

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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January 17, 2012
Start: 1:14 p.m.
Recess: 2:16 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:
Gale A. Brewer
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Ydanis A. Rodriguez
Deborah L. Rose
James G. Van Bramer
Vincent M. Ignizio
Peter A. Koo
Eric A. Ulrich

CHAIRPERSON VACCA: Good afternoon.

My name is James Vacca, and I'm chairman of the Committee in Transportation of the New York City Council, and I'd like to thank everyone for their hard work and input on the bills we're voting on today--Intro 490, 546 and 610 in particular. I want to thank the sponsors of the measures we're voting on today for their hard work. We're also--oh, I'm sorry--and Intro 301. Four bills. Sorry. I also want to mention and thank for his help, Mr. James Huntley [phonetic] of 1181, who was part of the consultative process during the discussions that took place.

The Department of Transportation as you know is currently in the process of converting all the meters in New York City to muni metered parking, and Intro 490 by Council Member Gennaro is designed to protect motorists who are issued a violation for not paying a muni meter even though they can produce a muni meter receipt, showing that they actually paid for parking. This bill gives a five minute grace period to allow people time to pay the meter and get back to their car with the receipt. Under current law, a motorist

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2 can dispute such a ticket by requesting an in
3 person or online hearing. Proposal 490-A allows
4 traffic agents to cancel such a violation upon
5 presentation of a valid muni meter receipt as long
6 as the receipt is within the five minutes.
7 Similarly, Council Member Garodnick allows a
8 motorist to use a muni meter receipt as an
9 affirmative defense to a parking violation. The
10 receipt will be admissible at an on person hearing
11 or by mail, in so much as the defense is
12 concerned.

13 Proposed Intro 546 by Council
14 Member Greenfield prohibits the use of adhesive
15 stickers in the enforcement of alternate side of
16 the street parking rules. Currently, violators of
17 alternate side parking rules are given a violation
18 and then they have this bright yellow/green type
19 sticker places in their window. While the
20 Department of Sanitation has argued that this
21 practice is meant to deter alternate side
22 violators such a practice really amounts to double
23 punishment. It's the feeling of this Committee
24 that the parking violation is sufficient to
25 address anyone who violates alternate side parking

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2 rules. There's not a need for that sticker based
3 on the fact that that person will get a summons.

4 Intro 610 by Council Member Sanders
5 is a straightforward bill that prohibits the
6 Department of Finance from assessing late fees for
7 at least 30 days after a determination has been
8 made or in the case of an appeal at least 30 days
9 after an appeal determination has been made. This
10 bill will ensure that motorists in our city have
11 sufficient time to dispute a parking ticket
12 without having to worry about late fees. I think
13 all these bills will make our city a better place
14 to live and a fairer place to live and I hope the
15 Committee will vote yes on these bills. Again, I
16 thank the staff as well, the Committee staff and
17 my staff for their hard work, and for all the
18 stakeholders who participated in discussions
19 during the process. I would like to call on any
20 of the sponsors, if they wish to say anything
21 about the bill that they have before the Committee
22 today. Are there any sponsors who wish to be
23 heard? Council Member Garodnick?

24 COUNCIL MEMBER GARODNICK: Thank
25 you, Mr. Chairman, and I'll be extremely brief

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2 because I think that you laid out the contours of
3 301-A, which is the bill that I introduced
4 perfectly. I think that the bottom line is that
5 too frequently muni meters are down the block.
6 They take time to access. Sometimes there's a
7 line. Sometimes the person who is seeking a muni
8 meter can't move all that quickly for one reason
9 or another. This bill allows you to successfully
10 contest a ticket if you can produce that receipt
11 within--showing that it was issued within five
12 minutes of the time of the ticket. My view here
13 is that nobody should be punished for going to do
14 precisely what it is that they're supposed to do.
15 I thank you for your interest in this bill and I
16 thank my colleagues on the Committee.

17 CHAIRPERSON VACCA: Thank you,
18 Council Member Garodnick. Council Member
19 Greenfield?

20 COUNCIL MEMBER GREENFIELD: Thank
21 you, Mr. Chairman. You know, first, I do want to
22 congratulate my colleagues--I'll start with Dan
23 Garodnick--not just for the email that he just sent
24 me, but for the bill that he is passing today
25 along with Council Member Gennaro and James. The

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2 theme of all these bills are they're common sense
3 pieces of legislation. We should not be nickel,
4 diming New Yorkers. We should be trying to make
5 people's lives a little bit easier, not that much
6 more difficult. My bill is a simple bill.

7 Basically everyone in this country is innocent
8 until proven guilty, except until this point when
9 the Sanitation Department decides to slap a
10 sticker on your car that is almost impossible to
11 remove unless you have advanced training in
12 chemistry, and so, I'm very grateful to the
13 Committee and to the Chair, the staff and the
14 Speaker for passing my bill, passing the package
15 of terrific bills today, and I encourage everyone
16 to vote yes.

17 CHAIRPERSON VACCA: Are there any
18 other members besides the sponsors who wish to be
19 heard at this time? Council Member Mealy?

20 COUNCIL MEMBER MEALY: Yes, I just
21 want to congratulate my colleagues, Dan Garodnick,
22 Greenfield, Gennaro. This package is an excellent
23 package, but at the hearing before I asked for my
24 name to be taken off, and I'm glad to say that now
25 I've spoken to the president of 1180 and they feel

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2 that this legislation is good for their union, but
3 I just hope that this measure has a potential to
4 save time and money for all parties involved.
5 Drivers who purchase a muni meter ticket in a
6 timely fashion will not have to miss work to
7 defend themselves against a charge that will
8 probably be dismissed. Traffic - - will be able
9 to devote this saved time to other enforcement
10 work. I believe this increased efficiency
11 justifies support for the proposed legislation.
12 Nevertheless, I am concerned that confrontations
13 between agents and drivers will be increased by
14 drivers who scramble to beat the clock and chase
15 down agents to demand cancellation. For this
16 reason, I ask that the Commissioner closely
17 monitor incidents of assaults on traffic agents
18 that occur following implementation to this
19 measure and include this information in the
20 required annual report. Such assaults can and
21 should be prosecuted as felonies in which already
22 we know that if you do assault a traffic agent, it
23 is a felony as has been allowed under the New York
24 State law since 2008; same as I guess now bus
25 operators, it's a felony. This information will

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2 allow us to determine if traffic agents' safety is
3 compromised by this legislation and respond
4 accordingly, and I'm glad to hear that the Finance
5 Department will give the unions training to make
6 sure that they know how to handle these situations
7 and I would like to come on to the bill now.

8 Thank you.

9 CHAIRPERSON VACCA: Thank you,
10 Council Member Mealy, and please add the Council
11 Member's name as per her request. I do want to
12 indicate to all that this Committee's committed to
13 an oversight insomuch as these bills and other
14 bills we pass are concerned and I want to thank
15 the union again for their input in this process,
16 and thank Council Member Mealy. Many of the
17 concerns that she addressed at our previous
18 hearing were addressed when the bill was discussed
19 among the stakeholders. I thank you.

20 COUNCIL MEMBER MEALY: Thank you,
21 Chair.

22 CHAIRPERSON VACCA: We do have a
23 quorum present. Maybe I should quickly mention
24 the members who are here; Council Member
25 Greenfield, Council Member Koo, Council Member

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2 Rodriguez, Council Member Mealy, Council Member
3 Garodnick, myself, Council Member Vacca, Council
4 Member Ignizio, Council Member Jimmy Van Bramer
5 and Council Member Gale Brewer. Without further
6 to do, I will now ask that the roll be called and
7 the Chair is recommending a yes vote on the
8 legislation.

9 COMMITTEE CLERK: William Martin,
10 Committee Clerk, roll call vote Committee on
11 Transportation. All items are coupled. Council
12 Member Vacca?

13 CHAIRPERSON VACCA: I vote aye on
14 all.

15 COMMITTEE CLERK: Brewer?

16 COUNCIL MEMBER BREWER: Aye on all.

17 COMMITTEE CLERK: Garodnick?

18 COUNCIL MEMBER GARODNICK: Mr.
19 Chairman, a very quick moment to explain my vote?

20 CHAIRPERSON VACCA: Yes.

21 COUNCIL MEMBER GARODNICK: Thank
22 you. I'm going to vote aye on all with the
23 exception of 490-A. While I wholeheartedly agree
24 with the intent, I am concerned about agents
25 adjudicating tickets on the spot in the field, so

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I'm going to vote no on that one and aye on the rest. Thank you.

COMMITTEE CLERK: Mealy?

COUNCIL MEMBER MEALY: I vote aye on all.

COMMITTEE CLERK: Rodriguez?

COUNCIL MEMBER RODIRGUEZ: Aye on all.

COMMITTEE CLERK: Van Bramer?

COUNCIL MEMBER VAN BRAMER: Aye on all.

COMMITTEE CLERK: Greenfield?

COUNCIL MEMBER GREENFIELD: Aye on all.

COMMITTEE CLERK: Ignizio?

COUNCIL MEMBER IGNIZIO: I, too, just want to express my concern for Intro 490. I've spoke to the Chairman and he is committed to the extensive oversight on this particular matter with regards to parking with personnel being spoken to directly and the assaults therein. Good is not the enemy of perfect here, and I think we're going to have to seriously monitor this 'cause I'm concerned about confrontations as well.

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2 That being said, at the request of the Chair and
3 our conversations therein, I'm going to vote yes
4 on all, but I really believe this Committee has
5 its work to do as far as ensuring that our
6 personnel are not being abused in the city of New
7 York. Thank you.

8 COMMITTEE CLERK: Koo?

9 COUNCIL MEMBER KOO: I vote aye on
10 all.

11 COMMITTEE CLERK: By a vote of nine
12 in the affirmative, zero in the negative and no
13 abstentions, Introductions 301-A, 546-A and 610-A
14 have been adopted and by a vote of eight in the
15 affirmative, one in the negative and no
16 abstentions, Introduction 490-A is also adopted.
17 Council Members, please sign the Committee
18 Reports. Thank you.

19 CHAIRPERSON VACCA: I thank you. I
20 do want to also announce that I will leave the
21 roll open until 1:35 for members who have not
22 arrived yet to vote. I've been asked to do a
23 little more than that. How about ten to two? I
24 will leave it open for a half hour. Ten to two.
25 Thank you. Without further to do, this meeting is

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adjourned. [gavel]

CHAIRPERSON VACCA: Council Member
Lappin, how do you vote?

COUNCIL MEMBER LAPPIN: Aye.

[long pause]

COMMITTEE CLERK: Council Member
Ulrich?

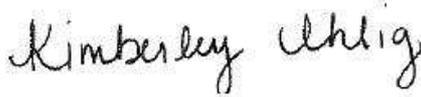
COUNCIL MEMBER ULRICH: I vote aye
on all.

COMMITTEE CLERK: Final vote in the
Committee on Transportation is all adopted have
been adopted by a vote of 11 in the affirmative, 0
in the negative and no abstentions, with the
exception of Introduction 490-A, which has been
adopted by a vote of ten in the affirmative, one
in the negative and no abstentions. Thank you.

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 1/30/12