

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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November 23, 2011
Start: 10:05 a.m.
Recess: 10:55 a.m.

HELD AT: Committee Room
250 Broadway, 14th Fl.

B E F O R E: DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:
Charles Barron
Julissa Ferreras
G. Oliver Koppell
Karen Koslowitz

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

Erik Joerss
Director of City Legislative Affairs
Department of Consumer Affairs

Fran Freedman
Deputy Commissioner, External Affairs
Department of Consumer Affairs

Vincent Petraro
Metropolitan Parking Association, Inc.

Anthony Borelli
Vice President, Planning and Real Estate
Edison Properties

Benjamin Feigenbaum
Executive Vice President
Edison Properties

Juan Martinez
Transportation Alternatives

CHAIRPERSON GARODNICK: Good

morning, everyone. Welcome to the Consumer Affairs Committee of the New York City Council. Today's date is Wednesday, November 23rd, the day before Thanksgiving, a happy almost thanksgiving to all in attendance and beyond. My name is Dan Garodnick. I have the privilege of chairing this Committee. I'm joined today by fellow Committee Members, Council Member Karen Koslowitz, Council Member Oliver Koppell, Council Member Julissa Ferreras. And we are going to be hearing today a preconsidered bill that is on the agenda that is sponsored by Council Member Koslowitz and we look forward to hearing from her in a moment.

But just by way of background, in August 2009, the New York City Council enacted legislation in response to increased bicycle ridership and the subsequent need for additional bicycle storage. One of the enacted laws, which is the topic of today's hearing, requires the City's larger garages and parking lots to provide bicycle parking spaces. This legislation, Local Law 51 of 2009, was enacted with the anticipation that bicyclists would consistently park their

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2 bikes in garages and parking lots. However, we've
3 learned from the Department of Consumer Affairs,
4 or DCA, that while DCA has issued hundreds of bike
5 parking violations to garages and parking lots,
6 less than 1% of the thousands of bike parking
7 spaces that have been made available throughout
8 the City are actually occupied on a daily basis.

9 In addition, while Local Law 51
10 initially include only garages with a capacity of
11 100 or more automobile spaces, just last week the
12 law became effective for garages with capacity of
13 51 or more automobile spaces. Thus, before the
14 Committee considers additional changes for the
15 bike parking requirement in garages and parking
16 lots, we want to know the impact of Local Law 51.
17 to provide some specifics on Local Law 51, it
18 requires each bike parking space to measure at
19 least 2x3x6 feet, with one bike space for every
20 ten automobile spaces, up to 200 automobile
21 spaces, and thereafter. And then thereafter, one
22 bike space for every 100 automobile spaces.

23 So, the Department of Consumer
24 Affairs is charged with enforcing Local Law 51,
25 and was required to report to the City Council

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2 within 12 months after the law's effective date,
3 its impact on increasing bicycle parking capacity
4 in garages, including the number and location of
5 bike parking spaces.

6 DCA's November 2010 report to the
7 Council on bicycle parking utilization in garages
8 and parking lots indicated that 939 parking lots
9 and garages met the criteria for inclusion under
10 local law 51. The report included information
11 from 330 of the 939 licensed facilities. Based on
12 the data included in the report, the bicycle
13 parking utilization rate is a very low .55%. At
14 today's hearing we're going to discuss why the
15 utilization rate may be so low. Is it because of
16 the cost of parking a bike in a garage or a lot?
17 Is it because we have seen an increased number of
18 bicycle parking options in New York? Is it
19 because the public just doesn't know that this is
20 an available option for them?

21 In addition to the bike parking
22 utilization provided in DCA's November 2010
23 report, DCA also reported to the Council that it
24 had issued--and I'm not going to preempt your
25 testimony completely, but I did have to include

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2 some of these facts--that it had issued 1,855 bike
3 parking violations to garages and parking lots
4 through September 2011. One of the issues and
5 questions we'll have for DCA is exactly when you
6 started so we understand exactly what period of
7 time that 1,855 violations took place. This
8 included 842 violations for inadequate or improper
9 bike spaces, 401 violations for bike spaces that
10 were not protected from automobile spaces by a
11 physical barrier, and 163 violations issued to
12 garages with no bike parking spaces at all.

13 The preconsidered bill on today's
14 agenda was drafted with the understanding that a
15 large number of violations have been issued to
16 garages and parking lots in the face of very low
17 bike parking utilization. So, this legislation,
18 as you will hear from Council Member Koslowitz in
19 a moment, would eliminate the requirement to
20 protect bicycles from motor vehicles by use of
21 physical barriers, and would repeal the parking
22 space dimension requirement as set forth in Local
23 Law 51. So, I could say a little bit more about
24 that, but I am not going to, because I'm going to
25 turn the floor over to Council Member Koslowitz,

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2 who is the sponsor of the bill. And after that
3 time we will look forward to inviting DCA to come
4 testify and give us the flavor of how things have
5 been working with Local Law 51 and also to hear
6 their view on the Koslowitz legislation. Council
7 Member? The floor is yours.

8 COUNCIL MEMBER KOSLOWITZ: Thank
9 you, Chair Garodnick and the members of the
10 Consumer Affairs Committee today for hearing this
11 legislation.

12 This bill mixes a commonsense
13 approach with recent data to meet both the needs
14 of cyclists and parking garages in the city of New
15 York. In 2009, the Council enacted Local Law 51,
16 requiring all parking garages and lots with 100 or
17 more spaces for cars to provide and maintain one
18 space for bicycles for every ten car spaces. The
19 law also stated that the garages must provide an
20 area of 2x3x6 feet for all bicycle spaces. In
21 addition, those spaces must be enclosed by
22 physical barrier. A year later, the DCA provided
23 a report to the council that showed that out of
24 5,733 bike parking spaces, only 15.3 spots on
25 average each day. This bill uses this data to

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2 amend the law to benefit both bicyclists and
3 garages by removing the designated space and
4 barrier requirements for bike parking, requiring
5 that garages and lots are equipped with racks,
6 poles, hooks, chains and locks, that enable them
7 to park up to one bicycle for every ten automobile
8 spaces, and requiring that bikes are secured with
9 said devices unless they are parked in a location
10 where only employees of the garage or lot can
11 remove the bike. I look forward to the testimony.

12 CHAIRPERSON GARODNICK: Thank you
13 Council Member Koslowitz. And before we go to
14 DCA, I just want to invite Council Member Koppell
15 to say a few words, as he was the sponsor of Local
16 Law 51. Council Member Koppell?

17 COUNCIL MEMBER KOPPELL: Thank you,
18 Mr. Chairman. I am pleased to participate in the
19 hearing today. I was very pleased that the
20 Council passed the original requirement that car
21 parking facilities had to provide spaces for
22 bicycles. The report from Department of Consumer
23 Affairs indicates, as you said a low utilization
24 rate. And we do not want to create hardship for
25 garage owners, so long as space is available. So

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2 this bill, by making alternate arrangements or
3 allowing for alternate arrangements rather than
4 spaces that would be occupied by cars, alleviates
5 a burden on the garage owners which may not be a
6 necessary burden because of the low utilization
7 rate.

8 I've done some independent
9 investigation with my staff and it confirms that
10 the utilization rate is indeed very low, and in
11 talking to garage owners, my staff reports to me
12 that they believe that the principle reason is,
13 quite frankly, that people who ride bikes don't
14 like to pay for parking them, and the fees that
15 are being charged are a barrier to usage. I think
16 you correctly also pointed out, Mr. Chairman, that
17 there are now more bike racks. In fact, the City
18 is installing bike racks all over the place, and I
19 guess people are not afraid to attach their bikes
20 to the bike rack and therefore not use a parking
21 garage.

22 I am pleased that the staff of the
23 Council and the Committee are not changing the
24 requirement that the garages still park bicycles,
25 because I think we are in an evolving situation

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2 where more and more people are using bicycles to
3 get to work and to get around. And therefore I
4 think it's very premature to alter the
5 requirement, but we're not doing that, and for
6 that reason I'm sympathetic to what we are doing
7 and will investigate it. And just as we can see
8 that we can change the law that we did today, if
9 the law requires further change in the future, I'm
10 sure we or our successors will be able to do that.
11 So, I think it's a reasonable response to the fact
12 that the utilization rate is so low and that
13 people have been getting a lot of violations where
14 they're not really--people are not using the
15 facilities. So, they're getting a violation
16 saying you're not keeping enough spaces available,
17 but people are just not there to demand the
18 spaces. If we had some other situation, I would
19 not necessarily support this; but given the
20 situation that exists, I think that as long as the
21 Consumer Affairs Department supports this and as
22 long as the current law is going to remain in
23 effect and indeed be expanded to the smaller lots,
24 as I understand that still is in the law, I'm
25 satisfied. Thank you.

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2 CHAIRPERSON GARODNICK: Thank you,
3 Council Member Koppell for your comments and for
4 bringing the initial bill to the Council, which I
5 think we all regard as an important piece of
6 legislation. So, with that, we are going to
7 welcome the Department of Consumer Affairs to the
8 witness table, in what I expect will be the
9 shortest testimony of DCA and Council relations.

10 COUNCIL MEMBER KOSLOWITZ: Wow.

11 CHAIRPERSON GARODNICK: Impressive.
12 I look forward to hearing from you, and I'm sure
13 there's going to be some questions.

14 ERIK JOERSS: I am Erik Joerss,
15 Director of City Legislative Affairs for the
16 Department of Consumer Affairs. Commissioner
17 Mintz has asked me to thank you for the
18 opportunity to appear before you at this hearing.

19 The Department currently licenses
20 1,305 garages, 615 lots and 46 combined
21 facilities, for a total of 1,996 entities. Since
22 Local Law 51 of 2009 became effective, DCA has
23 received a total of 13 consumer complaints related
24 to bicycle parking. In 2001 [sic], the Department
25 issued a total of 135 violations related to the

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Local Law, which accounted for 11% of all parking garage violations issued during the year.

The Department supports Intro 3940. The bill minimizes the burden on businesses and provides flexibility to garage operators, all while ensuring that ample space is provided for people to safely and securely park their bicycles. It appears to be a sensible and practical solution that satisfies all interests. I am happy to answer any questions you may have.

CHAIRPERSON GARODNICK: One minute, 32 seconds.

COUNCIL MEMBER KOPPELL: Did he say 2001?

FRAN FREEDMAN: He meant 2011.

CHAIRPERSON GARODNICK: Yeah, 2011 is what we have in the testimony.

ERIK JOERSS: 2011.

CHAIRPERSON GARODNICK: Thank you for the clarification. Okay, so let me start with just a few questions here, and I know that my colleagues will surely have them. You noted that the Department licenses 1,305 garages, 615 parking lots and 46 combined. How many of them--I had

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2 cited 939 in my opening, is that still the
3 accurate number of garages and parking lots that
4 fall under Local Law--

5 ERIK JOERSS: [Interposing] I don't
6 have an updated number from that. If that's not
7 the exact number I imagine it's still very, very
8 close.

9 CHAIRPERSON GARODNICK: That was
10 the number before it included lots over 51.

11 ERIK JOERSS: Yes.

12 CHAIRPERSON GARODNICK: Okay. And
13 you noted that there were 135 violations issued in
14 2011. But the report that you gave to us
15 indicated 1,855 bike parking violations through
16 September 8th, 2011. Now, give us--that's
17 obviously a big difference there. I assume we're
18 talking about a different time period.

19 ERIK JOERSS: We're talking--yeah.

20 CHAIRPERSON GARODNICK: Tell us,
21 help us understand, 135 violations were in 2011
22 calendar year. But 1,855 were what?

23 ERIK JOERSS: In 2010, after the
24 law took effect in '09, in 2010 we really focused
25 attention on this. We did a sweep on this as kind

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2 of an everybody making sure everybody understands
3 the law and is in compliance with it. Since then
4 we have found that the compliance, you know, some
5 degree of the compliance has grown. And the
6 numbers that--135 is 11%, is kind of more in line
7 with the amount of bicycle, or at least closer to
8 the percentage of people, of bicycles in the
9 garages versus cars, versus when we did the sweep,
10 which in some ways was disproportionately tackled
11 bicycle parking.

12 CHAIRPERSON GARODNICK: Okay, but I
13 still don't have the answer to my question, which
14 is--

15 ERIK JOERSS: [Interposing] 2010
16 there was a sweep done by the Agency, which is
17 where most of that number came from.

18 CHAIRPERSON GARODNICK: Okay. So,
19 if you take 1,855 and you subtract the 135 that
20 you did this year, the rest of them were done in
21 2010?

22 ERIK JOERSS: Yes.

23 CHAIRPERSON GARODNICK: And they
24 were bike parking violation, the 1,855 total that
25 were bike parking violations?

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ERIK JOERSS: I believe so.

FRAN FREEDMAN: Correct.

ERIK JOERSS: Yeah.

CHAIRPERSON GARODNICK: Okay. Is there a breakdown between the number of violations that you issued to garages as opposed to parking lots?

ERIK JOERSS: No. I don't know. I certainly don't have it; I can check if we can get it.

CHAIRPERSON GARODNICK: Okay. Do you know if there's any difference between the violations that were issued to garages versus parking lots?

ERIK JOERSS: I don't know.

CHAIRPERSON GARODNICK: That would be useful for us to know the answer to and ask your follow up on that. You issued, apparently, of those 1,855, 1,005 violations for inadequate, improper, or no bike parking spaces. Do you have the breakdown of those different categories?

ERIK JOERSS: Well, what I have is that--what we were able to break out was 163 of those were for no bike parking.

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CHAIRPERSON GARODNICK: Okay. And the rest were either inadequate or improper?

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ERIK JOERSS: Yes.

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CHAIRPERSON GARODNICK: Okay. Now, just so we all understand what inadequate and or improper means, does inadequate mean too few?

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ERIK JOERSS: Inadequate bike parking, yes, would be too few. Improper would be, you know, it doesn't have the concrete barrier, it doesn't have the requisite space.

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CHAIRPERSON GARODNICK: So, configured improperly in one way or another.

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ERIK JOERSS: Yeah.

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CHAIRPERSON GARODNICK: Okay. There's also a waiver provision for garages and parking lots in Local Law 51. If compliance with the bike parking law would result in a violation of the applicable zoning regs, apparently there were 72 violations for no waiver for bike parking. In the situations where you all issued a violation for no waiver, did you also issue a violation for no bike parking spaces?

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ERIK JOERSS: Let me defer to Fran

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on that, if I may.

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CHAIRPERSON GARODNICK: Sure,

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please. You're good.

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FRAN FREEDMAN: Thank you, Mr.

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Chair. Fran Freedman, Deputy Commissioner for

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External Affairs for the Department of Consumer

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Affairs. If a garage or parking lot was not able

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to produce the waiver that allowed them not to

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comply because of their building code and zoning

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code, we did issue a violation to them for not

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being able to produce the waiver, even though

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strictly by vehicle count capacity they should

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have had bikes. So that was that waiver.

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CHAIRPERSON GARODNICK: So, the

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point is, you did 72 violations of that type.

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FRAN FREEDMAN: Right.

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CHAIRPERSON GARODNICK: Somebody

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needed a waiver, didn't have it.

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FRAN FREEDMAN: Exactly.

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CHAIRPERSON GARODNICK: And in that

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situation you didn't double up and issue another

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violation for not having bike parking.

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FRAN FREEDMAN: No, no.

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CHAIRPERSON GARODNICK: So that was

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a separate...?

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FRAN FREEDMAN: Exactly.

CHAIRPERSON GARODNICK: Okay. The data that you submitted to us about bike parking utilization, did it include garages only or did it include garages and parking lots?

FRAN FREEDMAN: Garages, parking lots and combos.

CHAIRPERSON GARODNICK: Everybody who was--

FRAN FREEDMAN: [Interposing] Everyone.

CHAIRPERSON GARODNICK: --covered by the law.

FRAN FREEDMAN: Precisely.

CHAIRPERSON GARODNICK: And we think that that number is 939.

FRAN FREEDMAN: Yeah, exactly.

CHAIRPERSON GARODNICK: Okay. Now, you did a survey of 330 parking facilities and garages.

FRAN FREEDMAN: Actually, the Association, the Metropolitan Parking Association.

CHAIRPERSON GARODNICK: Sorry, Metropolitan Parking Association.

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2 FRAN FREEDMAN: Conducted that
3 survey on our behalf.

4 CHAIRPERSON GARODNICK: Now, the
5 Metropolitan Parking Association represents 330 of
6 the 939, is that the--

7 FRAN FREEDMAN: [Interposing] I
8 believe they represent at least 500, and I'm
9 delighted to say that the association is
10 represented here, and I think can be most
11 effective and answering those questions.

12 CHAIRPERSON GARODNICK: That's
13 fine. But what I want to understand from DCA is
14 your comfort in relying on the data just from this
15 particular association. What distinguishes this
16 association from the rest of the parking garages,
17 and why you felt like that is the appropriate way
18 for us to rely on the information?

19 FRAN FREEDMAN: I'm thinking it's
20 exactly because, Mr. Chair, as you have said, they
21 represented at least 500 of those garage and
22 parking lot owners. It's an association with
23 which we have a strong affiliation over many, many
24 years. And we've been mutual conduits of
25 education. We've discussed regulations. We have

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2 an ongoing relationship. And in point of fact the
3 Department did not track, does not track bike
4 utilization, so in fact we did have to rely upon
5 their good will in assisting us in this project.

6 CHAIRPERSON GARODNICK: Did you all
7 contact any garages or lots that are not members
8 of this association?

9 FRAN FREEDMAN: We did not.

10 CHAIRPERSON GARODNICK: Okay. So
11 you relied wholly on them.

12 FRAN FREEDMAN: We did.

13 CHAIRPERSON GARODNICK: Okay. All
14 right. I think Council Member Koppell has some
15 questions, and--

16 COUNCIL MEMBER KOPPELL:
17 [Interposing] I think I know the answer to this,
18 but just to confirm, are the garages required to
19 post a sign saying that bike parking is available?

20 FRAN FREEDMAN: They are indeed.

21 COUNCIL MEMBER KOPPELL: And that's
22 one of the things you check when you do an
23 investigation or inspection?

24 FRAN FREEDMAN: It's one of the
25 main things we checked, and I can tell you that in

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2 terms of the violations, the numbers for which you
3 already have, there were 150 violations given for
4 improper signage for those spaces.

5 COUNCIL MEMBER KOPPELL: Right.

6 And since the number went down a lot between 2010
7 and 2011, can one take that as an indication that
8 more people are complying, for instance, with the
9 signage requirements? I mean, you indicate--your
10 colleague there indicated that in 2010 there were
11 like 1,000 violations and in 2011 only 135, I
12 think. Right?

13 FRAN FREEDMAN: 165, yeah.

14 COUNCIL MEMBER KOPPELL: 165.

15 FRAN FREEDMAN: And I think--135?

16 Yeah. Okay. Council Member, just to be very
17 clear, when the law was passed, as my colleague
18 Mr. Joerss said, we conducted sweeps.

19 COUNCIL MEMBER KOPPELL: Right.

20 FRAN FREEDMAN: Which we don't then
21 carry forward. What we do then is we inspect on
22 patrol or in response to complaints. And so
23 that's why you're seeing a diminish in the
24 numbers. I can't say that one can take that
25 variable and say that there's more compliance.

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COUNCIL MEMBER KOPPELL: So you don't really know whether--

FRAN FREEDMAN: [Interposing] We don't really know. I can tell you though how many violations were given for no signage.

COUNCIL MEMBER KOPPELL: Over 2011, how many were there?

FRAN FREEDMAN: Exactly. Do we have--I think we have the breakdown. Or, we can certainly get you that number and then we can compare by percentage.

COUNCIL MEMBER KOPPELL: With automobile parking, there's no limit as to how much can be charged as long as it's on the sign. Is that correct or it's not correct?

FRAN FREEDMAN: Yes. We don't regulate rates.

COUNCIL MEMBER KOPPELL: Right. So, do you do anything to evaluate or, I guess, to provide a report on what rates are being charged? Is there any study of how much is charged for automobile parking and bike parking?

FRAN FREEDMAN: We've never conducted such a study, but you know that by law,

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all garages and parking lots and combos must report rates with the Department, and any changes must be reported within 60 days.

COUNCIL MEMBER KOPPELL: And that would also include bicycle parking rates?

FRAN FREEDMAN: It does include, absolutely includes bicycles.

COUNCIL MEMBER KOPPELL: So, if one wanted to figure out how much was being charged, those reports are with your agency. Is that correct?

FRAN FREEDMAN: Those rates are with our agency.

COUNCIL MEMBER KOPPELL: The rates, yes. The reports of the rates--

FRAN FREEDMAN: [Interposing] We don't compile--right, we don't compile those in any way in a report.

COUNCIL MEMBER KOPPELL: So, if I was interested in knowing what was charged for bicycle parking, could I find that out from you, from your agency?

FRAN FREEDMAN: We'd literally have to engage someone in a hand search of the files,

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but we can certainly do that.

COUNCIL MEMBER KOPPELL: Well,
could someone else--

FRAN FREEDMAN: [Interposing] It's
time intensive. It's very time intensive.

COUNCIL MEMBER KOPPELL: --do it?
Could I send a staff person to go through the
files and check it?

FRAN FREEDMAN: Of course.

COUNCIL MEMBER KOPPELL: Yes.
Okay. Because, I mean, I do think--I don't know
that we want to get involved in price controls,
but I think that one major barrier here is the
price charge. We saw some signs, as I said, I had
my staff do a little bit of a survey of our own,
and we saw quite a few signs of \$15 to park a
bike. I mean, I think that's a major barrier to
people using it. There was one garage, because I
looked at--my staff person took some pictures.
One garage charged \$5. I think that's a
reasonable charge, \$5. But \$15 seems to me to be
a very high charge. Now, I don't know if there's
anything you can do about it. You don't have
price control for cars, so I doubt that price

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2 controls for bikes would be a welcome proposal.
3 I'm not saying it one way or the other as far as
4 I'm concerned, but I don't think it's likely to
5 happen. But I think it would be interesting to
6 see what--and to correlate whether the charge does
7 result in increased usage because that would also,
8 I think it would be interesting for the industry,
9 because, you know, if charging \$5 would bring, you
10 know, let's say 10 bikes in a day, and charging
11 \$15 brings in no bikes, it might be better to
12 charge \$5.

13 FRAN FREEDMAN: Well, we're very
14 lucky that we have the association with us, and
15 I'm sure you're going to want to raise it with
16 them.

17 COUNCIL MEMBER KOPPELL: I'll ask
18 them that question. Okay. Thank you.

19 FRAN FREEDMAN: Thank you.

20 CHAIRPERSON GARODNICK: Thank you
21 very much for your testimony. I think we have a
22 couple of follow-ups for you on breakdowns, so we
23 ask that you guys get back to us on that. And we
24 thank you for being here and happy holiday.

25 FRAN FREEDMAN: Thank you. Happy

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holiday to you. Thank you.

CHAIRPERSON GARODNICK: Okay.

FRAN FREEDMAN: To all of you.

CHAIRPERSON GARODNICK: Our next panel is Vincent Petraro from the Metropolitan Parking Association, Benjamin Feigenbaum from Edison Properties, and Anthony Borelli, from Edison Properties. I don't know if everyone is coming up. Yes? Great. Welcome. And then the next panel is a solo panel, and it's going to include Juan Martinez of Transportation Alternatives. Gentlemen, welcome. And whenever you're ready. Do you want to go ahead, Mr. Petraro?

VINCENT PETRARO: Okay, yes. Thank you, Chair Garodnick and members of the Committee. My name is Vincent Petraro. I represent the Metropolitan Parking Association, a trade association of many of the parking lot and garage operators in the City of New York.

We have been happy to have been working with the City Council and the Department of Consumer Affairs since prior to the passage of Intro 780-A in the summer of 2009. The members of

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2 the Metropolitan Parking Association, since the
3 addition and approval of § 20-327.1, that intro,
4 to the administrative code over two years ago,
5 have diligently prepared their facilities for
6 bicycle parking and have taken all customers who
7 have requested bicycle parking. Regrettably, very
8 few customers have sought to park their bicycles
9 in our members' parking facilities.

10 At the request of the Department of
11 Consumer Affairs, the Metropolitan Parking
12 Association prepared and submitted a study that
13 found that over an eight month period from
14 February 1 through September 30th, 2010, just a
15 little over one half of 1% of bicycle parking
16 spaces were utilized. The actual number was .55%.
17 Therefore, over 99% of allotted bicycle parking
18 spaces remain vacant day in and day out.

19 Since the study was prepared, the
20 percentage usage of bicycle spaces remains
21 unchanged. While we enthusiastically support the
22 accommodating of bicycles in our members' parking
23 facilities, the initial legislation created
24 unnecessary burdens on our members in carrying out
25 this goal. We are hopeful that the new proposed

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2 legislation will alleviate some of the burdens of
3 the original bill. Those burdens included
4 providing excessive area for bicycle parking
5 spaces, even when no bicycles were present, and
6 disrupting the operation of parking facilities by
7 allowing bicycle customers to move about areas of
8 the parking facilities where auto customers are
9 not permitted.

10 The Metropolitan Parking

11 Association appreciates the efforts of the City
12 Council in addressing the concerns of the industry
13 while in no way diminishing the implementation of
14 the bicycle parking program. We look forward to
15 continuing to work with the City Council and the
16 Department of Consumer Affairs to make the law
17 even better for both bicycle riders and for
18 operators of parking facilities. Thank you.

19 CHAIRPERSON GARODNICK: Thank you
20 very much. Gentlemen?

21 ANTHONY BORELLI: Sure. Hi. Good
22 morning Chair Garodnick, Council Member Koslowitz,
23 other members of the Committee. Thanks for
24 providing this opportunity for Edison Properties
25 to express our concerns on the proposed

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2 amendments. My name is Anthony Borelli. I'm the
3 Vice President of Edison Properties. Vice
4 President for Planning and Real Estate. I'm
5 joined with by Ben Feigenbaum, Executive Vice
6 President for Edison's Parking Operations. He's
7 our expert on day-to-day business operations.
8 I'll provide the remarks. We'll both stay for
9 questions.

10 Just for background purposes,
11 Edison has been in the parking business since
12 1956, when we bought one parking lot. In addition
13 to our parking business, we're involved in other
14 real estate business activities. We operate mini
15 storage, office buildings, residential
16 developments.

17 In terms of parking, Edison
18 currently owns 34 of the 40 facilities it
19 currently operates in New York City, New Jersey,
20 and Baltimore. In New York alone, Edison operates
21 23 facilities throughout Manhattan and Downtown
22 Brooklyn. We're in full compliance with the 2009
23 legislation. Edison provides parking at every
24 single one of its locations. We have a total of
25 approximately 350 spaces.

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2 Edison operates its parking
3 business, like all of its businesses, with a
4 spirit of progressiveness and cooperativeness.
5 Last year we supported the City's car share
6 legislation. Also last year we provided the first
7 free public electric vehicle charging station. We
8 now have that capacity at 20 of our locations.
9 And in an effort to make our facilities more
10 attractive to bicyclists, we dropped our rates for
11 parking bikes to \$1 a day, or \$20 a month. Now
12 onto the proposed amendments.

13 As we understand it, the proposed
14 language would require the operator of every
15 garage and lot to provide and maintain locks,
16 chains or other devices with which to secure
17 bicycles. This is a problem for us. Imposing this
18 new responsibility on parking facility operators,
19 us specifically, is generally problematic for two
20 reasons. First, it will create logistical burdens
21 and increased operational costs. We're in the
22 business of parking cars. Our parking attendants
23 are hired and trained specifically to park cars.
24 Setting up a system to manage a rental system for
25 chains and locks and keys I hope is beyond what

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2 the council's intent was for providing reasonably
3 secure and accessible parking spaces in our
4 facilities. Secondly, if parking operators are
5 made responsible for chaining and locking bicycles
6 using its own equipment, bailment will be created.
7 As it does for cars that are attended valet
8 facilities, bailment will require insurance for
9 bicycles and everything on the bicycles;
10 accessories, baskets, racks, stuff inside the
11 baskets, etc. Together, these problems would
12 cause Edison and operators like us to increase our
13 fees for parking bicycles in order to account for
14 these additional real costs. We don't want to do
15 this and we don't believe it's consistent with the
16 spirit or the intent to encourage bicycle use in
17 the City.

18 As you know, as I said, Edison
19 provides bicycle parking virtually for free. We
20 do this in order to make our spaces as accessible
21 as possible to bicyclists. Bicyclists are
22 attracted to our facilities not only because they
23 are cheap, but also because by virtue of just
24 being off the street in a staffed facility,
25 fenced, indoors in a garage, our sites are already

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2 more secure and safer than no-cost alternatives on
3 city sidewalks--bike racks, lampposts, tree
4 guards, etc.

5 Other than these concerns, we're
6 generally supportive of the Council's efforts to
7 fine-tune the City's code, and we agree with the
8 other aspects of the amendment, the proposed
9 amendment. Ultimately we hope that the language
10 requiring operators to provide locks and chains
11 would be removed from the proposed amendment.
12 We're happy to answer any questions, and we're
13 certainly happy to work with any of the
14 appropriate parties to develop an alternative
15 means to promote bicycle ridership in the city.
16 Thanks.

17 CHAIRPERSON GARODNICK: Thank you,
18 Mr. Borelli. Let me just start with a few
19 questions, then I know we've got questions from
20 Council Members Koppell and Koslowitz. First, for
21 the Metropolitan Parking Association. The range
22 of prices that your members are charging for bike
23 parking.

24 VINCENT PETRARO: Right. There is
25 a range of charges. We've heard of a low charge

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of \$1--

CHAIRPERSON GARODNICK:

[Interposing] Now are these, I'm sorry. Is Edison one of your members?

VINCENT PETRARO: They are a member.

CHAIRPERSON GARODNICK: They are a member. Okay, got it. So, it ranges from a buck a day.

VINCENT PETRARO: I've seen the \$15 prices that we've heard about.

CHAIRPERSON GARODNICK: What's the average?

VINCENT PETRARO: I would say the average is closer to about \$5, \$6 a day. Because some of the people that have higher rates, there aren't as many facilities, so it brings the average down, so I would say probably more like \$5, \$6, the average. And, you know, as stated, the Association can in no way set prices either or make some kind of talk about it, but there is a range, yes.

CHAIRPERSON GARODNICK: Now, of your members, do garage operators typically allow

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2 bicycles to park their own bikes or do they opt
3 for the situation where the attendant parks the
4 bikes?

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VINCENT PETRARO: Most of our
6 members the attendant parks the bikes in a valet
7 fashion.

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CHAIRPERSON GARODNICK: Okay. Now,
9 from your perspective, why do you think the bike
10 utilization rates are so low?

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VINCENT PETRARO: I think the bike
12 utilization rates are low for a number of reasons.
13 One, at the same time the Council passed this bill
14 you passed another bill regarding people bringing
15 the bikes into their own offices. And also as
16 stated, there's a lot more bike racks out on the
17 street than there had been in the past. And just
18 also important, I know the price was mentioned, we
19 don't see--there's not a difference, whether
20 you're charging a very low amount or the higher
21 amount as far as bike utilization. In other
22 words, it's still very low no matter what the
23 price would be. I just think that most bicyclists
24 don't want to pay anything and it's because of
25 these other availability options.

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CHAIRPERSON GARODNICK: In the association's testimony in December 2008 on the bill there was--you indicated, by you I don't know if it was you specifically, but the Association indicated that older parking facilities posed some specific safety concerns for parking bicycles. The question is, do you still believe that there exists safety concerns--full stop. Well, do you still believe that exists?

VINCENT PETRARO: It was I who testified and I still do. And when I meant older, some of the older facilities have narrow lanes. The regulations today provide for wider entrances and things of that sort. Some of the older facilities have narrow lanes. They're steep. And I'm still concerned about the safety, but because of the low utilization it hasn't been an issue.

CHAIRPERSON GARODNICK: Do you know of any injuries that any bicyclists or attendants have suffered?

VINCENT PETRARO: No.

CHAIRPERSON GARODNICK: Okay. As a result of any of this.

VINCENT PETRARO: No, I don't know

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2 of any, no.

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CHAIRPERSON GARODNICK: And you had also mentioned liability concerns that the bike parking law might impose on garages. Is that still a concern today?

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VINCENT PETRARO: Well, we've informed all the operators back then about speaking to their insurance companies. And since there hasn't been a problem it hasn't been--it's still a concern, but it hasn't come to that level yet of a problem.

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CHAIRPERSON GARODNICK: And for Mr. Borelli, let's just talk about what you all do that may make you distinct here or what the issues may be specifically for Edison Properties. You said that providing locks and chains would mean that you would need to incur additional costs from what you currently have to do. It might require that you raise your rates. How are you currently parking bicycles? How does it work in the Edison Property garages?

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ANTHONY BORELLI: At all of our facilities we allow bicyclists to walk their bikes into our lots or into our garages and use our

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racks to self-lock their bikes. We do not provide valet bicycle parking at any of our facilities.

CHAIRPERSON GARODNICK: Okay. So in other words they are bringing their locks, their chains. They're using your racks.

ANTHONY BORELLI: Correct. And we would be happy to continue doing that.

CHAIRPERSON GARODNICK: Now, you noted that a bailment is created under certain circumstance. And I just want to explore that. I want to explore that a little bit with you as to what are the circumstances that creates a bailment, why a bailment does not exist under the current circumstance and what that would mean for you. So, first of all, why would this create a bailment whereas it doesn't exist today in your view?

BENJAMIN FEIGENBAUM: Yes, I'll be happy to answer that.

CHAIRPERSON GARODNICK: Identify yourself first, please.

BENJAMIN FEIGENBAUM: Benjamin Feigenbaum. I'm responsible for parking at Edison Parking. A bailment is created once I take care,

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2 custody and control of the bicycle and it's in my
3 possession having taken it from you, the bike
4 rider, and affixed my lock to it. It creates a
5 stronger connection between my being responsible
6 for the bicycle safety and security and all parts
7 thereto. By asking customers at a very low price
8 to self-park their bike on my lot, my employees
9 don't get involved whatsoever other than to ask
10 the customer to please use their own lock and
11 chain. And then we affix to it a little tag,
12 which isn't material to the bike, which indicates
13 the customer has paid his dollar for the bike.
14 And the tag itself is not material to the security
15 of the bike. The customer therefore keeps control
16 of the bike and we believe there is no bailment
17 created as a result.

18 CHAIRPERSON GARODNICK: So you
19 don't think that Edison Properties would have
20 responsibility if while that bicycle was locked up
21 on your rack in your garage with somebody else's
22 chain, if something happened to the bicycle, you
23 don't think that Edison would be responsible under
24 a bailment theory?

25 BENJAMIN FEIGENBAUM: That's our

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2 belief, yes.

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CHAIRPERSON GARODNICK: I don't
4 know if I agree with that. I actually think that
5 you would be responsible. I'm not sure that there
6 is any real distinction there from a bailment
7 perspective. Now, there may be a difference from
8 a cost perspective, and that I certainly
9 understand. I'm just not certain that you're
10 correct on a bailment theory of the law, but I
11 just wanted to note that. So before--I think
12 that's really, those are my questions. I'm going
13 to go to Council Member Koppell and then Council
14 Member Koslowitz.

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COUNCIL MEMBER KOPPELL: Thank you.
16 First of all, I want to compliment Edison on its
17 practice, which I welcome. I'm going to make sure
18 that when I park if there's an Edison facility,
19 I'll use it, at least this customer will. But
20 have you seen, given the fact that you have this
21 very low rate, have you seen greater usage than
22 the usage that other parking lots seem to have?
23 Do you have usage numbers?

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ANTHONY BORELLI: We do have
utilization numbers. I don't have them with me

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2 right now. The utilization rate is still
3 relatively low. I think some of our central
4 locations do a lot better than our locations at
5 the periphery. For example, we have a location at
6 44th and 6th, it's full. Every single one of our
7 spaces is used. Some of our spaces along the West
8 Side Highway are not.

9 COUNCIL MEMBER KOPPELL: Yes.

10 ANTHONY BORELLI: I think part of
11 the reason for low utilization overall is that
12 there's such a disparity in pricing that it's not
13 a--I don't think that it's sought after in the
14 same way that it might otherwise if everything was
15 \$1.

16 COUNCIL MEMBER KOPPELL: So in the
17 one that's full, how many cars--I mean what's the
18 car capacity of that lot, the one that's used?

19 BENJAMIN FEIGENBAUM: 640 spaces.

20 COUNCIL MEMBER KOPPELL: And how
21 many bike spaces do you have?

22 BENJAMIN FEIGENBAUM: I believe in
23 the vicinity of 45 to 60. I don't have the data
24 with me, but it's in that vicinity and every space
25 is used. I might add, Councilman, that a majority

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2 of our customers are monthly customers. They
3 prefer the \$20 a month offer. Our transient daily
4 customer is smaller. The monthly is the majority
5 of our customers.

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COUNCIL MEMBER KOPPELL: That's
7 very--I mean, in a sense that's very encouraging
8 actually that people are in fact using the
9 facility. And how much--so your racks. I mean,
10 how many bikes fit into a space that a car would
11 occupy?

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BENJAMIN FEIGENBAUM: It depends on
13 whether I need to maintain my two-foot margins.
14 If I would be able to utilize it more fully, I
15 could get as many as 16 spaces, 16 bicycles, into
16 a traditional parking space. But given the
17 limitations, that number is closer to eight as a
18 result of the existing limitations.

19

COUNCIL MEMBER KOPPELL: So the
20 bill would eliminate that two-foot requirement, so
21 that would be favorable for you?

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BENJAMIN FEIGENBAUM: Very
23 favorable. We very much support that. We think
24 it's great and we'd be able to accommodate more
25 bikes and take up less car space in the process.

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2 COUNCIL MEMBER KOPPELL: Well,
3 that's good. So, I understand your concern about
4 the locks, but I mean--and we should look at it,
5 Mr. Chairman, and look at that requirement. I
6 mean, I think the Department of Consumer Affairs
7 is very positively oriented towards that
8 particular requirement, so I hesitate to say that
9 we would be ready to take it out. But I
10 understand your concern and I again want to
11 compliment you, because I wish all the garages did
12 what you did. It would make my law a lot more
13 useful. But I don't know how we could do that.
14 Maybe the gentleman from the Metropolitan Parking
15 Association could make some recommendations to its
16 members. Because if you could get 16 bikes into a
17 space for one car, that begins at \$16, that begins
18 to, you know, make up for the fact you're losing
19 cars, if you can put \$16 bikes in a car space.

20 BENJAMIN FEIGENBAUM: And
21 Councilman, to the best of my knowledge, customers
22 who use our spaces do not complain about bringing
23 their locks and chains. I think it's pretty much
24 a standard practice for many bicycle users in the
25 city to have a lock and chain with them. And as a

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result, to the best of my knowledge, it hasn't caused any problems with people in our lots.

COUNCIL MEMBER KOPPELL: Well, I would urge, Mr. Chairman, the staff look at that issue. Because certainly the bikes should be locked up, but I don't think that--most bike riders who ride in the City do have a lock with them because otherwise, you know, they don't have a way of locking it up wherever they go. But I appreciate, again, I appreciate your testimony and I particularly appreciate the fact that you've encouraged use by charging a low fee. Thank you.

CHAIRPERSON GARODNICK: Thank you, Council Member Koppell. Council Member Koslowitz feels that her questions have now been answered, and I will note that we will be happy to raise those comments that you raised, particularly Edison with the issue that you believe is specific to you all, and see whether we can address that in the legislation. And with that, we thank you all for your presence here today and I'm going to call up Transportation Alternatives, which is our last panel of the day. And as soon as you're settled and ready, go for it. And let me also note that

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2 Council Member Barron has joined us. Welcome,
3 Council Member Barron. Go right ahead.

4 JUAN MARTINEZ: Thank you, Chair
5 Garodnick, Council Member Koslowitz. I'm here for
6 Transportation Alternatives. I really appreciate
7 the opportunity to provide testimony on the bill.
8 We celebrated the passage of Council Member
9 Koppell's bike parking garages bill in '09, along
10 with bike parking in office buildings--an example
11 of the innovative, thoughtful leadership that this
12 Council has provided in order to provide more
13 transportation options to New Yorkers. This bill
14 strikes us as a well-considered and considerate
15 approach at refining Council Member Koppell's fine
16 work. And just to run through a couple of the
17 changes that make a lot of sense to us. Retaining
18 the same number of spots while adjusting the space
19 requirement is a very sensible compromise. There
20 are a lot of ways to store a bike. There are a
21 lot of solutions to that issue, and 36 cubic feet
22 is probably a bit more than is necessary. But the
23 important thing is keeping the same number of
24 spaces. As we've heard, there are some garages
25 which are already at capacity. Also, I really

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2 applaud the sponsor's inclusion of a provision
3 which allows DCA to enforce against a garage which
4 doesn't allow a bicyclist to park their bike. I
5 have very limited experience with bike parking
6 garages. I actually tried to do it for the first
7 time not that long ago after I heard the bill was
8 introduced, and was told that even though the sign
9 on the wall said the bike parking was allowed, the
10 employee told me it wasn't. I think that that's
11 probably--you know, there are 1,000 explanations
12 for that. And I think that the Committee's
13 interest in prices as the real key there, that
14 sensitivity is very, very helpful. And I really
15 appreciate the interest in doing something more
16 specific on that front, understanding that of
17 course we don't want to get into the price fixing
18 arena. And regards to lock and chains, we agree
19 that most consumers carry their own locks and
20 chains, so perhaps there is some more further
21 refining to be done on that front. But, again,
22 the sensitivity to the price is very, very much
23 appreciated. I think that's probably one of the
24 biggest barriers to widespread usage.


25 CHAIRPERSON GARODNICK: Thank you

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very much. Thank you for your testimony. And with that I think now is an appropriate time for us again to wish everybody a very happy and healthy holiday, and we'll look forward to taking a look at the comments made today considering any additional changes to this legislation before we move it forward. And with that, thanks everybody, and we are adjourned.

C E R T I F I C A T E

I, Erika Swyler, 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 12/14/2011