

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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HELD AT: Committee Room - City Hall

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YDANIS A. RODRIGUEZ
Chairperson

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I. Daneek Miller
Costa Constantinides
Chaim M. Deutsch
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2 CHAIRPERSON RODRIGUEZ: Good morning and
3 welcome everyone to today's hearing of the City
4 Council Transportation Committee. My name is Ydanis
5 Rodriguez and I am the Chair of the Committee.
6 Before we begin I would like to recognize my
7 colleague, Council Member Dan Garodnick and we will
8 do the..

9 [Pause]

10 Today we are here to discuss two bills
11 designed to save New Yorkers time and money. They
12 are common sense ideas and have the potential to
13 increase productivity and spending power to our
14 city's residents. I am proud sponsor of Intro 20. A
15 bill that would allow New Yorkers to park in
16 alternate side parking zones prior to or after the
17 street sweeper has cleaned the street as they have
18 done in other cities.

19 The tedious routine of waking up early,
20 moving your car and then waiting an hour and a half
21 to two, only to drive around longer just to get along
22 with your day. It is a struggle New Yorkers are all
23 too familiar with. Residents keep track of the
24 alternate side days in their neighborhood carefully
25 to move the car to the good side of the street each

1 day as long as they are lucky enough to find a space.
2 Those many unlucky drivers who did not find parking
3 the previous evening, must go through the entire zone
4 saga or double park their cars until their ASP time
5 has expired. Something that greatly decreases
6 visibility especially on residential side streets.
7

8 I will say most New Yorkers recognize
9 that this is all made necessary by a good cause. To
10 keep our streets clean. However, before and after
11 the street sweeper has passed, there's no reason why
12 parking should not be allowed at that location.

13 There is an easy solution to this issue
14 that will not in any way negatively impact the
15 ability for the Department of Sanitation to keep the
16 streets clean. Allowing parking to get back to
17 normal in our residential neighborhood as soon as
18 possible each day will also mean less traffic
19 congestion and pollution from vehicles idling or
20 cruising while waiting for alternate side parking
21 restrictions to end.

22 In the past, the main obstacle to this
23 idea has been technology. Traffic enforcement agents
24 who had no way of knowing whether a street sweeper
25 has cleaned a particular block or not. But now, the

1
2 Sanitation Department has successfully implemented
3 GPS based technology. As shown it's helpful that NYC
4 online flow tracker technology finally allows to
5 implement this sensible reform for alternate side
6 parking.

7 Intro 295 sponsored by Council Member Dan
8 Garodnick will require businesses with 20 or more
9 employees to offer the employees the opportunity to
10 take advantage of tax benefits available to commuters
11 who use mass transit. Many employers including the
12 city itself already offer this benefit to employees
13 which makes sense because it is basically a win/win.
14 The employees can set aside money to pay for
15 commuting expenses from their paycheck on a pre-tax
16 basis, while the employer themselves benefit from
17 lower payroll tax burden. With expenses rising in
18 virtually every aspect of life in New York City and
19 in particular as we face the dual challenges of
20 income inequality and housing affordability. It only
21 makes sense that we take this small but significant
22 step to insure that more New Yorkers are able to take
23 advantage of this federal benefit and have the chance
24 to save some real money each month. Not to mention
25 that more money in consumer's pockets is good for the

1
2 economy and encouraging mass transit use can decrease
3 congestion and benefit the environment.

4 San Francisco recently implemented these
5 measures and saw numerous benefits. We hope we can
6 see the same here in New York.

7 The committee very much looks forward to
8 hearing today testimony on the importance of pieces
9 of legislation. Before moving forward with today's
10 hearing I would like to take a moment to remember
11 Steven Frosch, the sanitation employee who died in
12 the line of duty a little over a week ago. This
13 hearing was moved from last Friday to today, in order
14 to allow our colleagues..., in the past the colleagues
15 from the Sanitation Department and others the
16 opportunity to attend Mr. Frosch's funeral. His
17 death is a reminder of the risks that thousands of
18 city employees take every day in dangerous jobs on
19 behalf of all of us. Our hearts go out to Mr.
20 Frosch's family, friends and colleagues today and I
21 would like to ask now for a moment of silence in his
22 honor.

23 [Pause]

24

25

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2 CHAIRPERSON RODRIGUEZ: Thank you. I now
3 invite the sponsor of Intro 295, Council Member Dan
4 Garodnick to deliver opening statements.

5 COUNCIL MEMBER GARODNICK: Thank you very
6 much Chairman Rodriguez for holding this hearing
7 today. And as you've heard I'm the lead sponsor of
8 Intro 295. As employees of the City of New York,
9 Council Members like those of us on this panel have
10 the option to set aside money for transit, using pre-
11 tax dollars. That ends up allowing significant
12 savings for those who like me, take advantage of it.
13 If you take a monthly metro card which is \$112 and
14 purchase it every month, that ends up being \$1,344 a
15 year. New Yorkers can save up to \$443 dollars a year
16 if they purchase their metro cards using pre-tax
17 dollars. Unfortunately there are many New Yorkers
18 who don't have access to this program because their
19 employers do not offer it.

20 Intro 295 as you heard from the Chairman
21 would require employers with 20 or more employees to
22 give their staff the opportunity to use pre-tax
23 earnings for transportation. Transit benefits don't
24 just save money for employees, but employers can save
25 too because it reduces a company's overall payroll

1 tax obligation. It's hard to afford transit in New
2 York City and many of us feel like the MTA treats us
3 like a piggybank. Helping New Yorkers take advantage
4 of this federal tax benefit is an important way that
5 we can put a little more cash in their pockets at the
6 end of the day. It is estimated that one million New
7 Yorkers are eligible but do not have access to this
8 program. Our bill would cover 605,000 of them. I
9 understand that there are proposals for some
10 amendments to make this bill better and we are
11 certainly open to them. Some suggestions that we've
12 already heard include better defining employees such
13 as full-time or taking into account the specific
14 impact on firms that do not pay payroll taxes. And
15 even improving the fine structure. I am open to
16 these suggestions and we're going to review them very
17 carefully and we look forward to hearing from those
18 who are testifying today. And continuing this
19 conversation on how we can allow more New Yorkers to
20 take advantage of this great program. And again Mr.
21 Chairman, a very big thank you to you for this
22 hearing.

23
24 CHAIRPERSON RODRIGUEZ: First I would
25 like to recognize the other Council Members here,

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2 Council Members Chan, Constantinides, Menchaca and
3 Miller. And I will now ask the committee counsel to
4 swear in the representatives of the administration
5 who will testify today and then invite them to
6 deliver their opening statements.

7 COMMITTEE COUNSEL: If you could all
8 raise your right hands. Please from the
9 administration. Do you affirm that the testimony
10 given will be the truth, the whole truth, and nothing
11 but the truth before this committee today.

12 [Background talk]

13 ASSISTANT CHIEF VISCONTI: Good morning
14 Chair Rodriguez and members of the Committee on
15 Transportation. My name is Paul Visconti, Assistant
16 Chief of Cleaning Operations for the New York City
17 Department of Sanitation. I am here today to testify
18 on Intro 20 under consideration by the committee.
19 With me on his last day before retirement is Douglas
20 Marsiglia, the department's current Chief of Cleaning
21 who will join me in answering your questions. Also
22 joining us here this morning is Inspector Dennis
23 Fulton, Chief of Transportation and Captain Richard
24 Avignone, Executive Officer, Traffic Enforcement
25 District for NYPD.

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2 As written, Intro #20 would authorize
3 drivers to park their vehicles in the parking road
4 lanes scheduled for street cleaning so long as the
5 driver is occupying the vehicle and ready to move it
6 when the department's mechanical broom arrives.

7 Intro #20 would also allow drivers to re-park their
8 vehicles in the parking road lane before the 90-
9 minute street cleaning segment expires, provided the
10 mechanical broom operator has cleaned the street.

11 The department appreciates the intent of
12 the bill to make on-street parking available more
13 quickly for motorists but respectfully opposes the
14 bill for the reasons that I will explain.

15 Since the early 1950's the department has
16 provided mechanical broom cleaning along the parking
17 lanes of roadways in 54 of the city's 59 community
18 districts for health and environmental reasons.

19 Litter accumulation in the curbs and streets in
20 unsightly and attracts rodents and creates a health
21 nuisance. Rain and melting snow carries street
22 litter into the sewer catch basins becoming
23 floatables that can pollute the city's waterways and
24 beaches. Noxious odors caused by unknown sources as
25 well as parked vehicles that accidentally leak motor

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2 oil or other fluids onto the curbsides, are sprayed,
3 scrubbed and cleaned by the department's mechanical
4 brooms.

5 Litter free and odor free streets enhance
6 the aesthetic appearance of street blocks and
7 significantly improve the quality of life in such
8 communities. Street cleanliness also promotes a
9 positive image of the city that boosts tourism and
10 attracts new businesses which help our city's
11 economy. The responsibility for clean streets in New
12 York City's neighborhoods rests on the department's
13 uniform men and women who work with pride to deliver
14 essential sanitation services daily to every
15 community across the city. The department schedules
16 a daily average of 196 mechanical brooms to sweep
17 nearly 6,000 linear miles of city streets in 54
18 districts.

19 Our strategic approach of assigning
20 personnel and equipment to regular 90-minute street
21 cleaning segments combined with other cleaning
22 programs and enforcement has resulted in consistently
23 high scorecard ratings of city streets. Despite
24 their lack of popularity with the public, the
25 importance of the city's alternate side parking rules

1 cannot be understated. They were created for the
2 distinct purpose of providing unobstructed curbside
3 accessibility to the department's mechanical broom
4 operators in order to spray and clean the curbside
5 areas in the parking lanes.
6

7 An average street cleaning route consists
8 of 12 curb miles per 90-minute segment. For
9 mechanical broom operators, the vehicular traffic
10 inadvertently becomes a part of the 90-minute route.
11 Such as school busses stop temporarily to pick-up or
12 let off children. Private delivery trucks
13 temporarily standing to deliver early morning
14 packages or to deliver fuel to residences. These,
15 slow down the progress of the broom considerably.
16 This traffic sometimes requires the sanitation
17 workers to maneuver the mechanical broom in and
18 around these vehicles whose operators are simply
19 trying to do their jobs as well. It greatly impedes
20 the broom operator's ability to clean the entire
21 segment within 90-minutes safely. Add to this,
22 vehicles parked at the curb whose owners either
23 forgot or chose not to move them or tended my
24 motorists talking on their cell phones or waiting to
25 pick-up a passenger who refused to move from the

1 broom path. And the challenge for the department
2 broom operator to complete all of his or her routes
3 on-time becomes even greater.
4

5 In recent years, in working with the
6 council, the department has adopted several changes
7 to its street cleaning program to help minimize some
8 of the programs effects on vehicle owners. The list
9 of alternate side parking holiday suspensions has
10 grown significantly from the original twelve
11 holidays. And use of green stickers on the rear side
12 windows was discontinued. We also suspend street
13 cleaning during the winter season even when there is
14 as little as two inches of snowfall predicted. We've
15 also reduced the street cleaning frequency schedule
16 in five sanitation districts from twice a week
17 cleaning per side to once a week cleaning per side.
18 The single largest change to our program was when the
19 department reduced street cleaning from three hours
20 to just 90 minutes in residential areas and from one
21 hour to just 30 minutes along metered commercial curb
22 areas early in the morning before store owners
23 customarily open their businesses.

24 Any modification to the city's current
25 alternate side parking rules must be carefully

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2 considered by weighing the benefits of community
3 street cleanliness against the erosion of regulations
4 that were purposely put in place to insure the
5 department is able to effectively clean the city's
6 roadways. Ultimately the department's primary
7 objective is to keep and maintain high standards of
8 street cleanliness. It is not to issue summonses.

9 Turning to Intro #20. The first part of
10 this bill would prohibit the issuance of a summons to
11 a person sitting inside a vehicle when the mechanical
12 broom approaches. There is a misconception that the
13 department automatically issues parking tickets to
14 persons sitting in their vehicle when the mechanical
15 broom operators approach. This is simply not true,
16 and we want to make clear to this committee that the
17 department does not issue summonses when the vehicle
18 is occupied by an operator who will readily move his
19 or her vehicle. When a sanitation worker operating
20 the broom observes somebody sitting in a car ahead in
21 the broom's cleaning path. The sanitation worker
22 alerts the person that the broom is approaching by
23 honking their horn. And often the person moves the
24 vehicle cooperatively. If a sanitation supervisor
25 proceeds ahead of the broom operator to insure

1 curbside accessibility, the supervisor will
2 courteously ask the person sitting in the vehicle to
3 move the vehicle so the broom operator can access the
4 curb for cleaning. The only time a department
5 supervisor will issue a summons is when the operator,
6 on request by the supervisor, refuses to move his or
7 her vehicle from the path of the broom.
8

9 In some areas of the city where the
10 alternate side parking fine is set at \$45, a vehicle
11 operator may choose to move the vehicle and accept
12 the penalty rather than paying a significantly higher
13 charge to move the vehicle to a private parking
14 garage or a lot. Consequently, the broom operator is
15 forced to move around the parked vehicle of an
16 uncooperative motorist in addition to other vehicles
17 temporarily standing and obstructing the broom's
18 path.

19 We also believe two unintended and
20 detrimental effects of this provision were
21 overlooked. Persons allowed to sit in their vehicles
22 awaiting the mechanical broom to arrive will
23 naturally run their engine during winter and summer
24 months for heating and air-conditioning in violation
25 of the city's traffic idling law. Given the

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2 important vehicle omission's reductions achieved in
3 the city over the past decade, we believe Intro #20
4 conveys the wrong message by encouraging persons to
5 sit outside in their vehicles that they would be
6 compelled to run for their own comfort. Thus,
7 erasing the gains made in achieving cleaner air
8 quality, especially in high density neighborhoods.
9 Additionally, permitting attended vehicles to remain
10 parked at the curbside until the mechanical broom
11 arrives will result in those vehicles moving into and
12 occupying the driving lane until the broom operator
13 completes the block. Not only will this obstruct the
14 free flow of traffic but it will jeopardized public
15 safety if emergency vehicles are unable to pass,
16 particularly on narrow streets.

17 The second provision of Intro #20
18 prohibits the issuance of a summons to the vehicle
19 owner if the street has been cleaned and the vehicle
20 is re-parked at the curb before the 90-minute
21 cleaning segment expires. We caution the committee
22 against loosening the current restriction and insist
23 that curbside accessibility remain available to the
24 broom operator for the full 90-minute period. First,
25 the department must reserve itself to discretion to

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2 return back to any street blocks along the route to
3 service a previously obstructed dirty area that the
4 broom area could not service earlier due to an
5 obstruction, such as moving vans, loading or
6 unloading fuel trucks making deliveries or vehicles
7 that were not moved at the onset of the route.
8 Insuring unimpeded access becomes compromised if
9 motorists are allowed to re-park their vehicles
10 before the 90-minute period expires.

11 Additionally, along moderate to heavy
12 tree-lined streets during the autumn season, the
13 department must send out two mechanical brooms to
14 collect the large volume of leaves that accumulate in
15 the streets, despite the vest efforts by many
16 residents to sweep up and contain the leaves.
17 Because the mechanical brooms end up picking up large
18 amounts of leaves, the brooms often fill up quickly,
19 thus requiring the use of a second broom to pass over
20 the same street blocks to capture the remaining
21 leaves and street litter. And re-clean the
22 curbsides. Motorists who re-park their vehicle may
23 only observe the first broom pass, unaware that a
24 second broom will return to finish servicing the
25 block and run the risk of receiving a summons.

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2 The department also believes that
3 allowing this practice would cause undue confusion
4 among vehicle owners since they would not know
5 whether their block was already serviced during the
6 cleaning segment or if the department is returning
7 for a second sweep. Apart from its current GPS
8 availability which currently works within a one to
9 three hour range, the department does not currently
10 possess advanced technology to provide broom cleaning
11 information via the department's website in up to the
12 minute real time. Moreover, the police department is
13 currently unable to ascertain when a department broom
14 has passed the first time or when the broom will
15 return a second time during the cleaning segment.
16 While our uniform supervisors would not issue
17 summonses to those drivers who re-park their vehicles
18 at the curb if the street was completely serviced, we
19 caution the public against doing so and object to
20 codifying such practice into law under Intro #20.

21 For all the reasons I have highlighted,
22 the Department of Sanitation must oppose Intro #20
23 and we will happy to answer any questions you may
24 have.
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2 CHAIRPERSON RODRIGUEZ: We're hear about
3 295 and then we'll into questions.

4 ASSISTANT COMMISSIONER KARASYK: Good
5 morning Chairman Rodriguez and members of the
6 Committee on Transportation. I am Samara Karasyk,
7 Assistant Commissioner of External Affairs at the New
8 York City Department of Finance. Thank you for the
9 opportunity to testify before you today on
10 Introduction #295 regarding pre-tax transit benefits
11 for New Yorkers. We share the council's goal of
12 increasing access to mass transit for workers in New
13 York City and look forward to discussing how to best
14 provide such access. However we have concerns about
15 the implementation of the bill based on the scope of
16 what we do at the Department of Finance and not
17 believe this program should fall under our
18 jurisdiction.

19 As it stands, Introduction #295 requires
20 employers with at least 20 employees to offer pre-tax
21 transit benefits, which give employees the option to
22 use part of their pre-tax earnings to purchase
23 transportation such as a mass transit card.
24 Employers that do not comply would be subject to
25 penalties of \$50 per day, per employee. This bill

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2 requires the Department of Finance to issue warnings
3 and notices to violators and assess and collect civil
4 penalties. The scope of the task set out in this
5 legislation is outside of the functions of the
6 Department of Finance as stated in the New York City
7 Charter. Those functions are assessing real
8 property, collecting taxes, managing the city's
9 treasury and operating the parking violations bureau,
10 as well as the City Register and the Sheriff's
11 Office. We do not issue this type of notice of
12 violation. Our in-house adjudication forum hears
13 only parking violations which are mostly issued by
14 the New York City Police Department. We do not
15 manage New York City employee benefits on any level
16 outside of our own agency and do not have general
17 data on how New York businesses are staffed or the
18 types of benefits offered to their employees.

19 Although the Department of Finance is not
20 the appropriate agency to enforce a transit benefit
21 program for New York employees, we look forward to
22 having further discussions with the council regarding
23 this important issue. At this time, I'd be happy to
24 answer any questions you may have.

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2 CHAIRPERSON RODRIGUEZ: Thank you. And I
3 have a few questions. Then my colleagues, I know
4 that they also have other questions. I just hope
5 listening to your testimony, I see that there's some
6 window there where we can continue conversations and
7 address another objection and especially with the
8 spirit that we have with the working collaboration
9 with the administration. Having the interest of New
10 Yorkers is the first and most important one. I just
11 hope that after the hearing we can continue the
12 conversation.

13 My first question is about the technology
14 that has been installed in the sweeping truck. What
15 is the technology that the sweeping trucks have right
16 now when they come for the sanitation, the Department
17 of Sanitation to track where they are?

18 ASSISTANT CHIEF VISCONTI: We currently
19 do not have GPS tracking on the mechanical sweepers.
20 The GPS technology is on different pieces of
21 equipment, not the mechanical sweepers.

22 CHAIRPERSON RODRIGUEZ: What is the
23 technology that they have?

24 ASSISTANT CHIEF VISCONTI: In regards to
25 what type of technology are we talking about?

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2 CHAIRPERSON RODRIGUEZ: Tell me. What is
3 the updated technology that has been installed in the
4 sweeping truck that allow the Department of
5 Sanitation to know where are the sweeping trucks/

6 ASSISTANT CHIEF VISCONTI: We don't have
7 any technology that..., we rely on the supervisors in
8 the street to monitor the mechanical sweepers.

9 CHAIRPERSON RODRIGUEZ: That's not what I
10 know.

11 ASSISTANT CHIEF VISCONTI: Are we talking
12 about mechanical sweepers?

13 CHAIRPERSON RODRIGUEZ: I'm talking about
14 how does the Department of Sanitation know where are
15 the sweeping trucks? I know that there is not only
16 supervisors, I know that you are able to follow where
17 they are.

18 ASSISTANT CHIEF VISCONTI: Okay, we're
19 talking about other than the mechanical sweepers.
20 Like the collection trucks and so forth.

21 CHAIRPERSON RODRIGUEZ: No, I'm talking
22 about the sweeping truck.

23 ASSISTANT CHIEF VISCONTI: Okay. No, we
24 do not. We do not possess any technology that you
25

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2 are referring to. It's just basically the
3 supervisors in the street.

4 CHAIRPERSON RODRIGUEZ: And those
5 drivers, they don't have any particular cell phone or
6 any technology? They have nothing with them?

7 ASSISTANT CHIEF VISCONTI: Correct.

8 UNIDENTIFIED MALE: They do have..., in the
9 broom, they do have...

10 [Interpose]

11 CHAIRPERSON RODRIGUEZ: Can you please
12 identify yourself?

13 CHIEF MARSIGLIA: I'm sorry, I'm Chief
14 Marsiglia. I'm the present Chief of Cleaning at the
15 Department of Sanitation.

16 CHAIRPERSON RODRIGUEZ: Yes.

17 CHIEF MARSIGLIA: The mechanical
18 sweepers, they do have a two-way radio that they
19 correspond with the supervisors, yes.

20 [Background talk]

21 CHIEF MARSIGLIA: That's correct.

22 CHAIRPERSON RODRIGUEZ: What is the data
23 that shows how many times a second run goes through
24 the city of New York.

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2 ASSISTANT CHIEF VISCONTI: A second
3 mechanical broom?

4 CHAIRPERSON RODRIGUEZ: Yes.

5 ASSISTANT CHIEF VISCONTI: We don't
6 currently collect data on how many times we made a
7 second pass through.

8 CHAIRPERSON RODRIGUEZ: But I can say to
9 that, I don't know about all the community board.
10 But I can tell you that that's not usually happen at
11 the community board in Southern Manhattan.

12 I hope to see that there's a second round
13 of the sweeping truck coming by.

14 ASSISTANT CHIEF VISCONTI: It happens
15 most frequently in the autumn months. It's with the
16 leaves. It's very, very heavy. And one pass doesn't
17 always do it, so we put out multiple mechanical
18 sweepers. But no, on a regular day, not so often.

19 CHAIRPERSON RODRIGUEZ: Not so often. So
20 it's only a specific period of time.

21 ASSISTANT CHIEF VISCONTI: Yes. During
22 the leaf season. When, when..., during the autumn
23 months when the leaves are falling off the trees.

24 [Pause]

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2 CHAIRPERSON RODRIGUEZ: What would it
3 take? How much did the Sanitation Department invest
4 in putting the GPS in the other snow trucks?

5 ASSISTANT CHIEF VISCONTI: Are you
6 talking about monetary? How much?

7 CHAIRPERSON RODRIGUEZ: Yes.

8 ASSISTANT CHIEF VISCONTI: I don't have
9 that information with me at this time. But I can get
10 back to you on that. I don't have that figure

11 [Pause]

12 CHAIRPERSON RODRIGUEZ: On page 3, you
13 address that there's a misconception that the
14 department automatically issues parking tickets to
15 persons sitting in their vehicle when the mechanical
16 broom operator approaches. I have to tell you that I
17 have a different experience. And that's not what you
18 will hear from drivers throughout New York City. I
19 believe that, you know, with the new administration,
20 there's a new different conception when it comes to
21 getting revenue. And I believe that the men and
22 women working in the department, in the enforcement
23 part, in the Department of Sanitation, they been told
24 to go out and get revenue for the city. So as a
25 council member, of course I would like to see more

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2 revenue come in so that we can be able to get more
3 money when we balance the budget. But that's an
4 accurate fact that happens in New York City. Like
5 during the time they turn aside the parking hour,
6 there are many cases where the enforcement, they go
7 there and they just give the ticket to the driver who
8 is inside the car.

9 ASSISTANT CHIEF VISCONTI: I can only
10 speak on sanitation supervisors. I can't speak on
11 traffic agents or anything of that nature. But in my
12 experience, and I've spent a good many years in the
13 field, 12 years in the field most recently, 27 years
14 with the department. Our prime objective is to get
15 the street clean, period. We are not concerned with
16 issuing tickets. Our objective is to get the street
17 cleaned. And I've witnessed, like I said, numerous,
18 over a long, long period of time, dealing with
19 supervisors and so on, that we give the driver leeway
20 to move the vehicle. We don't just walk up and
21 automatically issue a ticket to somebody sitting in
22 their car. The mechanical broom operators, they honk
23 their horn. That's a common practice. And the
24 supervisors give, as long as they move their vehicle,
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2 like I said, we're not in the business of writing
3 tickets. We just want to get the streets cleaned.

4 CHAIRPERSON RODRIGUEZ: Can you elaborate
5 more when you say in your testimony, when you say
6 that persons are allowed to sit in their vehicles are
7 waiting for the mechanical broom to arrive will
8 naturally run their engine during winter and summer
9 months for heating and air-condition.

10 ASSISTANT CHIEF VISCONTI: Okay, I mean,
11 yes. It's basically just that. I mean, if they're
12 sitting there waiting, they're naturally not going
13 to..., if it's 20 degrees outside they're going to keep
14 the heat on.

15 CHAIRPERSON RODRIGUEZ: But I think that
16 that's something in common that we have. And that's
17 something that sanitation, and the council and the
18 administration knows we have in common. Our concern
19 with this legislation when it comes to the
20 environmental impact, is that drivers have to be...,
21 when drivers are double parking waiting for the
22 sweeping truck to pass by, but they're not allowed to
23 park because they are afraid that they will get a
24 ticket. Not only there's an impact or the time that
25 they're wasting by also when it comes to the idling

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2 park, those cars, if it's winter, they are on because
3 they need heat and in summer they're using their air-
4 condition.

5 ASSISTANT CHIEF VISCONTI: I mean that's
6 one way to look at it. But, I mean, if those people
7 were to find a spot prior and not wait, I mean, you
8 know that would eliminate it all together. I mean I
9 know that's difficult in some cases but I understand
10 your point.

11 CHAIRPERSON RODRIGUEZ: My last question
12 before in this round, then I will get back, is that
13 you say that there is no data showing when the street
14 sweeper has finished with a block. When do you
15 expect this data to be available and what type of
16 technology do you need in order to collect this data?

17 ASSISTANT CHIEF VISCONTI: Well lets...,
18 you're talking about the technology to know when, for
19 the citizens to know when we swept a block.

20 CHAIRPERSON RODRIGUEZ: Yes, like say
21 that there's no data that shows when the street
22 sweeper has finished with a block. So what does it
23 take in order for the city to collect this data. And
24 do you have any plan to invest and make the necessary
25 investment in order to collect this data.

1
2 ASSISTANT CHIEF VISCONTI: I'm not sure
3 what the department has in mind for going forward
4 with advanced technology but I certainly can get back
5 to you on that.

6 CHAIRPERSON RODRIGUEZ: So let me call on
7 the council members to ask questions and then I will
8 get back. Council Member Dan Garodnick.

9 [Pause]

10 COUNCIL MEMBER GARODNICK: Thank you very
11 much Mr. Chairman and I appreciate that you called on
12 me first as the sponsor of 295. I also have a couple
13 of questions on your bill which I will do this all
14 very quickly though. But I'll start with the
15 Department of Finance since your testimony was
16 specifically about 295.

17 As I understand your testimony..., having
18 the Department of Finance be the arbiter of a
19 violation of 295, you believe to be inconsistent with
20 the Charter. Is that correct?

21 ASSISTANT COMMISSIONER KARASYK: Yes.
22 The functions are laid out in the Charter, but also
23 just what we do in practice.

24

25

1
2 COUNCIL MEMBER GARODNICK: Okay. Is it a
3 practical consideration or is it a charter
4 consideration.

5 ASSISTANT COMMISSIONER KARASYK: It's
6 both.

7 COUNCIL MEMBER GARODNICK: So you think
8 the charter actually prevents it? Prevents our
9 actually allowing you to...

10 [Interpose]

11 ASSISTANT COMMISSIONER KARASYK: Look I
12 don't have my legal counsel here today, so I can't
13 get more specific than that.

14 COUNCIL MEMBER GARODNICK: So then let me
15 just clarify. It's unclear whether this is a
16 charter..., something is prevented by the charter here.
17 Is that accurate?

18 ASSISTANT COMMISSIONER KARASYK: I don't
19 know. Yes, I don't know the answer to that.

20 COUNCIL MEMBER GARODNICK: Fine. So we
21 can sort that out.

22 ASSISTANT COMMISSIONER KARASYK: I can
23 find out.

24 COUNCIL MEMBER GARODNICK: I just wanted
25 to make sure that I got your testimony clearly.

1
2 Then, other than that, does the Department of Finance
3 support this conceptually, or are there any other
4 issues that you all have identified?

5 ASSISTANT COMMISSIONER KARASYK: Well
6 practically it's just very far outside the scope of
7 what we do.

8 COUNCIL MEMBER GARODNICK: Put aside
9 who's the enforcer, the question is related to the
10 idea that we would allow for more New Yorkers to take
11 advantage of this tax benefit and given them an
12 opportunity to use pre-tax dollars for mass transit.
13 Do you have any objection to that?

14 ASSISTANT COMMISSIONER KARASYK: No,
15 conceptually, as I said in my testimony, my
16 commissioner and the administration overall, we
17 support the idea of increasing access to mass transit
18 benefits. What that would look like in practice, I
19 don't know.

20 COUNCIL MEMBER GARODNICK: Okay. Thank
21 you. I'm going to go to the other bill now. Thank
22 you.

23 Gentlemen, your testimony..., by the way
24 I'm not yet a co-sponsor of the bill, I was
25 interested in hearing your testimony. But I'm

1
2 confused by a couple of things. One of them was, the
3 notion that New Yorkers are simply eating a \$45 fine
4 because it may be cheaper than going into a garage.

5 Is that actually your experience that this is
6 happening rather regularly, that people are just
7 leaving their cars and..., how many tickets are you
8 issuing per year for people who are sitting..., who
9 leave their cars on an alternate side of the street?

10 ASSISTANT CHIEF VISCONTI: I don't have...,
11 yes, I do know of instances where people elect to
12 take a \$45 summons rather than pay an expensive...

13 [Interpose]

14 COUNCIL MEMBER GARODNICK: Well we're in
15 New York. There's instances of everything. I guess
16 what I'm trying to figure out is whether or not this
17 is a regular occurrence. Whether we've got the right
18 fine structure, how often you're issuing these
19 tickets.

20 ASSISTANT CHIEF VISCONTI: Well, how
21 often are we issuing those types of tickets?

22 COUNCIL MEMBER GARODNICK: Sure. It's a
23 simple ticket. It's the one where somebody's parked
24 where they're not supposed to be while you guys are
25 sweeping

[Background talk]

COUNCIL MEMBER GARODNICK: Hit the button on your microphone.

[Background talk]

COUNCIL MEMBER GARODNICK: That didn't seem to work.

There you go.

[Background talk]

INSPECTOR FULTON: Okay. Inspector Dennis Fulton, Chief of Transportation office. I have the figures for the traffic enforcement division of the NYPD. So far this year we issued 11,286 summonses for no parking street cleaning, and last year in calendar year 2013 for no parking street cleaning, we issued 1,279,889.

COUNCIL MEMBER GARODNICK: Okay. So, it's a significant number. We don't know to what it's attributable. Where it's because people felt like this was cheaper than paying for a garage or they forgot or whatever. But we do know that it is a considerable number. And that's issued by..., it is actually issued by the Department of Sanitation when you go out in that lead car, or is it issued by the police department.

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2 INSPECTOR FULTON: Well, we issue the
3 summonses. The Sanitation issues their own
4 summonses. And I think that what you were
5 referencing is anecdotally he's saying that a person
6 could theoretically stay in a car and get cheaper
7 with \$45 and he would make out. I think that's what
8 he was referring to. Whether that's happening, I
9 don't know, you know, specifically.

10 COUNCIL MEMBER GARODNICK: Okay. And as
11 to the point about the environment, I think the
12 Chairman is right here. Which is that this is
13 happening. People are sitting in their cars today.
14 And I think, you know, what the bill is after, as I
15 understand it is to try to reduce the hassle, reduce
16 the headache and also reduce the idling. I think it
17 probably would. So I respectfully disagree with the
18 conclusion there. Again, as not a co-sponsor, I'm
19 not, you know, sure, I don't want to hear your
20 concerns about this, but I don't think that that
21 should be one of them.

22 Let's just turn about the returning back
23 and doing a second trip. Because it seems to me of
24 everything that you said the nudging people out of
25 the spaces so that they can clear the street for the

1
2 sweeper. That's something that you do anyway.
3 Really the issue here, as it see it, is the question
4 about people not knowing that sanitation is going to
5 come back around for a second trip. Because if the
6 Department of Sanitation never came around for a
7 second trip, the idea that people would be able to
8 park after a sweeper goes by is mostly not a concern,
9 if I'm hearing you correctly. Is that fair? If, if,
10 I recognize that you do sometimes.

11 ASSISTANT CHIEF VISCONTI: If we were to
12 never come back again?

13 COUNCIL MEMBER GARODNICK: Right.

14 ASSISTANT CHIEF VISCONTI: Well we
15 reserve the right to go just in case the street
16 doesn't get cleaned properly. We want to reserve the
17 right to come back again. And in those cases..

18 [Interpose]

19 COUNCIL MEMBER GARODNICK: You want to
20 reserve the right. But if you didn't want to reserve
21 that right, there's no fundamental issue here about
22 people parking after you've come through when you've
23 done what you've needed to do. Is that accurate?

24 ASSISTANT CHIEF VISCONTI: If we didn't
25 have to go around the block twice, it wouldn't be an

1
2 issue. We do have to go around the block twice in
3 plenty of instances.

4 COUNCIL MEMBER GARODNICK: Okay. But you
5 don't have any stats on how often you have to do
6 that.

7 ASSISTANT CHIEF VISCONTI: That's
8 correct.

9 COUNCIL MEMBER GARODNICK: Alright.
10 Thank you.

11 ASSISTANT CHIEF VISCONTI: Very
12 frequently during the fall. It's very commonplace
13 during the fall when the trees are shedding their
14 leaves.

15 COUNCIL MEMBER GARODNICK: And is it very
16 rare during the summer, spring and winter?

17 ASSISTANT CHIEF VISCONTI: To just go
18 around the block for a..., well we do have to go around
19 the block a second time if the first time around
20 there was some kind of impediment. Like, let's say a
21 school bus letting off..., that's a bad example,
22 because we have to wait for them to pass. But a
23 delivery truck or anything of that nature where we
24 don't see feasible to sit there and wait for that
25 deliver..., we don't know how long that delivery truck

1
2 is going to stay there. And we have to get through
3 this whole segment. So we might go around it. Then
4 at the end of that particular segment, we said, well
5 you know, we have a little more time left to before
6 the next segment opens. Let's go back again, and
7 maybe that street will be clear now so we can sweep
8 completely the whole street. So actually it's not
9 just during the fall months.

10 COUNCIL MEMBER GARODNICK: It's based on
11 whether there was any..., so putting aside fall...

12 [Interpose]

13 ASSISTANT CHIEF VISCONTI: Pure access.

14 COUNCIL MEMBER GARODNICK: Whether there
15 was any obstacle and whether there is more time in
16 the route to actually go make a second pass. Is that
17 accurate?

18 ASSISTANT CHIEF VISCONTI: Yes that's
19 pretty accurate.

20 COUNCIL MEMBER GARODNICK: Thank you.

21 CHAIRPERSON RODRIGUEZ: I would like to
22 bring to your attention that when you go to the San
23 Francisco Metropolitan Transportation and you see
24 where you have in parking is allowed after sweeping
25 is the following. Sweeping the street, keep and

1 clean and a street sweeping citation is discouraged.
2 Vehicle owner from blocking the street sweeping truck
3 path. Once the street sweeping truck has swept the
4 curbside, you may park your vehicle there even if the
5 post sweeping hours have not expired.
6

7 This bill, this initiative in New York
8 City, is coming from people that care for a quality
9 of life issue. For people who want council members,
10 that want to keep our streets clean or cleaner than
11 what it is right now. So, I believe that we agree
12 when it comes to..., we are in the same tone when it
13 comes to the importance of not doing anything that
14 will hurt the quality of life, especially keeping our
15 streets clean. However, we believe that when we
16 quantify the value of time of New Yorkers, talking
17 about thousands, that they first of all, some of
18 them, as I did once, work late. You are looking for
19 a spot. And for me it's tough to see the street
20 being cleaned and driver not be allowed to park the
21 car, go back to sleep, go back to the gym, go back to
22 work, when that's not necessary. So I just hope, as
23 conversations continue that we will look at this bill
24 and see where are the major obstacles that we see and
25 try to fix it. Try to find a solution. But for me,

1
2 when I look at the environmental impact, adding a car
3 on the street, talk about a thousand double park.
4 When we talk about Vision Zero, a double parked car
5 effects the visibility of a driver who is coming
6 behind. When it comes to the financial impact, I
7 believe that we will save millions of dollars to
8 working class or middle class, that they cannot have
9 the car in a parking garage. Instead they have to be
10 waiting especially when the street is clean. If we
11 would have a major area where that cannot be done, I
12 would understand it. And, of course, like, as we
13 have done it in the past, I would like to invite the
14 administration to consider it. And that is my
15 question to you. Would you be open to consider the
16 possibility to do a pilot project where we can
17 identify two or three community boards to area? We
18 agree on working together for a period of time so
19 that we can measure the impact and see if that works
20 or not.

21 ASSISTANT CHIEF VISCONTI: Well I cannot
22 commit on a pilot today. Naturally, I can't commit
23 on that, but we're always open for something down the
24 road to talk about that, yes.

25

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2 CHAIRPERSON RODRIGUEZ: Okay. Council
3 Member Miller.

4 COUNCIL MEMBER MILLER: Thank you
5 Chairman Rodriguez and the Council Member Garodnick
6 for introducing this really important common sense
7 legislation on both issues.

8 I'd first like to deal with 295.
9 Obviously, something dear to me. I just introduced
10 the federal highway resolution imploring the federal
11 government to pass a bill that addresses these very
12 issues. So, not only is this a common sense issue,
13 but it is an issue of equity and social justice.
14 Because to my understanding, those who largely take
15 advantage of this benefit now, are those who live
16 outside of the city. Who actually receive a larger
17 subsidy and work for larger companies here within the
18 City of New York. So the inequities occur when the
19 smaller companies that employ local people don't have
20 the same opportunity. So I think its common sense
21 that we kind of figure out how we make this happen.

22 So, in your eyes, what do you think would
23 be the appropriate agency to facilitate this, given
24 that, I think, we all agree that it's the right thing
25 to do?

1
2 ASSISTANT COMMISSIONER KARASYK: I'm not
3 sure about that yet. You know, the administration
4 understands that finance can't handle this. So I
5 think that's part of what they'd..., we'd all like to
6 discuss in terms of further conversations with
7 council. I'm just not sure how we'd be envisioning
8 that right now. I'm sorry. But certainly, you know,
9 we should talk about where it could be, because there
10 are a lot of other agencies.

11 COUNCIL MEMBER MILLER: Okay. So we
12 haven't ruled out finance doing it just yet. And as
13 a matter of staffing overhead, is it just simply
14 possible to do that.

15 ASSISTANT COMMISSIONER KARASYK: I don't
16 even have figures. I mean, it's..., we don't have any
17 data on the number of employees at companies. We
18 don't have any data on, in terms of the income taxes
19 those employees are filing, like we don't collect
20 those income taxes. There are tax secrecy laws that
21 are involved. The state has some of that
22 information, but we don't know that we can get any
23 access to it. On top of that, our judges hear
24 parking violations only. And we do not issue any of
25 those violations. So, I mean, from an operational

1
2 standpoint, we don't see how we could do it. And I
3 think the conversation the administration wants to
4 continue to have with city council is, okay, we all
5 think this is a good idea, let's see how we can do
6 it.

7 COUNCIL MEMBER MILLER: Okay. I'm sure
8 the technology exists that would allow for any agency
9 overseeing this legislation to do it appropriately,
10 considering what we've been able to do thus far with
11 paid sick leave and others in those areas. So it's
12 certainly a conversation that we'd like to have in
13 the future. But I thank you for your time.

14 ASSISTANT COMMISSIONER KARASYK: Okay.
15 Thank you.

16 COUNCIL MEMBER MILLER: And I would like
17 to move over to Intro 20 which is clearly another
18 common sense piece of legislation before the council
19 here. And so I do want to talk about some of those
20 logistical impediments that we, mostly, the double-
21 back turnaround and you said that you don't actually
22 have that or collect that data. But you did mention
23 that during the fall there are times when you send
24 out additional trucks which obviously you know when
25 you're sending out additional trucks based on a

1
2 specific reason. So, I'm sure that that data would
3 be available and help us to move forward. Is that
4 correct?

5 ASSISTANT CHIEF VISCONTI: Sure.

6 COUNCIL MEMBER MILLER: And currently the
7 only mechanism that of communication is the two-way
8 radio?

9 ASSISTANT CHIEF VISCONTI: For the
10 mechanical sweepers, that's correct.

11 COUNCIL MEMBER MILLER: Okay. Is there a
12 central command center for sanitation?

13 ASSISTANT CHIEF VISCONTI: Central
14 command center? Each district has its own garage.
15 Do you mean a central command center, do you refer...?

16 [Interpose]

17 COUNCIL MEMBER MILLER: In terms of radio
18 command.

19 ASSISTANT CHIEF VISCONTI: Oh, yes, yes.
20 Our main office.

21 COUNCIL MEMBER MILLER: So if an
22 incident, an unusual incident occurs with a truck or
23 with a sweeper or with an operator or with a
24 pedestrian or any other, that information would be
25 recorded via the central command. Correct?

1
2 ASSISTANT CHIEF VISCONTI: I believe so.
3 Correct.

4 COUNCIL MEMBER MILLER: So theoretically
5 the technology may exist to be able to make this
6 happen if we upgraded or made some adjustments to the
7 system that currently exists.

8 ASSISTANT CHIEF VISCONTI: I mean it's
9 possible.

10 COUNCIL MEMBER MILLER: Okay. So I think
11 we're headed on the right track now. I think that it
12 just takes, really the will to make it happen. But I
13 do want to say that..., so..., let me double back. In
14 the area of Southeast Queens that I represent.
15 Obviously it is a lot of tree lined blocks. Probably
16 90% of it. And I have not had..., although most of the
17 majority don't include alternative side parking.
18 Those in certain areas do, and I have not had that
19 experience of them doubling back. So I would like
20 to..., you know, if that's the case, it would be a good
21 thing. But I do want to just leave with the fact
22 that I think that for the common worker..., I think
23 it's an insult to say that people sit in their car
24 and eat \$45 fines. The average person that we
25 represent here in this council cannot afford to do

1
2 such a thing. And I think that this piece of
3 legislation is simply allowing a relief to those
4 drivers which, obviously are undertaking a lot of
5 burdens financially. And time wise and just the
6 quality of life and we're trying to make sure that we
7 can enhance that in any way possible. And would love
8 to, as Chairman Rodriguez said, to have further
9 conversations about how we move past these
10 impediments, particularly as we talk about how we
11 communicate better for the second go around as
12 possible. So I think that we are already on the
13 right track. And look forward to any further
14 conversation. Thank you.

15 CHAIRPERSON RODRIGUEZ: Thank you.
16 Before I give Council Member Constantinides the
17 opportunity. I would like to recognize that here we
18 also have Council Member Van Bramer, Council Member
19 Weprin and Council Member Deutsch.

20 COUNCIL MEMBER CONSTANTINIDES: Thank you
21 Chairman Rodriguez. Good morning. So, I represent
22 Astoria. And I'll tell you the story why I'm a co-
23 sponsor of Intro 20.

24 A few months ago I was running a little
25 bit late, I had an 11:00 hearing here at City Hall,

1
2 so I was home. And it was 10 to 10, the street
3 sweeping ended at 10:00. At 9:50 we had an
4 enforcement agent after the street sweeper had gone
5 by, after the garbage truck had gone by, ticket my
6 entire street. So I walked out to see my entire
7 block up in arms about receiving a ticket for what
8 seemed for there to be no good public policy reason
9 for that ticket beyond just beyond that sign that was
10 pointing above saying that street sweeping ended at
11 10:00. And as a council member, I couldn't give them
12 a good public policy reason. It felt as if it was
13 just for revenue. And it put the enforcement agent
14 in a very uncomfortable situation. Because these men
15 and women are out there trying to enforce the laws of
16 New York City every single day. I respect the work
17 that you guys do. But that particular instance, put
18 these men and women in a two-fold problem. One, they
19 were left defending, what I felt is a poor reason
20 rationale for giving someone a ticket. And so
21 they're fighting, arguing, having to listen to that
22 frustration. But then they're getting into an
23 altercation. Like these are reasonably upset
24 individuals who feel that the city is just doing this
25 to ding them, to take \$45 out of a pocket. So to

1
2 reiterate what my colleague, Council Member Miller
3 said, I find it insulting that you come here today
4 and talk about garages. There are no garages for my
5 folks to put their cars. There's no option for that.
6 And there is no..., they're not sitting in their car,
7 they'd rather not get that \$45 ticket. It's coming
8 out of their pockets. It's hurting them financially
9 to get that ticket. That's why they're so upset. So
10 I'm just sort of wondering, what the public policy
11 reason is to give them that ticket. What do I tell
12 my constituent at 10 to 10 when that enforcement
13 agent comes down?

14 ASSISTANT CHIEF VISCONTI: I can speak
15 only on behalf of...

16 COUNCIL MEMBER CONSTANTINIDES: Then I'll
17 ask the transportation...

18 [Interpose]

19 ASSISTANT CHIEF VISCONTI: I'd like to
20 answer you anyway. And I want to reiterate. Because
21 it seems to be coming up a lot. That I can only
22 speak to sanitation when I say that we want to get
23 that street cleaned. It's the only priority that we
24 have. That supervisor's only job is not to stay with
25 that street sweeper. He's got other jobs to do. So

1
2 once that street is cleaned. He moves onto other
3 things. We're not in the business of writing tickets
4 to cars that are parked on the street that's been
5 fully cleaned by us. We just..., I've been in the
6 street for a lot, a lot of years and it's just not
7 happening in any place that I've been. And people
8 under my command, we don't do that. So I understand
9 your anger, but again, that's not a policy..

10 [Interpose]

11 COUNCIL MEMBER CONSTANTINIDES: It's not
12 only my anger, it's the anger of real New Yorkers who
13 feel that the city is using them as a piggy bank.
14 And that the middle class is being squeezed by
15 unnecessary tickets. It's not my anger, look..

16 [Interpose]

17 ASSISTANT CHIEF VISCONTI: When I say
18 your anger, I mean the people you're representing and
19 everybody. Okay, but what I'm trying to point out
20 is, we don't do that. Sanitation doesn't do that.
21 Once the street is cleaned, and you park your car, we
22 don't go back and write a summons to a car parked on a
23 clean street.

24 INSPECTOR FULTON: Umm, Inspector Fulton
25 again. First of all, the police department and I

1
2 think anybody that lives in the city sympathizes with
3 anybody who gets a ticket. We're not in the business
4 of revenue generation. These rules were put in
5 effect because, as was articulated by sanitation, is
6 that the streets need to be cleaned. I mean that's
7 the bottom line. The traffic agents are put out and
8 they do not know when the street cleaner goes by. So
9 the signs are put in for a reason, and I was unaware
10 until this hearing, until I did some research, is
11 that they've been lowering, you know the time period
12 for when they clean the streets. So now you have a
13 sign that's up there, but technically the traffic
14 agent can write a summons, and people in the city,
15 and again I sympathize with the people with tickets.
16 And I've gotten summonses...

17 [Interpose]

18 COUNCIL MEMBER CONSTANTINIDES: And it's
19 mothers and fathers who are running their child back
20 and forth. There's people who have to get to work
21 and yet still have to run around here.

22 INSPECTOR FULTON: Of course, they're
23 regular people like myself and yourself. But the
24 signs are put up there for a reason and I park there,
25 and I know that if I park there, and the sign says...

1 if the street cleaner went by the traffic agent is
2 not at fault. He's given direction..., or he or she is
3 given direction that the person is not supposed to
4 park at that time. And if the sign says at 10:00, he
5 doesn't know if the street cleaner is coming in.
6 Like the reason the sign was put up there is the
7 street cleaner can come by there till..., we'll say
8 that the 10:00 is the deadline. They can come by at
9 10:00. Unless the time is shorter. Then you can
10 make the time shorter. But that sign is there for a
11 reason. If it's one minute, two minutes, three
12 minutes, I know ten minutes..., it seems like, oh I got
13 a ticket there with ten minutes, but the sign was put
14 there for a reason and the traffic agent is not to
15 blame. He or she is put out there to write the
16 summons because it serves a purpose. It's because
17 the streets need to be cleaned.

18
19 COUNCIL MEMBER CONSTANTINIDES: I'm sorry
20 Chairman Rodriguez, I have one more question. I
21 apologize for taking up so much time.

22 CHAIRPERSON RODRIGUEZ: Look we have to
23 disagree. And if you will be speaking on behalf of
24 the previous administration I would have a different
25 tone than the one that we have today. The only

1
2 reason why we're giving us an opportunity to look at
3 this issue in a different manner. Because we believe
4 that this administration is now looking at revenue
5 generator on anything that we do in the city. That's
6 the message that they have sent from the beginning
7 and that's a conversation that we would hope to see
8 when it comes to the ticket given for alternate side
9 parking. This generates millions of dollars. If we
10 will give courtesy to other areas why do we go out
11 and give tickets. Why when you know that the street
12 has been cleaned, that the sweeping truck already
13 passed, why don't you do similar as San Francisco.
14 That even though the law is there, they don't go out
15 and give tickets to those drivers. They are the
16 working class and middle class. And we know that the
17 streets has been cleaned. They know that there's not
18 a second round. It's all about let's go out and get
19 the revenue. And we know how important it is to have
20 the money, when we balance the budget. A hundred
21 million dollars would mean a lot for us. But I hope
22 that we can be more creative. And we should not be
23 going after working class and middle class when the
24 street already has been cleaned.

1
2 COUNCIL MEMBER CONSTANTINIDES: Thank you
3 Chairman Rodriguez. I'll ask lastly about the 90
4 minutes. How long is it..., is 90 minutes the absolute
5 number, is it an hour, is it..., where do we..., what
6 does the hour and a half accomplish that we couldn't
7 do in an hour?

8 ASSISTANT CHIEF VISCONTI: Well all
9 routes are different. Some mechanical brooms can
10 sweep their segment, it takes them right up to that
11 90 minutes and they have no leeway. Some are done a
12 little sooner. And there's a lot of factors that
13 come into play that I've repeated several times here,
14 that might prevent us from completing the route.
15 Which like I said, the mechanical breakdowns.
16 Anything that can come up that will prevent it from
17 being on a..., as from saying, we're going to on this
18 street at this time every single day. It's not like
19 that. It's hard for it to be exact because of all
20 these factors that come into play. All the routes
21 are different, I mean, every route is different. I'm
22 not going to say that every route takes exactly 90
23 minutes.

24 COUNCIL MEMBER CONSTANTINIDES: The thing
25 I'll say, is that look, I hear the policy concern. I

1
2 hear what you guys are trying to accomplish and I
3 understand that. And I think we're all on the same
4 team. But lastly what I'll say is that there's an
5 optics problems. There's a frustration by working
6 men and women that the previous administration viewed
7 them as a piggy bank. And that we need to sort of
8 change that perception. Because we spent 12 years
9 where they felt that way. And to move forward, I'm
10 hoping that you'll heed what Chairman Rodriguez was
11 talking about, was coming to the table and finding a
12 common sense solution here, that will make real New
13 Yorkers feel that the rules are there for the actual
14 rules and not to get them. So that's the optics
15 problem that we have from the last 12 years. And I
16 hope you acknowledge that that's a problem and that
17 you'll heed the chairman's call to come to the table
18 and figure out a way to make this bill work. Thank
19 you.

20 CHAIRPERSON RODRIGUEZ: Council Member
21 Deutsch.

22 COUNCIL MEMBER DEUTSCH: Thank you very
23 much Chairman Rodriguez. Thank you very much for
24 introducing this common sense piece of legislation.

25

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2 And I tell you, I really can't believe
3 that we're sitting here at a hearing on this piece of
4 legislation which is really common sense and you know
5 this should just become law without even sitting
6 around this table and playing politics back and forth
7 for we all know that we have to do. But let me just
8 tell you that my concern is not just the pollution
9 but it's also about accidents. I'm a strong
10 supporter of Vision Zero and how many miles being put
11 on for people circling around the block. Sometimes
12 as many as fifty times just looking for parking in
13 different areas. And in addition to that the
14 pollution and how many people, parents, a parent has
15 to walk down to move their vehicle and may leave a
16 child behind in their apartment and that's why we
17 have ACS who works very hard to go after parents who
18 neglect and leave the children alone and here we're
19 basically saying, go down and move your car and we're
20 giving you that permission.

21 In addition to that, we have special
22 needs children who may be left behind. We also have
23 the elderly who may need attention or medical
24 attention who need someone to be watching them or a
25 person with a disability. There's a lot of issues

1
2 around this that concern me. It's not just about
3 pollution, it's not just about, you know, wasting
4 people's time. We need to make people's lives
5 easier, not more difficult. And when I was sitting
6 out, it was mentioned this morning in the New York
7 Times. I sat for two and a half hours. I came out
8 early and I had about fifty people, at least, asking
9 me if I'm pulling out of my spot. Which I was parked
10 at a legal parking spot. And those people were just
11 circling around the block. And many people said, you
12 know, I will wait an hour. So I asked them what are
13 you doing now. So they said, that I'm supposed to be
14 at work, I'm trying to conduct my business in my car.
15 And I really can't do it. I have clients to meet and
16 I have to start my day later and I cannot really work
17 late because I've got to be home on time for my
18 children. So there's a lot of issues here, a lot of
19 concerns and you know, we need to address this issue
20 and if we could track a snow plow with GPS, I don't
21 see a reason why we cannot track a sanitation street
22 sweeper with a GPS tracking device. And if a person
23 goes on their computer and see that the street
24 sweeper passed the block, they should be able to be
25 allowed to park there.

1
2 And it's not about..., I supported several
3 initiatives to clean our streets. And I'm for clean
4 streets. But first of all, I never saw a sanitation
5 street sweeper going passed the block twice. Unless
6 there's a commercial area that's up the block, which
7 have different routing hours. And in that case they
8 would go up the block twice. One for the commercial
9 piece and one for the residential piece. But if..., I
10 don't see it's necessary for street sweepers to go
11 around the block twice. Let them take the time that
12 they would spend going down the second block and pick
13 up different areas that have dumping locations, which
14 I have throughout my district.

15 And in regards to parking lots, I have a
16 very high poverty level in my district. And people
17 who have vehicles may have very cheap vehicles who
18 drive. And they cannot afford these summonses and we
19 don't have parking lots where they have a choice that
20 we're not going park, but we're going to park on the
21 streets. So this way we don't have to park in the
22 parking lot. We don't have parking lots in my
23 district. So we need to come out with a solution and
24 to..., once the street is clean we should have people
25 allowed to park there. So, again, you know, I don't

1
2 know what the answer is, but I think the answer
3 should be, is that once the street is clean, people
4 should be allowed to park there. And we need to come
5 up with answers and we need to come up with a
6 solution to this.

7 CHAIRPERSON RODRIGUEZ: Do we agree that
8 the technology's there to bring GPS to the sweeping
9 truck?

10 ASSISTANT CHIEF VISCONTI: I am not an
11 expert on GPS technology. I don't know how accurate it
12 would be for that specific situation. We're talking
13 a lot here about, if the mechanical broom went down
14 the street, the person should be allowed to park
15 again. Going down the street and cleaning the street
16 completely to the department's standards is two
17 different things. And I know there's been a lot of
18 concern here today that, well we don't see it going
19 around twice. We do put out multiple, more than one
20 mechanical sweeper on these routes in the fall. And
21 it's not just the fall. Like I said several times,
22 we have to go around these blocks more than once,
23 often, to get to curb space that was obstructed by
24 whatever. School trucks, somebody that didn't move,
25 that now moved. So the whole idea of GPS solving the

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2 problem, I don't think is going to solve the problem.
3 Because, yes, that vehicle equipped with a GPS let's
4 say, goes down the block, it doesn't mean the block
5 is cleaned. We want to reserve the right to come
6 back around that block and clean the street. The
7 bottom line is to try and get that curb cleaned.

8 CHAIRPERSON RODRIGUEZ: But you
9 understand that the technology is there to bring GPS
10 to the sweeping truck?

11 ASSISTANT CHIEF VISCONTI: Yes. There is
12 probably technology there, I just don't know how
13 accurate it is.

14 CHAIRPERSON RODRIGUEZ: And you know that
15 other cities are already allowing drivers to park the
16 cars after the street is clean?

17 ASSISTANT CHIEF VISCONTI: I do now.

18 CHAIRPERSON RODRIGUEZ: You know, we
19 expect from sanitation, you know, if we propose that
20 in major cities they're doing it. So why should New
21 York be behind.

22 When it comes to the ticketing. Do you
23 know that..., a question..., is there any particular
24 number of tickets that law enforcement has to give
25 every day?

1 INSPECTOR FULTON: No. There's no quotas.

2 CHAIRPERSON RODRIGUEZ: Since when?

3 INSPECTOR FULTON: For as long as I've
4 been in the police department and further I think
5 there's a law against quotas. So the officers should
6 not be, or the traffic agent should not be given any
7 kind of number to issue. It's just when they see a
8 violation, they can write it. They don't even have
9 to write it if they don't want to. Meaning that each
10 individual member of the service can write a summons
11 at their discretion. So, if they wanted to, if there
12 were circumstances and we would hope that they'd take
13 everything into circumstance, they wouldn't write the
14 summons if they warrant it didn't deserve a summons,
15 even if they were in violation.

16 CHAIRPERSON RODRIGUEZ: Look, in that
17 particular one, we have to agree to disagree. I
18 understand the code of silence, the code of respect,
19 the code of confidentiality. Realty is that those
20 law enforcement working on traffic, I don't know
21 about with the new administration are expecting that.
22 Because this new administration is coming with
23 different approach. But I can tell you that in the
24 previous administration, that happened at NYPD, the
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1
2 traffic agent, they had to give a number of tickets
3 every day.

4 With that, I would call the next panel.

5 COUNCIL MEMBER REYNOSO: Thank you
6 Chairman. And thank you for the panel for being here
7 and your patience. I do think that the testimony
8 give my Assistant Commissioner Karasyk in regards to
9 the Department of Finance versus maybe another agency
10 might be something that we could look into and make
11 some sense. So I'm definitely open to that. But
12 when it comes to the alternate side of the street
13 parking bill that's being proposed today, I want to
14 speak to the technology that is currently at hand.
15 We did a great job in a short amount of time to be
16 able to produce a piece of technology that can show
17 us where the plows were at all times. When your
18 street was clean you got a green light on Accuris
19 (phonetic) or whatever system you guys use in the
20 Department of Sanitation. And it was great. We were
21 extremely..., I think it was beneficial to informing
22 the constituents of my district and districts all
23 across the City of New York

24 Why is it that that type of system can't
25 be mimicked or mirrored to do the exact same thing

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2 for street cleaning? Give us the green light when
3 we're ready to go. I'd love to put that app that
4 shows that my street is green, which means you can
5 now park there. And we could proceed. And if it's
6 not green, it's a yellow or red, I know that I still
7 can't park on that street. And I just want to know
8 why the technology can't be used to do almost the
9 exact same thing.

10 ASSISTANT CHIEF VISCONTI: Like I said,
11 I'm not certain why those mechanical sweepers don't
12 have that technology, but like I stated before, going
13 down the block and cleaning the block are two
14 different things. So even if you have that
15 technology and you say you get the green, okay, the
16 mechanical sweeper went down my street. That doesn't
17 mean the street is clean. We want to reserve the
18 right to come back and sweep curb space that we were
19 not able to get to on the first go around. So it
20 would be..., GPS would work against you in that
21 respect.

22 You would have an app or a tablet or
23 something that says that sanitation went down the
24 block with the sweeper, but we might not have been
25 able to get to all the curb space for all the reasons

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2 I've mentioned several times throughout this
3 testimony.

4 COUNCIL MEMBER REYNOSO: So what is the
5 frequency of re-cleaning streets? I used to be..., the
6 frequency of having to sweep a street twice. Do you
7 know that number? What the percentage of that is?

8 ASSISTANT CHIEF VISCONTI: No I don't
9 have that data. It's very frequent during the fall
10 months and it's often times even non fall months.
11 It's like I said, trucks, etc. blocking the curbs.

12 COUNCIL MEMBER REYNOSO: I would love to
13 see the actual numbers to the frequency. I'm was an
14 avid driver in my day. Three years. I got a lot of
15 tickets that I needed to pay. Knowing that I had to
16 of course. But never saw a street sweeper come
17 twice, ever in three years.

18 ASSISTANT CHIEF VISCONTI: Well like I
19 said...,

20 [Interpose]

21 COUNCIL MEMBER REYNOSO: Well from the
22 times that I had to move my car. Every time I had to
23 move my car. Never seen it. Never happened. So to
24 hear that this happens now is news to me. I'm not
25 saying it doesn't happen, but its news to me. But I

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2 would like to see the actual numbers to the frequency
3 of when a truck, even during the fall, whenever your
4 high peak times, how many of those streets get
5 cleaned twice. And I you could get me that
6 information it would really help me understand what
7 your primary concern is.

8 ASSISTANT CHIEF VISCONTI: Getting back
9 to the GPS, again I don't know if I mentioned it, but
10 the current GPS that we possess, the technology is a
11 one to three hour range. So even that GPS technology
12 that we do have for the other trucks really wouldn't
13 help us in this situation.

14 COUNCIL MEMBER REYNOSO: Thank you for
15 that information. And again if I can get the numbers
16 as to how many times these streets ever in the City
17 of New York get swept twice. That would really help
18 me with this piece of legislation. But I do think
19 it's a positive piece of legislation. I think we're
20 just nickel and diming the constituents. At the end
21 of it, if the street is clean, why not go park.
22 Thank you very much for your time. Thank you Chair.

23 CHAIRPERSON RODRIGUEZ: Council Member
24 Deutsch and then...

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2 COUNCIL MEMBER DEUTSCH: Okay, thank you.

3 I just want to say that at times I have witnesses in
4 the past that when alternate side of the street
5 parking is in effect. It becomes like a racing
6 track. Between the agencies of who writes the
7 summons first. So what I would like to request, is
8 a..., if we could get the statistics of each agency,
9 sanitation, police department and the traffic
10 department, of how many summonses are written by each
11 of the three for alternate side of the street
12 parking. If we could get that please.

13 [Pause]

14 [Background talk]

15 CHAIRPERSON RODRIGUEZ: Council Member
16 Dromm.

17 COUNCIL MEMBER DROMM: Thank you Mr.
18 Chairman. And first I want to thank the sanitation
19 department. Today we're beating up on you guys
20 because you don't agree with our bill. But in
21 general I just want to say that you guys do terrific
22 work. I think you're unsung heroes of New York
23 City's civil servants. The work that you do, whether
24 it's during the snow or after construction or Sandy.
25 In general, I think you guys do really terrific work.

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2 I'm very sorry for the loss that you recently had.
3 It's a loss that we all feel. So I just want to
4 thank you for that.

5 I do want to just focus specifically on a
6 couple of things. What does it mean when you say
7 that the GPS availability is currently with a one to
8 three hour range? I wasn't familiar with that. I
9 was always under the impression that those streets
10 that are being plowed were able to see that in real
11 time. So that's not correct? It takes up to three
12 hours to see if a street is plowed?

13 ASSISTANT CHIEF VISCONTI: It's a one to
14 three hour range and it's not in real time.

15 INSPECTOR FULTON: I believe if you look
16 on Plow NYC, the first range is zero to one hour.

17 COUNCIL MEMBER DROMM: Okay.

18 INSPECTOR FULTON: So within like the
19 last hour, it says the plow came through within the
20 last hour. It doesn't specify to a certain minute or
21 to a certain ten minute period. Which would be an
22 issue with alternate side parking as far as issuing a
23 summons.

24 COUNCIL MEMBER DROMM: Well you testify
25 now that's within a one to three hour range. So does

1
2 that what it means? That in general, when these
3 plows are operational it may take up to three hours
4 to see if your street was cleared. I'm just trying
5 to understand it. It isn't like a gotcha question.
6 I'm just trying to understand the technology that you
7 have right now.

8 INSPECTOR FULTON: As far as plowing
9 you're speaking about. As far as plowing, there's
10 different..., if you look on Plow NYC there's different
11 categories. Zero to one hour, one to three hours. I
12 forget what the third category is. But each category
13 has a different color for the map.

14 COUNCIL MEMBER DROMM: Okay. But the
15 point is that right now the GPS is not real time. Is
16 that correct?

17 INSPECTOR FULTON: That's correct.

18 COUNCIL MEMBER DROMM: Okay. That's
19 interesting. I didn't know that. That's actually...,

20 INSPECTOR FULTON: But it's real time up
21 to an hour.

22 COUNCIL MEMBER DROMM: Okay, well no
23 that's not real time. Real time is like right now.

24 INSPECTOR FULTON: Well yes, exactly.
25

1
2 COUNCIL MEMBER DROMM: Up to an hour
3 would make it not real time.

4 So the first thing is, I would actually
5 encourage you, I mean, you know that big brother
6 tracks us right now. Right. Everybody who has a
7 cell phone you can log online. Everybody knows.
8 It's not that difficult. I would encourage you in
9 general I think to upgrade the technology. I think
10 New Yorkers would appreciate sort of seeing it.
11 Because I think part of the frustration is..., it's
12 interesting that you point this out, is because as an
13 elected official we would get calls from folks that
14 said, oh, Plow NYC is not updated. They're not
15 familiar that it takes up to three hours in some
16 cases. So I think in general it's a good idea for
17 you to consider possibly what the cost would be to,
18 in fact, have real time GPS. It would be better for
19 New Yorkers to have access. It would be better for
20 you, because you'd be able to track your trucks
21 better. Right? Because right now it must be a
22 challenge, especially as a council member, if I have
23 a major thoroughfare that's not plowed and I go
24 online and I say, hey it's not plowed. And now I
25 call the sanitation department. You're not really

1
2 sure if the street was plowed or not plowed because
3 it could take up to a few hours. Right. So in
4 general I think we can all agree it probably makes
5 sense to try to embrace this new technology. Is that
6 fair?

7 ASSISTANT CHIEF VISCONTI: If the
8 technology is there.

9 COUNCIL MEMBER DROMM: Oh. It's there.
10 Like I said, I mean, literally my phone right over
11 here has a GPS system where anybody can log on pretty
12 much, but certainly anybody who has the code can log
13 on and literally track me and see where I am. I
14 think they call it Find My iPhone. And so, certainly
15 the technology exists. I mean it can't be very
16 difficult. So I just would encourage. I'm not
17 trying to put you on the spot. I'm just trying to
18 encourage you to look at the technology. It might
19 actually help you for Plow NYC. And then it would
20 also be beneficial for this particular piece of
21 legislation. Something to think about.

22 My next question is in general, have the
23 streets gotten cleaner? I mean the mayor's
24 management report when he left, the former mayor that
25 is of course. I don't think we've seen a new one

1 yet. Said that the streets of New York have gotten
2 cleaner over the last two to three years. Is that,
3 in fact, your experience, that with the street
4 sweepers and the regulations that in general streets
5 have gotten cleaner. Or have they gotten dirtier?
6

7 ASSISTANT CHIEF VISCONTI: Well since
8 fiscal 2007, it seems to have leveled off. Up until
9 that time it was progressively getting cleaner.
10 Within the 94 to 95% scorecard range.

11 COUNCIL MEMBER DROMM: Yeh.

12 ASSISTANT CHIEF VISCONTI: And now it's
13 basically leveled off at about 94%.

14 COUNCIL MEMBER DROMM: Okay. So the
15 streets have certainly not gotten less clean. Right.
16 At the very least they're at 94%, possibly getting a
17 little bit cleaner. Okay, great. The reason I point
18 that out is because I just think in general the
19 sanitation department is a little bit resistant to
20 change.

21 I'm going to give you an example. A
22 couple of years ago I introduced legislation to get
23 rid of stickers. Do you remember these ugly neon
24 stickers that they would slap on the cars? And you
25 guys were here and you were yelling and screaming and

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2 saying that if this happens the streets will be
3 dirty, they'll be overflowing with trash because we
4 have to have this garish stickers. And I think you
5 guys gave out around a million or so of those
6 stickers that you stuck on. Our argument was, well,
7 it's not due process, right. It's everybody's
8 innocent until proven guilty except in sticker land
9 where you put a sticker on. Well, despite your
10 protestations, we passed law, and guess what? The
11 city is still clean and in fact, it's cleaner than
12 it's ever been. So I just want you to think about
13 that. I know it's difficult sometimes to embrace
14 change as a policy maker. But I think that it's not
15 that crazy.

16 And then finally, I just refer this to
17 the NYPD. Is there any concern over here, or have
18 there been any conversations in terms of internally
19 about the impact this has on revenue. Because let's
20 be frank, I mean, if we pass this law, New Yorkers
21 are going to save millions of dollars. So is that
22 something that concerns you guys in any way. Or is
23 it a conversation that's been had at all in terms of
24 internally. With regard to this piece of
25 legislation.

1
2 INSPECTOR FULTON: Not that I'm aware of,
3 no. We're not..., the police department generally is
4 not concerned with revenue. As far as anybody has
5 ever dictated to me. We're not about making money.
6 Summonses are written for reason. With regard to
7 this bill though, there are some hurdles but you
8 know, hurdles can be overcome. No one, like we said,
9 we're not about writing a ticket. You know, we're
10 not about that. We do it for a reason. And a lot of
11 times it's beneficial to everybody in the public and
12 it's necessary. But if the hurdles, like the good
13 council member was saying, if the hurdles can be
14 overcome and some technology that you're supposing
15 could come up and then the police department is...,
16 we'll always listen.

17 COUNCIL MEMBER DROMM: Great. So you
18 don't have really have any objections, assuming that
19 the hurdles can be met. You're okay with it, right?
20 There's no public safety or financial or other
21 reasons why you'd have to have the current structure
22 in place.

23 INSPECTOR FULTON: The way the bill is
24 written, there are some hurdles. But if you
25

1
2 presented it a different with technology and stuff,
3 of course we'd listen.

4 COUNCIL MEMBER DROMM: Okay. Terrific.
5 I just want to make sure. Because my overall arching
6 concern is..., and I'm not accusing anyone..., but just
7 in general I always find that when it comes to
8 tickets. Tickets are a big revenue maker. I think
9 we make close to a billion dollars in New York City
10 from parking tickets. And this obviously would
11 reduce tickets, which means that the city would lose
12 money, but obviously that money would go back into
13 the pockets of hard working New Yorkers. I just want
14 to make sure that's not an issue at all.

15 So I want to thank you for listening. I
16 want to encourage you to just keep an open mind. I
17 believe that hopefully with the chair's leadership
18 and the chair has been working on this for several
19 years now. I think we're going to pass the bill. So
20 I would encourage you to start thinking about how we
21 can actually get it done from a technological
22 perspective. Because I think it's really just one of
23 those things that actually makes sense and would be
24 helpful to a lot of New Yorkers. And in general,
25 once again, I want to thank you guys. I want to

1
2 thank the role that NYPD has been playing recently in
3 Vision Zero. Especially to keep our streets safer.
4 I thank you for that. And the sanitation department,
5 I very much want to thank you. I really believe it.
6 I think you guys do great work all around, and in
7 general we're really very pleased with your
8 leadership. So thank you very much.

9 CHAIRPERSON RODRIGUEZ: As my colleague
10 here said, you know, we'd like to thank the hard work
11 of the men and women in both sanitation and the NYPD.
12 And we know that when the NYPD, especially and the
13 sanitation, they are down the street and keeping the
14 street clean or doing the enforcement part. They are
15 doing the job. So we will continue conversations
16 with the administration in look at other cities, as I
17 say San Francisco already doing it. Allowing drivers
18 to park their car after the street is clean. Also
19 all the major number of cities that they also
20 installed GPS in the sweeping truck for the purpose
21 of getting and gathering all the information.

22 I would also like to take the opportunity
23 to say thank you to Douglas Marsiglia for his great
24 job and I know that he will retire today and
25

1
2 congratulations and thank you for all your years in
3 service.

4 [Applause]

5 CHAIRPERSON RODRIGUEZ: And with that we
6 will move to the next panel. So thank you.

7 [Pause]

8 CHAIRPERSON RODRIGUEZ: The next panel,
9 1, 2, 3.

10 The next panel are Alex Slackey, Krute
11 Singa, John Raskin, Ryan Lynch and Cate Contino.

12 [Pause]

13 [Background talk]

14 CHAIRPERSON RODRIGUEZ: So we will give
15 the current service ten minute time to recruit Singa
16 who came here, who flew from San Francisco and the
17 rest of the panel you will have three minutes.

18 [Pause]

19 KRUTE SINGA: Good morning my name is
20 Krute Singa. I'm from the San Francisco Department
21 of Environment, Clean Transportation Program.

22 I'm here to talk to you today about the
23 San Francisco Commuter Benefits Ordinance and provide
24 you with some background and our experience with
25

1
2 administering the ordinance and findings from our
3 experience.

4 The San Francisco Board of Supervisors
5 passed the Commuter Benefits Ordinance in 2009 with
6 support from the business community. It's part of
7 the city's environment code. So the goal is to
8 contribute to the city's air pollution and greenhouse
9 gas reduction targets by reducing the number of drive
10 alone trips. And encouraging the uses of walking,
11 biking, taking transit, carpooling and vanpooling.

12 Through our administration of the
13 ordinance over the last five years we've also found
14 other benefits that the ordinance provides. Namely,
15 it makes the city more affordable to commute into and
16 around. As well as writing business and development
17 benefits as commuter benefits does support..., or sorry
18 is an effective recruitment and retention tool for
19 employees.

20 A similar law is now in place for the
21 nine county bay area. Governor Brown passed a Senate
22 Bill 1339 in 2012 which requires businesses in San
23 Francisco in this region to provide a commuter
24 benefits ordinance and it applies to businesses that
25 have 50 or more employees. Two regional agencies,

1
2 the Bay Area Air Quality Management District and The
3 Metropolitan Transportation Commission manage the
4 program and we coordinate with them on
5 implementation.

6 Our primary goal is to motivate and
7 assist businesses in implementing the program for the
8 first four years. We approach compliance through
9 outreach, education and consultations without
10 punitive enforcement. The requirements of the
11 ordinance pertains to businesses with 20 or more
12 employees nationwide and a location in San Francisco
13 they can choose from one or more of three options
14 that are consistent with Section 132(f) of the IRS
15 Tax Code.

16 The first option is a pre-tax program
17 where their employees can choose to take out transit
18 or van pool costs from their pre-tax salary. The
19 second is an employer paid subsidy and the third is a
20 shuttle service from the nearest regional transit hub
21 or residential locations of their employees.

22 We also ask businesses to complete a
23 compliance form to let us know what kind of program
24 they are offering. Over the last five years, we
25 estimate that about 65% of businesses in San

1
2 Francisco are complying with the ordinance. The
3 responses from the compliance form also tell us a few
4 other things. Close to 40% of the businesses
5 implemented a commuter benefits program because of
6 the ordinance and of these businesses, a third chose
7 to offer the benefits to all employees across all
8 offices. They are not required to do that, they're
9 only required to offer the benefit to employees in
10 San Francisco. Now, if you look at all of the
11 businesses who responded, 61% offer the benefit to
12 their employees across all offices nationwide. And
13 it really shows that the ordinance has value beyond
14 the city's boundaries.

15 The most common option chosen is the pre-
16 tax program. This is the most cost neutral benefit
17 to provide employees. And small businesses, those
18 with fewer than 100 employees also have the highest
19 employee participation rates. These companies also,
20 the majority do offer pre-tax programs but they're
21 also more likely than any other employer sized
22 category to offer an employer-paid subsidy.

23 Now overall we estimate that about 23% of
24 San Francisco employees take advantage of their
25 employer's commuter benefits program. And they

1 collectively reduce CO2 omission's by an estimated
2 280,000 metric tons per year. Through the ordinance
3 we also have enforcement authority. However, we did
4 not start enforcing the ordinance until last year.
5 As I mentioned before, I primary goal is to educate
6 and assist employers with implementing a program.
7 After five years, we felt that the initiation of
8 enforcement action was a tool we could use to get the
9 remaining businesses, the 35 or so percent, into
10 compliance. But again, last year our goal was for
11 these businesses to have a program. So if they
12 implemented a program after receiving a fine, we did
13 not penalize them.
14

15 Just to conclude with some findings.

16 Over the last five years of administering the
17 ordinance, we have adopted a few practices that allow
18 us to be more effective and supportive to businesses.
19 We offer free one-on-one consultations to guide
20 businesses through the implementation process. We
21 also have step-by-step guides on our website and
22 templates for emails and posters that employers can
23 use to advertise the program for employees. And
24 these materials are available in multiple languages.
25 We also try to make the compliance form as easy to

1
2 fill out as possible. And we also make it easy for
3 employees to report their non-compliant employers.

4 We also have two support programs for
5 employees to take advantage of their employer's
6 commuter benefits programs. One is the Emergency
7 Ride Home Program where the city will reimburse the
8 employee for their emergency trip home. And a ride
9 matching service. Which allows employees across the
10 region to find carpool and vanpool partners. We also
11 continually conduct outreach throughout the year to
12 businesses and employers and we also partner with the
13 business associations and neighborhood districts on
14 outreach.

15 Again we have authority to enforce but
16 it's not mandatory for us to enforce. It's there if
17 we need it. And in closing I'd like to reiterate
18 that the ordinance has environmental affordability
19 and business benefits. Both the business and
20 employees save on taxes. And for the business it's a
21 cost neutral and easy benefit to provide as compared
22 to some of the other benefits they are either
23 required to provide or just provide their employees.

24 So with that I'm happy to answer any
25 questions and thank you for the opportunity to speak.

1
2 JOHN RASKIN: I'm John Raskin. I'm the
3 Executive Director of the Rider's Alliance. Thank
4 you for having us here today. And thank you
5 especially for moving so quickly on this transit
6 benefits legislation. It's really valuable that the
7 city council has taken it up and is really trying to
8 consider and ultimately pass it.

9 At heart this bill is about
10 affordability. It's about making public
11 transportation more affordable for New Yorkers to
12 ride. We recently did an analysis of the numbers and
13 it showed that if you are a New Yorker making the
14 average and the median wage and you buy a monthly
15 metro card over the course of a year. You could save
16 up to, it's almost \$450 a year, per person, if you
17 use transit benefits. It's also generally good for
18 employers. Our analysis showed that per employee who
19 uses it, an employer can save about \$100 a year in
20 taxes. Though of course, some of that is spent on
21 the paperwork and administering the program, etc.
22 But in general as Krute from San Francisco said, it's
23 generally cost neutral. We think there's generally
24 actually a cost savings for employers if you do the
25 numbers. The catch of course is that a person can

1
2 only sign up for these transit benefits if it's
3 offered as a benefit by their employer. That's the
4 federal tax law. And that's why it's so valuable to
5 consider what the city council is considering which
6 is requiring larger employers in the City of New York
7 to offer this benefit to their employees.

8 You know, ultimately transit benefits are
9 a win, win, win. A win for employees who are saving
10 money on their monthly metro card or really to be
11 literal a tax break for using transit. It's a win
12 for employers who are saving money, but also who are
13 able to offer a benefit that makes them more
14 competitive and able to attract workers. And a win
15 for the city. Because it keeps money in the local
16 economy. Our kind of analysis of the numbers shows
17 that there's..., to be conservative between \$80 and
18 \$100 million that New Yorkers all tolled if we
19 implement this bill could save and then spend in the
20 neighborhoods and on local commerce, a rev in sending
21 to Washington in the form of taxes. So we very much
22 appreciate on behalf of transit riders and some folks
23 who are members of the organization will speak later.
24 But we really appreciate your rapid consideration of
25

1
2 this bill and look forward to working with you to
3 pass it. Thank you.

4 CATE CONTINO: Good morning. My name is
5 Cate Contino. I'm the Straphangers Campaign
6 Coordinator. We're a project of the New York Public
7 Interest Research Group. I'd like to echo John's
8 sentiments, of thank for having this hearing today.
9 We strongly support Intro 295 for a number of
10 reasons.

11 Subway and bus fares have gone up four
12 times in the past six years. And the price tag of a
13 thirty day unlimited metro card has nearly doubled
14 since they were introduced in 1998 from \$63 to \$112.
15 But something can be done to help struggling New
16 Yorkers. The City Council can adopt Intro 295 which
17 would require employers with 20 or more employees to
18 provide their staff the opportunity to use pre-tax
19 dollars to save up to hundreds on their transit
20 service. My company, the New York Public Interest
21 Research Group has offered this benefit since 1998.
22 And while the total workforce of NYPIRG fluctuates
23 throughout any given year, we have roughly 25 to 30
24 full time employees in New York City who elect to
25 have pre-tax earnings withheld for the benefit.

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2 According to our service provider, already this year
3 our employees have collectively saved some \$6,000.
4 At the same time the company has saved over \$1,100.
5 The savings of the company is partially reduced by
6 the administrative cost offering the benefit but it
7 does in net gain.

8 Since 1998 NYPIRG has saved \$24,000 and
9 employees have saved a whopping \$126,000. By
10 claiming the benefit I personally save \$400 each
11 year. Money I can then spend in my community, on my
12 family or simply enjoying all that New York City has
13 to offer. We urge the City Council to pass Intro 295
14 allowing some 605,000 additional New Yorkers the
15 opportunity to claim this benefit and in the process
16 not only helping transit riders, but assist employers
17 in saving on their payroll tax obligation.

18 Thank you.

19 [Pause]

20 ALEX SLACKEY: Good afternoon. My name
21 is Alex Slackey. I represent AAA New York, which
22 serves a membership of over 570,000 drivers in the
23 five boroughs of New York City and I am here to
24 testify in favor of Intro 20 the alternate side
25 parking bill. I mean the phrase common sense

1
2 legislation is in vogue nowadays, but rarely have I
3 head a bill more apt for the term. I mean we move
4 our cars so the street sweepers can come, once
5 they've come, we move our cars back. A five year old
6 can understand that logic. I mean there are real
7 costs to alternate side parking as I think everyone
8 here knows. Financial costs, \$70 million in 2013
9 according to a CBS report. You know, just millions
10 of dollars in lost time, productivity, health
11 benefits of sleeping or going to the gym, social
12 benefits of being with your family. And of course,
13 with the mayor's emphasis on traffic safety, it is
14 good to get cars off the streets if they don't need
15 to be there. Yes. And this is a case where they
16 don't need to be there and New York City's DOT study
17 from Park Slope in 2008 found that traffic volumes
18 were 19% higher between 8 and 9 a.m. on alternate
19 side parking days. An NYU study found alternate side
20 parking regulations increased vehicles miles traveled
21 by 7.1%. It pollute the air. It makes the road more
22 congested, more dangerous. It doesn't make sense for
23 them to be there.

24 But of course, there are good things to
25 alternate side parking. There's a great Seinfeld

1 episode based on it. So we're thankful for that.
2
3 But of course, we want to keep the streets clean.
4 There's no doubt about it. But it's 2014, it's New
5 York City. You know, I'm no programming expert but
6 I'm pretty sure I have friends who could get this app
7 done in a month. The GPS or someone just presses a
8 button and says hey we need to come back or not.
9 It's all about communication. We can communicate to
10 the public and the traffic agents. Yes, we've been
11 here but we're coming back. If that's the concern,
12 we can overcome that. It's really just bureaucratic
13 inertia at this point. That was my impression of the
14 testimony and we're happy to work with whoever we
15 need to work with to get it done. But it's just not
16 easy. And nothing is so simple and so straight
17 forward, but it's clearly just about bureaucratic
18 inertia. I mean one contradiction I saw is, they
19 don't issue summonses if people are waiting in their
20 cars and then they come and they testify about why
21 it's bad for people to wait in their cars, but they
22 don't issue summonses for that anyway. How can you
23 object to codifying what is already your policy?
24 Make that the policy with the traffic agents as well.
25 That's really the key. I mean, likewise they don't

1
2 codify people who..., they don't ticket people who come
3 back after the street sweeper has cleaned. Why not
4 codify that regulation if we can do it, let's do it.
5 I'd like to thank Chairman Rodriguez, co-sponsors and
6 the Whole Transportation Committee for bringing this
7 bill to the public's attention and for giving me the
8 opportunity to comment. Thank you.

9 RYAN LYNCH: Good morning Chairman
10 Rodriguez, members of the Transportation Committee.
11 My name is Ryan Lynch. I'm the Associate Director
12 for the Tri-State Transportation Campaign.

13 Tri-State is an organization that has
14 been around for 20 years and we work to increase mass
15 transit usage and work for a more environmentally
16 friendly equitable and balanced transportation system
17 in the New York, New Jersey and Connecticut region.

18 We're here to support the passage of
19 Intro 295. The local law that would insure that
20 businesses of 20 or more employees would offer pre-
21 tax transit benefits to their employees. As we
22 mentioned earlier, we support the bill for the same
23 reasons that it will save businesses on their federal
24 tax obligation. It will help improve their bottom
25 line. And it will also help riders put a little bit

1
2 more money in their pocket and as John mentioned in
3 his report, between \$80 and \$100 million of taxes
4 that would have gone down to DC will now stay in the
5 New York City economy, where not only riders can
6 invest in their communities through their local
7 businesses. But also businesses can reinvest in
8 their business, paying higher wages to their
9 employees or you know, growing their business in a
10 sustainable way.

11 This is a particularly important bill for
12 New Yorkers because this bill will help make transit
13 for riders much more affordable. Since the late 90s
14 when federal operating assistance was curtailed, New
15 York City has relied upon riders to pay more for
16 their transit service. And this bill will just make
17 it a little easier for riders to get by in New York
18 City. This is common sense legislation and has the
19 sponsorship of almost 40 legislators in the New York
20 City Council and the backing of riders,
21 transportation advocates, civic groups, planning
22 organizations. And we encourage the transportation
23 committee and the city council to pass it into law.
24 Thank you.

1
2 CHAIRPERSON RODRIGUEZ: Council Member
3 Garodnick

4 COUNCIL MEMBER GARODNICK: Thank you Mr.
5 Chairman. And I want to thank the Riders Alliance
6 and the Straphangers Campaign in particular for their
7 advocacy on this and for the Rider's Alliance
8 excellent report on the subject. Which revealed
9 precisely how many New Yorkers could be covered but
10 are not being covered and also the potential savings
11 here. So thank you for that.

12 I just have some follow-up questions
13 about the California example if you don't mind.
14 Particularly since the City Department of Finance
15 raised some questions about enforcement and how best
16 to do that. From your testimony, if I understand it
17 correctly, San Francisco today has a 65% compliance
18 based on a report which businesses do themselves. Is
19 that correct?

20 KRUTE SIGNA: Right. It's a voluntary
21 compliance form. It's not part of our ordinance to
22 actually have a compliance process. I'm sorry not
23 compliance, a report process. But that's the only
24 way we know if employers are in compliance.

25

1
2 COUNCIL MEMBER GARODNICK: Do us a favor
3 and speak a little closer into that microphone.
4 Because I want to make sure that I hear you
5 correctly. So it's a voluntary form and 65% of
6 businesses are sending it into the city. Is that
7 right?

8 KRUTE SIGNA: Yes.

9 COUNCIL MEMBER GARODNICK: And the
10 enforcement action, I think you said becomes
11 applicable after five years. Is that right?

12 KRUTE SIGNA: We chose to enforce after
13 five years. The first four years of the ordinance we
14 chose to approach compliance through education and
15 outreach. We've always had the ability to enforce,
16 but we didn't start off by enforcing the ordinance.

17 COUNCIL MEMBER GARODNICK: So, the power
18 to enforce exists, but a policy decision has been
19 made to educate for several years and then enforce.
20 Is that...

21 KRUTE SIGNA: That's correct.

22 COUNCIL MEMBER GARODNICK: Is there any
23 reason why power was granted to enforce in those
24 early days as opposed to saying legislatively, let's
25 not enforce until sometime has passed?

1
2 KRUTE SIGNA: So I wasn't there at the
3 passing of the bill. So I don't know the decision
4 making process. I do know that with these types of
5 regulations enforcement action is usually included in
6 San Francisco. Our decision to not enforce and
7 instead approach with education and outreach is
8 solely a decision based on the San Francisco
9 Department of Environment's policies. We have many
10 ordinances in place through the San Francisco
11 Department of Environment, but we don't actually
12 enforce until a few years later. We like to educate
13 and motivate employers or whoever our constituents
14 are to implement the program without punitive
15 enforcement.

16 COUNCIL MEMBER GARODNICK: Well I think
17 that sounds very reasonable. In fact, you know as we
18 were talking about in the other bill, the issue here
19 is not to be generating tickets or fines. The point
20 is to insure the people know that it's available and
21 make sure that businesses are offering it.

22 You said it's the Department of the
23 Environment in San Francisco that has the authority
24 to enforce this legislation for San Francisco. Is
25 that correct?

1
2 KRUTE SIGNA: That's correct. This
3 ordinance is part of the environment code and it
4 specifies that the Department of Environment has the
5 authority to enforce.

6 COUNCIL MEMBER GARODNICK: Okay. Now,
7 you noted that the bill in San Francisco applies to
8 business that have 20 or more employees nationwide.
9 Is that correct?

10 KRUTE SIGNA: Correct.

11 COUNCIL MEMBER GARODNICK: So if they have
12 one employee in San Francisco and you know, 19
13 employees based in 19 other cities around the
14 country. They would be looped into this requirement
15 in San Francisco.

16 KRUTE SIGNA: Right. For that employee
17 in San Francisco.

18 COUNCIL MEMBER GARODNICK: For the San
19 Francisco employee. Okay. Right.

20 Now you also said that it gives an
21 employer an option. And I caught the first couple of
22 options but I think I missed the third one. One of
23 them is to do as we're proposing here, offer the pre-
24 tax transit benefit program. The other is for the
25 employer to pay something?

1
2 KRUTE SIGNA: It's a subsidy. Yes. So
3 an employer can provide their employees with \$20
4 towards their benefit, up to whatever they would like
5 to provide. So it ranges from just a few dollars all
6 the way to the full cost of their transit pass.

7 COUNCIL MEMBER GARODNICK: And what was
8 the third option.

9 KRUTE SIGNA: A shuttle program from the
10 nearest regional transit hub or employee residential
11 locations.

12 COUNCIL MEMBER GARODNICK: Okay. Now,
13 this law has been applicable for a year or so. How
14 long did you say? Sorry.

15 KRUTE SIGNA: This is the sixth year now.
16 It was passed in 2009.

17 COUNCIL MEMBER GARODNICK: 2009. And it
18 went into effect in 2009 also?

19 KRUTE SIGNA: Yes.

20 COUNCIL MEMBER GARODNICK: Okay. So,
21 what percentage of the businesses are taking
22 advantage of these various options?

23 KRUTE SIGNA: About 75% do offer the pre-
24 tax program and the remaining is kind of spread out.
25 I would say it's 11% who go for the employer paid

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subsidy, and another 8% that do a combination of pre-tax and subsidy program. The employers who provide a shuttle service is about 1%.

COUNCIL MEMBER GARODNICK: 1%. Yes, I had a feeling that was going to be low.

KRUTE SIGNA: It's quite costly to do that.

COUNCIL MEMBER GARODNICK: Right. And you do have the opportunity to do a mix of subsidy and pre-tax set aside.

KRUTE SIGNA: Correct.

COUNCIL MEMBER GARODNICK: Okay. And you said that there's 8% that does that combination.

KRUTE SIGNA: Right.

COUNCIL MEMBER GARODNICK: Okay. Now this law was passed in San Francisco in 2009. You also noted that something was passed in the State of California in 2012. What's the differential between the San Francisco law and the California law?

KRUTE SIGNA: The California law pertains only to the nine county San Francisco Bay area. And the difference between the local law and the Bay area law is that ours applies to 20 or more nationwide. The Bay area program applies to 50 or more employees

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2 and the employer has to have a location in the Bay
3 area only. It's not nationwide.

4 COUNCIL MEMBER GARODNICK: And did the
5 State of California pass that sort of a law for any
6 other municipality in the state, or is it just for
7 the Bay area?

8 KRUTE SIGNA: It's just for the Bay area.
9 In Southern California there are other laws in place
10 that apply more to trip production. But for a
11 commuter benefits program it's just the Bay area in
12 California.

13 COUNCIL MEMBER GARODNICK: Okay. And the
14 last question is you have seen the bill that we have
15 proposed that certainly is..., does not offer the
16 options that exist in San Francisco, it just puts
17 forth a requirement that for businesses of 20 or
18 more, that they offer that pre-tax opportunity. And
19 also you know, the enforcement deals with a specific
20 agency. It's not an environmental agency, it's a
21 finance agency. And you heard from them a few
22 minutes ago that they did not believe that that was
23 within their area of expertise. Give us your
24 recommendations on what you see pending before this
25 committee today based on your experience and what

1
2 you've seen over the past number of years in
3 California, in the Bay area specifically.

4 KRUTE SIGNA: Well as I mentioned. Our
5 primary goal is education and motivation. So I would
6 recommend approaching the bill through that lens.
7 For enforcement, we work very closely with our
8 treasure and tax collector's office and our city
9 administrator's office to make sure that we are
10 within city policy and city procedures in sending out
11 warning letters and fines and citations. We don't
12 have a perfect list of businesses. I don't know if
13 that actually exists anywhere but the treasurer and
14 tax collector's office does have a list of employers
15 who are affected by this ordinance. And they provide
16 that to us. And we have a good working relationship
17 with them. With also enforcement, they can step in
18 after we've gone through the entire enforcement
19 process and still have not heard from a business,
20 they can step in and help us enforce as well.

21 COUNCIL MEMBER GARODNICK: Let me just
22 close it out with a question for the rest of the
23 panel about the enforcement question in general.
24 Because obviously we heard some concerns from the
25 Department of Finance. We also have a different

1 model that is in place in San Francisco. If you have
2 any reaction to that for this panel over here it
3 would be very useful for us to hear it at this point.
4 Because the bill specifies one route, but we're now
5 hearing some interesting possibilities that we could
6 explore.
7

8 [Pause]

9 JOHN RASKIN: So I think that that's
10 absolutely a cause for us to have more conversations
11 with the administration about exactly how to do it.
12 You know, I think part of the rationale is for
13 putting it in Finance, is that Finance is already
14 asking businesses lots of questions about their tax
15 filing and it could be pretty easy just to kind of
16 add a little box that says, do you provide this
17 benefit, or something like that. And I think that
18 was part of the rationale. If it turns out that
19 that's not an appropriate way to do that, then what
20 it seems is that whether it's a different agency or
21 kind of part of the office of the mayor, whoever is
22 responsible for the enforcement will need to have a
23 kind of collaborative working relationship with the
24 Department of Finance just because so much of that
25

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2 information, as I understand it, about tax filings
3 and businesses paying taxes is housed there.

4 COUNCIL MEMBER GARODNICK: Last question.
5 One more California question. Is anyone exempt from
6 this? And that's all I've got Mr. Chairman.

7 KRUTE SIGNA: Sure. Actually the 65%
8 that are in compliance do include exempt companies.
9 And those are companies that do not have a location
10 in San Francisco. So again this goes back to our not
11 having a perfect list of businesses who operate in
12 San Francisco. The Treasurer and Tax Collectors'
13 office requires a business I.D. from all businesses
14 who do business in San Francisco but may not be
15 physically located in San Francisco. So we have
16 exempted those businesses. If they require their own
17 vehicles to be driven into San Francisco for catering
18 purposes, construction, those types of businesses.
19 And then we also work on a case by case basis for
20 exemptions if the company..., all their employees
21 telecommute. They have their headquarters somewhere
22 else in the nation but they have a few employees in
23 San Francisco and all of them telecommute then we
24 work with that level of exemption as well.

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2 UNIDENTIFIED MALE: Thank you Councilman.
3 This panel is dismissed. We're going to call up our
4 next panel. Andrew Rigie, Jonathan Matz, Jay Peltz,
5 and Anthony Torres.

6 [Pause]

7 JONATHAN MATZ: Good morning City Council
8 Members. My name is Jonathan Matz. I am a member of
9 the Riders Alliance and I work with a small
10 environmental policy consulting firm here in New York
11 called the Blue Marble Project here in Manhattan.

12 We're a very small firm with only four
13 employees, so the Intro 295, the bill you're
14 considering today would not apply to us.
15 Nevertheless we just wanted to speak in support of
16 it. We currently enjoy transit benefits. And
17 offering those benefits to our employees has been an
18 advantage for us, to our firm. We estimate that we
19 saved roughly \$260 a year on payroll taxes. And
20 that's about the same amount as the annual fees. So
21 for us it's pretty much a wash. But for larger
22 organizations, offering this benefit to employees
23 would actually probably bring them net savings.
24 We've found that offering these benefits has been
25 easy administratively. It's been cost effective.

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2 And most importantly, it's been a huge boost to our
3 employees' morale. So not only do New York
4 businesses nothing to fear, we think from being
5 required to offer these transit benefits. But
6 hopefully they'll recognize that doing so is a great
7 opportunity. Thanks for your consideration of the
8 bill.

9 ANDREW RIGIE: Good afternoon, Mr. Chair
10 and council members. My name Andrew Rigie. I am the
11 Executive Director of The New York City Hospitality
12 Alliance. We are a trade association representing
13 restaurants and night life venues throughout the five
14 boroughs. Before I get into my comments, I also want
15 to let you know that I did submit for the record
16 Nancy Ploeger's of Manhattan Chamber of Commerce
17 President's comments as well.

18 So many of our members would be impacted
19 by Intro #295 which would mandate that small
20 businesses with 20 or more employees offer them the
21 opportunity to use pre-tax earnings to purchase
22 transportation benefits. Now, while this federal
23 deduction my work very well for many employers
24 employees, the federal government did create this
25 program as a voluntary program. And unfortunately

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2 after speaking with many of our members, some small,
3 medium and large. I was somewhat surprised to learn
4 how many were not even aware that this program even
5 existed. So therefore we believe before there is any
6 rush to introduce a new employer mandate that we
7 should really work collaboratively to conduct
8 outreach to our employer community. Let them know
9 about the program and have a better idea of what type
10 of impact it would have on them both from an
11 administrative standpoint and a financial impact.

12 Now as I said, for some employers, this
13 program as voluntary one can work very well. But
14 it's also not without financial and administrative
15 burdens. Especially for those employers that do
16 their payroll in-house. And more of a surprise we
17 learned that those companies that do use payroll
18 companies, some of those payroll companies are not
19 even offering this deduction as a service. Therefore
20 they have to go to a third party company. And these
21 third parties often require, you know, different
22 fees. If sometimes the employer will purchase the
23 transit cards up front, which will require a fee,
24 then they'll ship them out so there's additional fees
25 and shipping costs as well.

1
2 And in my understanding there are various
3 ways that the benefit can be administered. And as I
4 mentioned, sometimes the employer may purchase cards
5 upfront. But what happens is employees may leave the
6 employer mid-month which means the employers have an
7 additional administrative task of adjusting a
8 deduction, the deduction from the employee's final
9 paycheck to cover the remaining balance on the card.
10 And since they are ordering them in advance, if an
11 employee leaves early while they have the card, the
12 employer is sitting there with these additional cards
13 which comes as another cost to them.

14 In the restaurant industry we see a
15 growing number of groups that have human resource
16 managers. But still the vast, vast majority of
17 restaurants do not have this. And even the Human
18 Resource Managers we speak with have told us about
19 the additional administrative work, etc. that comes
20 along with administering this type of benefit. And
21 while there is many ways to reduce their payroll
22 taxes for the employer by using this benefit, often
23 the cost involved will offset the savings and then
24 the administrative costs and time it takes, sometime
25 as well. So you know, just to conclude, I'm running

1
2 out of time, one of the main things that we have been
3 speaking about is helping small business in New York
4 City. And again this is a voluntary program, we're
5 real interested in working with you to get
6 information out to the business community. But we
7 are concerned that this is just another example of
8 another small business mandate on top of the many
9 others that business owners are trying to comply with
10 that are also attached to monetary penalties which
11 add up. We need relief for small business owners.
12 We need to work collaboratively to help them and we'd
13 really urge you to continue to work with our
14 organization as well as the greater business
15 community to put out a campaign, let employers know
16 about this benefit and let's see what the impact is
17 before a rush to mandate. Thank you.

18 JAY PELTZ: Thank you for the opportunity
19 to testify at today's public hearing. My name is Jay
20 Peltz and I'm the General Counsel and Vice President
21 of Government Relations for the Food Industry
22 Alliance of New York State.

23 The Food Industry Alliance is a non-
24 profit trade association that among other things
25 promotes the interest statewide of New York's grocery

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2 stores, drug stores and convenience stores. Our
3 members include chain and independent food retailers
4 that account for a significant share of New York
5 City's retail food market and the wholesalers that
6 supply them.

7 Before addressing the bill text and the
8 economic environment in which this public hearing is
9 being held. I would like to note our serious
10 concerns regarding the city's legal authority to
11 enact legislation that directly conflicts with
12 federal law. We have articulated these issues to
13 council staff, including whether a city agency has
14 the legal authority to enforce a city law based on
15 city interpretations of what is required under a
16 federal law. We look forward to continuing that
17 conversation.

18 Regarding the economic environment, many
19 of our members are small businesses struggling to
20 survive as we muddle through the fifth year of the
21 weakest recovery on record. As a result weak
22 consumer spending has become the new normal. In
23 turn, unemployment has remained stubbornly high in
24 the city at 7.9% in May 2014. It was 10.6% in the
25 Bronx. Compared to 6.7% in New York State and 6.3%

1 nationally. On top of that, new laws and regulatory
2 changes, no matter how well intended have imposed
3 significant costs on businesses as they comply with
4 the affordable care act and the result rise in
5 insurance premiums. The city's expanded paid sick
6 law. A state minimum wage hike with significant
7 pressure for additional meaningful increases and
8 state as well as federal tax increases. The
9 cumulative effects of these and other changes will
10 increase further, the already high cost of doing
11 business in the city and ultimately reduce business
12 investment and therefore job growth. Unintended
13 consequences that will wind up hurting the very
14 people we seek to help through policy changes.

16 This legislation mixed what is voluntary
17 under federal law, offering employees the opportunity
18 to use pre-tax earnings to purchase qualified
19 transportation benefits mandatory under local law.
20 This mandate will cover small businesses since the
21 bills requirements are triggered when the business
22 employs as few as 20 people.

23 Businesses with 20 people are small in
24 the real world sense. They are generally small in
25 revenues, small in profits and thinly capitalized.

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2 They certainly cannot afford to pay a penalty of \$50
3 for each day that a failure to make a compliant offer
4 occurs for each employee that fails to receive the
5 opportunity required under federal law. In addition,
6 employers of 20 workers typically do not have a Human
7 Resources Department. Accordingly those businesses
8 will be forced to pay an outside consultant to
9 establish and administer a very complicated federal
10 program together with the burden of monitoring the
11 services provided by the consultant.

12 Moreover, to the extent that employee
13 participation is low, payroll tax savings will be
14 low. This creates the very real possibility that the
15 program will generate net costs for a small employer
16 struggling to survive in a challenging operating
17 environment.

18 We respectfully request that the council
19 work with the business community to develop
20 opportunities, increase participation, in the federal
21 qualified transportation benefit program outside of
22 the context of a mandate. Including enhancing
23 marketing efforts by stakeholders and full
24 reimbursement of employer's administrative costs.
25 Accordingly, The Food Industry Alliance of New York

1
2 on behalf of its members opposes adoption of this
3 bill. Thank you for your time and attention to our
4 members concerns and we look forward to continuing
5 discussions with you.

6 ANTHONY TORRES: Good afternoon. My name
7 is Anthony Torres and I am representing the New York
8 League of Conservation Voters. NYLCV represents over
9 25,000 members in New York City and we are committed
10 to advancing a sustainability agenda that will make
11 our people, our neighborhoods and our economy
12 healthier and more resilient.

13 NYLCV would like to thank Chair Rodriguez
14 and members of the Transportation Committee for
15 holding this hearing on Intro 295 that would require
16 employers of 20 or more employees to offer federal
17 commuter tax benefits for transit riders.

18 A transit friendly city is a more
19 sustainable one. Encouraging more New Yorkers to use
20 mass transit will help combat air pollution and help
21 the city meet its emissions goals.

22 First, promoting mass transit use can
23 help alleviate pollution from motor vehicles which
24 aggravates asthma and other cardio and respiratory
25 conditions. According to a recent study by the

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2 Department of Health and Mental Hygiene, in 2013
3 eight times as many New Yorkers died from air
4 pollution related health issues than from murder.

5 In New York City, mass transit was
6 responsible for 400 million fewer pounds of soot,
7 carbon monoxide, hydrocarbons and other toxic
8 substances released each year into the city's air.

9 While we applaud the city's continued progress in the
10 fight towards improving air quality, studies show
11 that air pollution is still a significant contributor
12 to premature deaths.

13 Second, supporting a transit friendly
14 city also makes it a more equitable and affordable
15 one. Intro 295 will make public transit more
16 affordable to 605,000 more New Yorkers that will be
17 eligible for this tax break. As said earlier it is
18 estimated that transit riders that purchase monthly
19 metro cards will save about \$450 a year with pre-tax
20 transit benefits. But they can only take advantage
21 of this benefit if employers offer it. Moving
22 forward NYLCV is committed to working with Chair
23 Rodriguez and the Transportation Committee to create
24 a more sustainable and equitable city for all New
25 Yorker's. Thank you.

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2 COUNCIL MEMBER GARODNICK: Thank you Mr.
3 Chairman. And I just wanted to address a couple of
4 questions to the rep from the Hospitality Alliance
5 and also from the Food Industry Alliance of New York
6 State. We appreciate very much your testimony. And
7 you certainly have my commitment to continue this
8 conversation with you. The goal here is to provide
9 this benefit. It's not supposed to be a punitive
10 measure towards business. So I'm sensitive to that
11 and I appreciate your comments and take them in that
12 vein. And also we will want to hear a little more
13 about that..., the structure of fines and agency. You
14 know, we heard from the Department of Finance earlier
15 which felt that they were not the right agency. I
16 don't know who the right agency is to deal with this.
17 If not them but we'll save that for another
18 conversation.

19 What I wanted to get your reaction to was
20 the model that we heard from in San Francisco about
21 an opportunity for choice. In that example you heard
22 there was either this, as we proposed. Where you put
23 aside the pre-tax earnings for transit. You provide
24 a subsidy or a shuttle. I don't know if either of
25 your entities would find the choice option more

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2 sympathetic than the one option that we are offering.
3 But I wanted to get your sense on that.

4 JAY PELTZ: You know I think business
5 owners when it comes to compliance, having an
6 opportunity or multiple ways to comply with the
7 different law are always in favor. But I think from
8 the offset being mandated versus being taught about,
9 here are the types of opportunities that you can take
10 advantage of. I think that that is the first place
11 to go before saying, you know, your mandated but you
12 have multiple options and I think that if we have the
13 opportunity to figure out of those three or any other
14 options that exist. Which ones work the best, how
15 they work, if they can be enhanced, if they can't?
16 And I'm not familiar with all of the options and how
17 they work.

18 ANDREW RIGIE: Yes, we would agree, costs
19 are costs. Incremental costs are incremental costs.
20 Whether they come through option A, B or C. And
21 mandated costs are currently having a significant
22 impact on businesses in the city. So we would
23 request that we work collaboratively to see if we can
24 increase participation in the program rather than
25 doing it through mandate.

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2 COUNCIL MEMBER GARODNICK: San Francisco
3 has as a policy matter, held back on enforcement for
4 a five year period. With an intent to take a period
5 of time to educate and make it voluntary. Have
6 people disclose what they're doing. They have a 65%
7 participation rate off the bat. What do you think
8 about that model?

9 JAY PELTZ: Again the outreach, education
10 is really important. I would always just say we can
11 do that without having a mandate. We could try a six
12 month or year program just having an opportunity to
13 see how it is impacting business owners. Again
14 before just saying, here is a mandate. It's coming
15 down the road. We'll fine you in the future but not
16 initially. I think we still have an opportunity to
17 figure out how people can comply and businesses can
18 manage this without the mandate.

19 ANDREW RIGIE: Right. Let's see what
20 kind of real unmet demand there is out there. Before
21 we lead to a mandate.

22 COUNCIL MEMBER GARODNICK: Last question
23 for me. You'll note, we did not make this applicable
24 to all businesses, businesses with five or more, ten
25 or more, fifteen or more. We made it applicable to

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2 20 or more, quite deliberately frankly, so as to not
3 get the smallest possible businesses. And with the
4 thought that those that had 20 or more most likely
5 had some sort of administrative personnel to be able
6 to handle come of these issues. Now my question for
7 you, and I recognize that some of the testimony that
8 you offered as well as from the Manhattan chamber.
9 That you may not believe that to be the precise
10 number. But my question for you is, what's the
11 number then, from your perspective where a firm does
12 have the administrative capacity to be able to handle
13 this sort of thing?

14 JAY PELTZ: Internally, we've been
15 talking about 100 or more workers. That's our sense
16 based on our polling or our membership and other
17 stakeholders that I've been discussing this with.
18 That seems to be the threshold at which the
19 administrative capacity is there.

20 ANDREW RIGIE: I'd say probably on
21 average, the same thing in the restaurant industry.
22 Some of the multi-unit operators do have a Human
23 Resource Department. But at 20 employees, especially
24 in the restaurant industry, many of them may be part-
25 time as well. So you have many waiters, waitresses

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2 working, so they may count as an employee, but you
3 know, they can be working few hours every week. So
4 it's difficult to give an exact number, but I'd say
5 that I don't know any restaurants with 20 or even 50
6 employees that have HR managers or departments.

7 JAY PELTZ: One more thing. I grew up in
8 the business. I was in the business myself for a
9 period of time. You would be hard pressed to find a
10 supermarket with 20 workers that has any
11 administrative personnel other than people who pay
12 bills, you know, handle payables. The rest is just
13 the owner and his immediate circle and the people on
14 the floor. You know, trying to make it work on a day
15 to day basis. At 20, the administrative capacity is
16 not out there.

17 COUNCIL MEMBER GARODNICK: So we will
18 take a look and see how this has worked for food
19 service, for groceries, for restaurants in San
20 Francisco. Obviously, you're sensitive to the full-
21 time, part-time issue and the complication there.
22 But we appreciate your testimony and your time today.
23 Thank you Mr. Chairman.

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2 CHAIRPERSON RODRIGUEZ: The next panel,
3 Adam Forman, Amy Davis, Tolani Adeboye and Janre
4 Theobolt (phonetic)

5 [Pause]

6 CHAIRPERSON RODRIGUEZ: You may begin.

7 TOLANI ADEBOYE: Hi, my name is Tolani
8 Adeboye. I'm a member of Riders Alliance and a city
9 employee. And I'm here today to speak in favor of
10 Intro 295 and expanding transit benefits for more New
11 Yorkers. This is an issue I care a lot about as a
12 resident of Bedford-Stuyvesant who's very involved in
13 my community. The planning around transit and paying
14 for transit and managing that is tough for a lot of
15 my neighbors. One of the great benefits, or transit
16 benefits for workers is not just the amazing savings
17 that you get in the taxes. But it is also the
18 ability to kind of smooth out your transit spending
19 and have ways of managing that. In particular, I
20 have access to one of the commuter cars in which the
21 value is stored. So it's actually put on my card in
22 advance as it is deducted from my account which
23 allows me to easily manage my transit spending. And
24 that's just something I want to see more people in
25 Bedford-Stuyvesant have access to. A lot of my

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2 neighbors rely on bus and subway completely, for not
3 just work, but also for errands. So having access to
4 this really important benefit would allow people to
5 get a little bit away from the daily card use, the
6 one-time use card and to smooth out their transit
7 spending. This has been personally a huge savings
8 for me. I save over \$500 a year for my transit
9 benefits and I don't think this something that should
10 be limited to just city workers or workers from
11 really big employers. Because at this time when so
12 many working New Yorkers are struggling, having
13 access to a benefit like this is meaningful to a lot
14 of us. Thank you so much for considering the bill
15 and allowing people to come and give support today.

16 AMY DAVIS: Hello. I'm Amy Davis. And I
17 live in Brooklyn and I work at a non-profit arts
18 organization in the Lower East Side called La MaMa.
19 And TransitChek has been a significant benefit for
20 me. The \$36 a month that I save at times in my life
21 when I've been on a tight budget equates a week's
22 worth of groceries which is a big deal to me. Pre-
23 TransitChek, my previous employer didn't..., I don't
24 think even was aware of it. And didn't necessarily
25 not provide it. But before I had TransitChek I

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2 couldn't afford a monthly metro card. And I would
3 opt on my way to work when I lived in Bed-Stuy. I
4 would opt and watch busses pass me by, bus after bus
5 after bus, and opt to walk the two miles because the
6 \$2.50 wasn't worth it. And I had to be conscious of
7 every swipe that I made. And it's been such a
8 benefit to not have to worry about that.

9 In addition, I brought TransitChek to my
10 employer. They were not aware of it. And I wanted
11 to note that the previous panel was saying it's an HR
12 concern for smaller companies, but my company only
13 has 17 employees and they say it's been really easy
14 to administer and actually because I asked for it,
15 there are six other employees in my company that now
16 have it. And I would say, in addition to requiring
17 organizations with 20 or more employees to offer
18 transit benefits I would also say to create a general
19 awareness campaign. Because I think that I had
20 previous employers that would have provided it if
21 they had known about it.

22 Yes, I support Intro 295 and the benefits
23 that it can provide to New Yorkers. Thank you very
24 much.

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2 JANRE THEOBOLT: My name is Janre
3 Theobolt. I am a resident of Crown Heights, Brooklyn
4 New York. I became aware of TransitChek when I
5 started working for the Museum of Modern Art. It was
6 the first time that I worked with a larger
7 organization and I was stunned. Well I won't say
8 stunned but I was very pleased with it. It was one
9 of the benefits that made me the happiest and the
10 saddest when the funding ran out for my project. I
11 thus returned working with smaller organizations that
12 didn't have that. And now I'm actually working part
13 time at Balthazar Corporation, which is a restaurant
14 group. And I want to address that particular idea.
15 I do work there part time. They do provide it. I
16 feel that the idea of TransitChek versus the small
17 businesses and the larger businesses. If the smaller
18 businesses employ so many and they want to take that
19 umbrella then it seems to me..., the employees of the
20 smaller businesses should also have the benefits that
21 the employees of the larger corporations do. Just
22 because I work at a small foundation or I work at a
23 small restaurant does not mean that I'm not entitled
24 to the benefits that someone at Moma has. Thank you.

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2 ADAM FORMAN: Chairman Rodriguez, members
3 of the committee. Thank you for the opportunity to
4 speak. My name is Adam Forman. I'm the Research and
5 Communications Associate at the Center for an Urban
6 Future. The center is a research institute devoted
7 to growing and diversifying the New York City
8 economy, expanding economic opportunity and
9 alleviating obstacles facing low income in working
10 class neighborhoods.

11 Prior to the recent mayor election, the
12 center in partnership with NYU Wagner Innovation Labs
13 undertook an ambitious and far reaching project.
14 Over a six month period three researchers scoured the
15 globe for the most innovative and reputable urban
16 policies from the last decade. We interviewed nearly
17 200 policy experts, including current and former
18 mayors, chiefs of staff and agency commissioners. As
19 well as the leading thinkers from philanthropic
20 foundations, policy institutes, corporations, labor
21 unions and advocacy groups. This effort which we
22 dubbed Innovation in the City, invigorated the
23 election cycle debate offering New York City mayor
24 candidates a menu of innovative ideas drawn from
25

1
2 those inspired policies in those vibrant cities
3 around the country and the world.

4 Among the 15 policies we selected for our
5 final report was a practical and inspired reform from
6 San Francisco. Pre-Tax Transit Benefits. This
7 policy which requires businesses in San Francisco
8 with 20 or more employees to provide tax-free
9 commuter benefits promises to decrease payroll taxes
10 for employers, save money for commuters and insure
11 that a greater share of the income earned in New York
12 stays in the local economy rather than being sent to
13 Washington. A noteworthy benefit for a city that
14 routinely sends more tax dollars to the federal
15 government than it gets back in return. Clearly this
16 policy is a no-brainer. In fact, we at the center
17 find pre-transit benefits to be so beneficial that we
18 offer them in our six person office. And we hope
19 that all New York City employers whether large or
20 small will implement this policy. The passage of
21 this legislation is an important step forward toward
22 that goal. In fact over 80 companies have already
23 signed onto the Riders Alliance letter supporting the
24 bill. So there's certainly business support. Thank

1
2 you for considering my testimony and I look forward
3 to your questions.

4 COUNCIL MEMBER GARODNICK: Let's talk
5 about the six person office at the Center for an
6 Urban Future. Somebody handles this program. What
7 do they do? How burdensome is it?

8 ADAM FORMAN: I spoke to him this morning
9 about it and he said there was very little burden at
10 all. We've been doing it for two years. And it
11 benefits everyone. Everyone signs onto it in our
12 office and he finds it to be almost no inconvenience
13 at all.

14 COUNCIL MEMBER GARODNICK: Thank you.

15 CHAIRPERSON RODRIGUEZ: With that we will
16 adjourn this hearing. I would like to thank again
17 the staff from the Committee on Transportation,
18 Director Rosa Murphy. We heard two important bills.
19 They are common sense bills. We would like to
20 continue the conversation with the administration to
21 make that..., to get them moved forward.

22 With that this hearing is adjourned.

23 [Gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 3, 2014