 implementation process. In many cases where
4 bicycle lanes are installed, they are done so at
5 the suggestion and urging of communities through
6 community board resolutions and requests.

7 Specifically regarding Intro 412,
8 this actually will intend to have the effect of
9 forcing neighborhoods to wait out an extended
10 waiting period for safety upgrades for which they
11 have been advocating, delaying the desired
12 benefits unnecessarily. I can say that as I'm
13 involved a couple of these requests to the
14 department right now that are going through the
15 public process at this point.

16 Rather than my prepared wrap-up I
17 just want to address concerns that were expressed
18 by Council Members during the questioning periods.
19 DOT has worked with my community board to address
20 issues and concerns that have been raised during
21 the public hearing process and then initially
22 after installation.

23 In cases such as on Grand Street
24 and on Ninth Avenue, there have been specific
25 cases where businesses have been negatively

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2 impacted by the installation of bicycle lanes and
3 they've worked with those businesses with the
4 involvement of the community board to find
5 positive outcomes for those businesses. For
6 example, one restaurant that was dependent upon
7 taxi business, they were able to create a taxi
8 rest stand out in front of that restaurant and the
9 end result was actually better than the initial
10 conditions where taxi drivers were subject to
11 penalties. So the department does currently look
12 at those conditions and work with the communities
13 to find positive outcomes. Thank you.

14 CHAIRPERSON VACCA: I thank you
15 very much. I thank you for the work you do.
16 Thank you so much for volunteering and being out
17 there. There are no further speakers. Oh, I'm
18 sorry. I think Council Member Fidler had a
19 question. I'm sorry. Was there one more person?
20 Oh, I'm sorry. Okay, there's one more. Can you
21 return to the panel for one second? Council
22 Member Fidler, do you have a question? Mr.
23 Perfetto, do you mind one more minute? I'm sorry;
24 I did not recognize Council Member Fidler.

25 COUNCIL MEMBER FIDLER: Do you want

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2 to let this gentleman speak first and I can go
3 after?

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CHAIRPERSON VACCA: Yes. We have
5 one more gentleman to testify and then I will have
6 Council Member Fidler's question. Introduce
7 yourself.

8

ERIC MCCLURE: Thank you, Chairman
9 Vacca and Council Members. My name is Eric
10 McClure. I'm a co-founder of Park Slope
11 Neighbors, a grassroots neighborhood advocacy
12 group in Brooklyn. As an aside, I'm also a member
13 of the transportation committee of Community Board
14 6, newly appointed.

15

The legislation before this
16 committee today appears to be unnecessary, since
17 the New York City Department of Transportation
18 already consults at length with communities and
19 affected agencies when considering major and in
20 many cases minor roads projects, especially those
21 that include cycling infrastructure, which have
22 been proven to make streets safer for all users,
23 cyclists and pedestrians and drivers alike.

24

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In my personal experience, DOT has
done more to engage affected neighborhoods than

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2 any other city agency. In the case of the
3 redesign of Prospect Park West, for example, DOT
4 engaged in a four-year process of collaboration
5 with Brooklyn Community Board 6, designing and
6 implementing a project that has both made that
7 formerly speeding-plagued avenue safer, and gained
8 widespread local support.

9 I've appended to my written
10 testimony a timeline of the development and
11 implementation of the redesign of Prospect Park
12 West. Let me summarize briefly by saying that
13 DOT, responding to a request by CB6 to calm
14 traffic on PPW in 2007, presented initial plans in
15 April 2009 to the Board's transportation committee
16 and to the full Board in May 2009. They presented
17 revised plans in a public open house and again to
18 the transportation committee in April 2010. They
19 modified the project after implementation based on
20 further board input and returned to the
21 transportation committee six months after the
22 project was installed to present post-
23 implementation data.

24 DOT is now planning to install
25 several enhancements endorsed by the board in

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2 subsequent committee and full board votes. In
3 addition, DOT and the community board have
4 maintained an open and ongoing dialogue during
5 this four-year period.

6 Furthermore, this type of
7 intensive, transparent, community-focused process
8 is being replicated all over New York City.
9 Multiple community boards have voted recently in
10 favor of Class I bike paths that will run from
11 Houston Street to 125th Street and back. Eleven
12 of 12 Manhattan community boards voted this summer
13 to endorse a trial of a car-free Central Park. In
14 August, Manhattan Community Board 4 began working
15 with DOT on the development of safe cycling routes
16 between 8th and 9th Avenues and the Hudson River
17 Greenway. And just last week, that same board's
18 transportation committee voted unanimously to
19 endorse the extension of the 8th and 9th Avenue
20 bike paths from the 30s to 59th Street.

21 No other agency collaborates more
22 closely, or more openly, with the citizens it
23 serves. Yet despite this unprecedented degree of
24 collaboration, some people will never be
25 satisfied, hence, the frivolous lawsuit over the

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2 Prospect Park West redesign, thrown out by a judge
3 last month, and the legislation before this
4 committee today, which appears to hold bicycling
5 infrastructure to a different, higher standard
6 than any other type of project under DOT's
7 jurisdiction.

8 Requiring this unprecedented degree
9 of I-dotting and T-crossing for projects that,
10 once again, are proven to make our streets safer
11 for all users, pedestrians and drivers as well as
12 cyclists, doesn't just create more bureaucratic
13 red tape. It potentially puts more New Yorkers,
14 especially our most vulnerable street users, at
15 greater and greatly unnecessary risk. The last
16 thing we need is to erect roadblocks to better
17 road safety.

18 Let me close by saying that nothing
19 prevents any community board from holding a
20 hearing on any topic at any time. Thank you.

21 CHAIRPERSON VACCA: I thank you
22 very much. But, you know, I do have to say this,
23 with all due respect to your testimony and to
24 others who testified in a similar vein, if all
25 this collaboration occurred, then this legislation

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2 which codifies it is a no-brainer. So we are
3 codifying what everyone says has occurred. So
4 supporting it, to me, is a no-brainer. Council
5 Member Fidler?

6 COUNCIL MEMBER FIDLER: Well said,
7 Mr. Chairman. Obviously, considering the last two
8 spokesmen, perhaps Transportation Alternatives
9 wants to reconsider their comment about
10 representation on community boards, and thank you,
11 Mr. Perfetto--a friend of longstanding duration--
12 for coming today.

13 I'm going to try again with you Mr.
14 Pearlstein, what I tried with Mr. Martinez,
15 because I still don't really get it. You said
16 first that Intro 412 is virtually the same as
17 Local Law 90. That it's almost identical. So can
18 I assume from that verbiage that you acknowledge
19 that it is not the same as Local Law 90?

20 DANIEL PEARLSTEIN: Yes.

21 COUNCIL MEMBER FIDLER: Okay. So
22 if it is in fact codifying a community input
23 process that DOT has indicated does not delay the
24 implementation of bike lanes by five seconds,
25 what's the problem?

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2 DANIEL PEARLSTEIN: Well, going
3 back to the testimony, I believe of Deputy
4 Commissioner Woloch's earlier this morning, he
5 said that there were some important differences
6 between the committee and the department about the
7 law. My personal--

8 COUNCIL MEMBER FIDLER:
9 [interposing] Actually, he said they were
10 technical in nature, essentially.

11 DANIEL PEARLSTEIN: But he did note
12 that they were important.

13 COUNCIL MEMBER FIDLER: Well, I
14 mean, honestly, and I'll let you finish your
15 answer. When he's saying that the bill--you know
16 it's my bill so I can use the word in-artfully
17 drafted and says that they must hold a hearing as
18 opposed to the community board must conduct the
19 hearing, that is significant and important, but
20 it's not substantive.

21 DANIEL PEARLSTEIN: Sir, my concern
22 personally is that this will further gum up the
23 works. We've seen a slowdown in the striping of
24 bike lanes. As a bicyclist, that's a serious
25 concern for me. I cannot tell you how much safer

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2 I feel bicycling in a bike lane rather than on an
3 unprotected street with cars zooming by me.

4 COUNCIL MEMBER FIDLER: As you
5 should. But if DOT is already telling you the
6 process by which they plan and implement a bike
7 lane, it takes more than 90 days, what possible
8 harm is there in asking communities whether or not
9 they're doing it--and bike riders--if they're
10 doing it in the right place in the right way or
11 maybe missing a hazard?

12 DANIEL PEARLSTEIN: Well, my
13 concern is not that because I think that these
14 gentlemen have borne out that there's ample
15 opportunity for communities to give--

16 COUNCIL MEMBER FIDLER:
17 [interposing] I'll get to that point in a second.

18 DANIEL PEARLSTEIN: But my concern
19 is that DOT is understaffed. We know that it's a
20 horrible economy. We know there's been a hiring
21 freeze for years. I'm very cognizant as an
22 unemployed student that there's been a hiring
23 freeze for years. I would love to get a job doing
24 this type of work. So my concern is that with DOT
25 so overstretched trying to keep us safe that any

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2 additional process on their end is going to slow
3 down the implementation of life-saving
4 infrastructure.

5 COUNCIL MEMBER FIDLER: But you
6 just said that they're--I mean these two gentlemen
7 just said they're already doing it.

8 DANIEL PEARLSTEIN: Yeah, but I
9 don't want anymore on DOT's side.

10 COUNCIL MEMBER FIDLER: But they're
11 already doing it. DOT is already doing it.

12 DANIEL PEARLSTEIN: I thought the
13 community boards were already doing it.

14 COUNCIL MEMBER FIDLER: No, no, no.
15 The community boards, well they have to do it
16 together, that's the way it's got to be happening.
17 They're coming to community boards, I mean
18 apparently, I mean DOT has indicated and I've seen
19 some evidence in the last year that would support
20 that. That they are engaging stakeholders, they
21 are talking to businesses and residents and
22 communities and holding a hearing at the community
23 board, all prior to implementing.

24 DANIEL PEARLSTEIN: Well, if all
25 this is true--

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COUNCIL MEMBER FIDLER:

[interposing] So how is it taxing DOT's resources?
They're already doing it.

DANIEL PEARLSTEIN: With all due respect, if all that's the case then we don't need 412 because we have 90.

COUNCIL MEMBER FIDLER: No, they're not doing it because of Local Law 90 and they acknowledge that they're not doing it because of Local Law 90. They're doing it because they're improving their community outreach because they recognize the value of community input in buying-in--Council Member Brewer said it very effectively--buying-in to policy decisions that affect people's lives.

DANIEL PEARLSTEIN: I mean I--

COUNCIL MEMBER FIDLER:

[interposing] Now, as to your other point about they're already doing it. You know, commissioners, like Council Members, come and go. What if the next commissioner of DOT said, you know, the hell with this, I know best, I don't need to ask any community about bike lanes, I don't need to ask--matter of fact, I don't like

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2 bike lanes and I'm not going to ask communities
3 about it, how about that? The next commissioner
4 is anti-bike lane. How would you feel about the
5 lack of community input then? I mean I don't
6 understand. It's like only when you don't want to
7 hear what's coming, right?

8 DANIEL PEARLSTEIN: This
9 legislation doesn't provide any impetus to create
10 bike lanes. It just says if you so happen to want
11 to do it, we're going to slow you down. That's my
12 concern. Because when it's slowed down--

13 COUNCIL MEMBER FIDLER:
14 [interposing] No, no. It says if you want to do
15 it, you have to come and ask us in our
16 neighborhood whether we're doing it in the right
17 location for the right reasons and whether or not
18 we're missing anything.

19 DANIEL PEARLSTEIN: Well then--

20 COUNCIL MEMBER FIDLER:
21 [interposing] You're right, it doesn't create an
22 impetus. And perhaps, if the next commissioner is
23 anti-bike lane, the Council will have to do
24 something to create that impetus. Because I think
25 the general direction that this commissioner has

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gone is a good thing.

DANIEL PEARLSTEIN: I agree, but--

COUNCIL MEMBER FIDLER:

[interposing] I know that will come as a shock to those who think I'm being obstructionist. It's not slowing it down.

DANIEL PEARLSTEIN: It has slowed down. I'm concerned it will slow further.

CHAIRPERSON VACCA: But if I can add something, we're only talking of a 90-day window, a 90-day opportunity to comment. These bike lanes that are there are going to be there in perpetuity or for as long as we can judge. I don't know what is the urgency within the 90 days? Are talking maybe give a community board 15 days, 30 days? This is something that requires deliberation, and you don't want community boards to act precipitously. So it really goes against what I think your argument is. Your argument is that you want additional bike lanes. Well, if you do, there has to be community buy-in. If there's not community buy-in then DOT has got to seriously consider the safety issues raised by that community board after they have public hearings

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and do their due diligence.

ERIC MCCLURE: Mr. Chairman, if I may?

CHAIRPERSON VACCA: Yes, and then Mr. Perfetto.

ERIC MCCLURE: If I could just suggest a scenario where I see a potential problem that this legislation might create. And I'm happy to be corrected if I'm incorrect. A couple of months ago, the sister of Alan Dershowitz was killed on a bicycle by a postal truck on, I believe it was West 29th Street.

If DOT in its expertise were to look at that situation and decide there was a grievous danger to users of the street and decided that they needed to stripe in a temporary lane right away in order to preserve public safety, it's my understanding that this legislation would not allow them to act without that process to go to the community board, thereby, in my opinion, potentially putting other people in danger. That's a scenario that I foresee that would be a problem if this legislation were passed. None of us disagree that full collaboration--

CHAIRPERSON VACCA: [interposing]

Sir, with all due respect, and I do appreciate your argument, but with due respect, if an accident occurred and DOT then said we are going to put a stop sign in, that stop sign would not go in overnight until there was a study of the location and they could prove that it met the warrants that are necessary for the stop sign or the traffic light.

There are many people in this city who unfortunately are hurt in accidents. But I don't think in any of those cases does DOT go there the next day or the next 15 days, the next 30 days and says we're going to do a stop sign, we're going to do a traffic light. No, they don't. They may repaint the intersection, things like that, crosswalks, of course, should be a given.

I come back to the point that I truly think that Council Member Fidler's legislation is like a no-brainer and I think it deserves support. Yes Mr. Perfetto?

RALPH PERFETTO: First and foremost, Chairman Vacca, I want to thank you for

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2 being the chairman of this committee. I've
3 testified before this committee several times over
4 the years, and you have put an incentive over here
5 that surpasses all previous activity. I am
6 totally grateful for that, as your colleagues,
7 Council Member Brewer.

8 Council Member Fidler's example of
9 the proposed bike lane in front of a firehouse
10 should disprove any negative comment against Intro
11 412 absolutely. If they went in haste and put
12 that before the firehouse, and I know the area
13 that he's speaking about, definitely, definitely
14 there would have been many tragedies over there to
15 bicycle riders. So I think it's a great idea and
16 I think it should be passed. Thank you for that.

17 CHAIRPERSON VACCA: Thank you, Mr.
18 Perfetto. You may be up here one day, who knows.

19 COUNCIL MEMBER FIDLER: The last
20 comment I want to make. Mr. Pearlstein has
21 studied this issue. Not one word during this
22 hearing has been uttered that suggests that the
23 process of installing a bike lane will be extended
24 by one second if Intro 412 is passed. DOT stood
25 up here and didn't make that objection. I haven't

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heard it from anybody who can articulate with empirical data that it would.

The experience that we had in Prospect Park was an anomaly. I mean some of us don't represent the same kind of shi shi neighborhoods where everyone gets all, you know, panties in a twist over bike lanes. That doesn't mean that folks in Canarsie and Gerritsen Beach and Sheepshead Bay aren't entitled to their say and frequently entitled to the expectation that they know their neighborhood better than someone who is sitting in a building on Worth Street might.

As Mr. Perfetto just pointed out, the Ladder 321 example was perfect. I don't know any bike rider in my community who disagreed. In fact, they were emphatic that they did not want the bike lane where DOT was proposing it. They wanted it two blocks east so that they could bicycle, as is in my community bicycling being more of a recreational activity than one of commuting, where they prefer to recreate. It's simply a matter of asking people their preference. There is no evidence, not one word has come out

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here.

In fact, I'll remind everyone again what I said earlier, Commissioner Sadik-Khan thought 90 days wasn't enough. That it takes longer than 90 days or them to do a bike lane and she would just as soon have the input earlier in the process. So you can't use the word red tape, and I think it was Mr. McClure who used it. Red tape and community input, those are two different things.

Quite honestly, you cannot dismiss community input and call it bureaucratic red tape. It's rather important. It's democracy. Democracy sometimes is uncomfortable. Sometimes it means that you have to hear different points of view. I know that when we have public hearings here I hear different points of view that I may not like, but it's part of the process and it's not red tape. It's important.

CHAIRPERSON VACCA: Council Member Brewer, do you have a question?

COUNCIL MEMBER BREWER: Yes, I do. Thank you. I want to thank Mr. McClure for mentioning my no-cars in the park next summer in

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2 Central Park. As the Chair knows, I feel very
3 strongly about that.

4 My question in Brooklyn, because
5 I'm very Manhattan so I don't know that much about
6 Brooklyn, but the issue was when the community
7 board made their decision regarding the Prospect
8 Park bike lane, which became very controversial.
9 To me, I understand the community board did
10 support it, as we did on the west side. So was
11 that the kind of process that you think should be
12 followed elsewhere?

13 Because I know in Board 7 we did
14 have a very lengthy process and made a better bike
15 lane, et cetera. So I'm just wondering if that
16 process worked to your knowledge. I'm delighted
17 that you're on the community board.

18 ERIC MCCLURE: Thank you, Council
19 Member. It did work very well. It was more
20 deliberative than some of us would have liked
21 since the community board first asked DOT to study
22 a road diet on Prospect Park West in June of 2007.
23 It took three years for the project to be
24 implemented from that initial request to study.
25 But it was not as quick as some of us who have

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2 advocated for it would have like, but it certainly
3 was intense and open dialogue and back and forth,
4 and we're left with what is a really great road
5 redesign at this point.

6 COUNCIL MEMBER BREWER: And you won
7 the lawsuit too. So my question would be, I guess
8 my question/comment would be if those of us who
9 would actually like to see more bike lanes, and
10 it's a challenge given the nature of the public
11 dialogue, but for those of us who would like to
12 see more quality bike lanes, it seems to me that
13 that kind of deliberative process gives us the
14 impetus to be able to say we are getting comments,
15 these are the ideas. It takes some time but we
16 end up with a better product.

17 So I just throw that out as
18 something. You're Board 6; I think it is, was
19 deliberative but probably helped you in the end in
20 terms of the opposition because you had had that
21 process. So I guess I'm looking for the product
22 and the product to me is what I just described.
23 The reason I support this is because I actually
24 believe that it will end up with what I want,
25 which is more pedestrian safety and more safe bike

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2 lanes. So I just throw that out as something that
3 I think you might want to consider, despite your
4 excellent testimony. Thank you.

5 CHAIRPERSON VACCA: Thank you,
6 Council Member Brewer. Thank you to the panel.
7 Thank you to everyone. There being no further
8 questions, and no more speakers, this hearing is
9 now closed at 12:23 p.m. Thank you.

C E R T I F I C A T E

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

Signature 

Date October 11, 2011