



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

February 17, 2012

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2012 FEB 17 A 11:30

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 490-A, which would create a new Administrative Code Section 19-215, requiring the cancellation of a parking violation summons issued by electronic means for failure to pay a metered fare when the issuing agent is, not later than five minutes after the issuance of the summons, presented with a valid munimeter receipt time stamped no later than five minutes after the time of the issuance of the notice. The new Administrative Code section would create companion requirements regarding language to be placed on the canceled summons, reprogramming of the electronic system used to issue such summonses, and the reporting of data associated with cancellation of such summonses. This proposal is deeply flawed in several ways.

The New York City Police Department has implemented integrity measures that prevent the alteration or improper voiding of summonses, but Introductory Number 490-A would weaken those important protocols, creating an unacceptable risk to the integrity of the City's workforce.

Motorists already have remedies for incorrectly-issued parking summonses. Because it takes time after parking one's vehicle to walk to and from a munimeter, Traffic Enforcement Agents are trained to check whether a motorist is in the process of purchasing a receipt. They do so by looking up and down the street, and also by asking any likely individual if the vehicle is theirs before issuing a summons for one of these violations. In the event an Agent's search misses a paying motorist and a summons is issued during this time, the motorist could avail him- or herself of the full, fair, and fast adjudication proceedings at the Department of Finance.

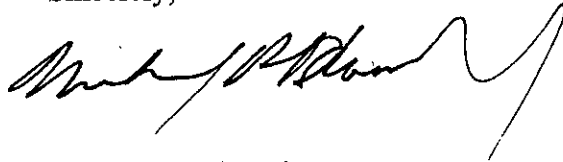
Although Traffic Enforcement Agents cannot cancel a parking ticket once it has been issued, motorists can contest their parking summonses before the Department of Finance's administrative tribunals — and, by submitting evidence by mail or online, have their summonses dismissed fairly and expeditiously without having to leave their homes. On the other hand, providing enforcement personnel the ability to "adjudicate" and cancel a summons at the scene of a violation would introduce unnecessary temptation to skirt the system. I have every faith in the integrity and dedication of our enforcement personnel, but will not endorse a law that could lead to fraud.

Further, this legislation would encourage drivers to illegally park without purchasing a munimeter receipt. As long as a driver buys a receipt within five minutes of receiving the parking ticket, the ticket would be cancelled – even if the driver parked hours before without purchasing time on the munimeter. Many drivers would likely take that risk rather than purchase the receipt when they first park. Government should not set up a game that needlessly wastes Traffic Enforcement Agents' time and reduces their productivity.

The most important reason to oppose enactment of the bill is the increased potential for conflict and danger to enforcement personnel. Traffic Enforcement Agents help us to keep the streets safe and traffic moving, and their duties, by definition, brings these hard-working public servants into conflict with motorists. In 2011 alone, there were 189 documented instances in which motorists aggressively confronted our Traffic Enforcement Agents, ranging from drivers slapping them and spitting on them, to wresting their Parking Ticket Devices away from them, to serious assault causing significant injuries. In addition, there were countless other instances of verbal abuse against Agents, who are trained to withstand heated and angry encounters with cool professionalism. Traffic Enforcement Agents are trained not to respond in kind, but rather to inform an aggrieved motorist that they are not able to “rip up” the ticket, and that the motorist's option is to contest the summons at the Department of Finance. This approach shortens the encounter and in most instances prevents a hostile situation from becoming physically dangerous; most often, the motorist will react angrily but will discontinue the verbal attack, and the parties will move along about their business. Instead, Introductory Number 490-A encourages disputes about whether a driver is entitled to have his or her summons canceled on the spot.

Accordingly, I hereby disapprove Introductory Number 409-A.

Sincerely,



Michael R. Bloomberg
Mayor

Cc: Hon. Christine C. Quinn

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