

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: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
James G. Van Bramer
David G. Greenfield
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A P P E A R A N C E S (CONTINUED)

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Michael Nussbaum, Publisher
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Caitlin Lewis, Director
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Times Square Alliance

Dr. Gina Lovasi, Assistant Professor & Co-Director
Urban + Health Initiative at Columbia University's
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Walter Sanchez, Publisher and Editor
Queens Ledger and Brooklyn Star

Barbara Blair, President
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is Kathy Kahn, Manager
Grand Central Partnership
Madison Avenue Business Improvement District

Christine Grote, Co-Founder
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Jeanne Straus, President and Publisher
Straus Media Manhattan

Jennifer Goodstein, CEO of NYC Community Media
President of Community News Group

William Marquardt
Private Citizen

Rita Hirsch
Formerly with City Task

Anthony Crestor, Publication Distributor
Mitchells

2 [sound check, pause]

3 CHAIRPERSON RODRIGUEZ: Good morning
4 everyone and thank you for being here. Sorry for
5 being late, but the train was not running on time. I
6 went to the train with two other members of the
7 audience who are here. I saw them coming out on Park
8 Place. So, welcome to today's hearing of the New
9 York City Council Transportation Committee. I'm
10 Ydanis Rodriguez, Chair of the committee and I am
11 joined by my colleagues Council Members Vacca,
12 Richards and Chin. Today--today the committee will
13 consider several bills related to improving
14 conditions on our city sidewalks, and we will discuss
15 ways in which we are improving conditions for
16 pedestrians in managing the space allocated to them
17 versus cars, cyclists and other street uses. As all
18 New Yorkers know, our sidewalks can get packed with
19 people quite often. There are areas of the city
20 where hundreds of thousands of people pass through
21 each day creating crowded--crowd conditions that can
22 even force people onto the road bed, and increase the
23 conflict with cars. This was one of the key concerns
24 during the early 2000s that led to the creation of
25 the Times Square Pedestrian Plazas. These conditions

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2 are dangerous and put pedestrians at unnecessary
3 risk. Today, we will discuss the methods and
4 procedures employed by the DOT to ensure pedestrians
5 have enough space as well as challenges faced due to
6 sidewalk conditions. Overall, we are interested in
7 hearing about how we can continue to make our
8 sidewalks safer, cleaner and more beautiful for our--
9 our residents and the many millions of tourists who
10 travel each year to our great city. We will hear six
11 bills today, many pertaining---pertaining to news
12 racks and sidewalk jurisdiction. The first bill
13 Intro 411 introduced by Council Member Dan--Danny
14 Dromm is meant to ensure news racks are regularly
15 restored and kept in good condition. This will avoid
16 the issue familiar to many New Yorkers of news racks
17 sitting empty in filth with coverage in stale
18 newspapers.

19 The second bill, Intro 412 introduced by
20 Council Member Dan Garodnick ensures that DOT is able
21 to keep track of the many news racks that populate
22 our city sidewalks including when they are placed,
23 removed or have the location changed. This bill will
24 also require community board input as is related to
25 placements and publication.

2 The third bill Intro 427, introduced by
3 Council Member Vacca, will set new standard for
4 newsracks to maintain a certain level of own
5 informative--it would--I'm sorry, it would include
6 the names of the publication or writing material
7 offered--offered who have side requirements, and will
8 regulate the areas of the streets. The newsracks
9 could be placed to avoid conflict with street
10 furniture, bike racks and more.

11 Intro 687, introduced by Council Member
12 Koslowitz, would similarly regulate a location of
13 news racks on the street specifically relating to
14 taxi stands.

15 Intro 1201-09 introduced by myself will
16 require news racks to be registered with the DOT
17 including information such as point of contact, name
18 of publication, insurance certificate and delivery
19 schedule. The news rack owner will also be required
20 to put a sticker on the news rack with a unique ID
21 number. This is due to concern that news racks
22 become directly and add to the visual clutter to our
23 sidewalks when they are not properly maintained. The
24 bill arise over concerns that when the DOT attempts
25 to hold owners accountable, they have found the owner

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2 will simply change the location of the news rack

3 rather than fix the problem. This bill is meant to

4 address the large amount of space take up on our

5 sidewalks by street furniture that can often be

6 abandoned and regularly maintained. There are also

7 serious safety concerns as anyone could place

8 hazardous materials into this compartment accessible

9 to kids. New York loves it's papers. We also love

10 and appreciate the vast diversity in publications

11 available on the street corners in every

12 neighborhood. Our local papers provide key insights

13 into problems that major daily might miss, and our

14 non-English papers allowed our great immigrant

15 population to maintain a connection with what's going

16 on in their home countries. These bills are about

17 ensuring that the dispensers for these papers are

18 clean, properly maintained, regularly filled and

19 attractive to the thousands of passes-by.

20 Finally, we will hear Intro 453

21 introduced by myself that would require the DOT to

22 report a list of all the sidewalks in New York City

23 under each jurisdiction. This bill is meant to get

24 the full account of what public space is on and

25 maintained by the DOT versus what space is privately

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2 owned. It will ensure that we have a full account of
3 locations in our city that are to be maintained by
4 private entities, and while often accessible to the
5 public and not city-owned land. Now, before we
6 begin, I would like to thank my committee staff
7 Council Kelly Taylor, Policy Analyst Jonathan
8 Masserano, Gafar Zaaloff and Emily Rooney, as well as
9 my intern--intern chief of staff--Chief Of Staff Rosa
10 Murphy. I now would like to ask Council Member Vacca
11 to deliver his opening statement since he has one of
12 the bills.

13 COUNCIL MEMBER VACCA: Thank you, Chair
14 Rodriguez. Thank you members of the Transportation
15 Committee, and I'm a prime sponsor of Intro 427,
16 which would streamline newsrack requirements in New
17 York City, and I want to thank Council Members Dromm
18 and Garodnick for introducing this bill with me and,
19 of course, Chair Rodriguez for holding the hearing
20 today. In many neighborhoods throughout the city,
21 newsracks are ubiquitous. You like that word, right?
22 I was afraid I couldn't pronounce when I read my
23 statement I did--I did okay. You like that, hey,

24 COUNCIL MEMBER: Very good.
25

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2 COUNCIL MEMBER VACCA: Publications

3 invest in this street furniture in order to make it
4 easy for the neighborhoods they serve to receive
5 information in a quick and easy manner.

6 Unfortunately, however, many newsracks become victims

7 to being tipped over, drawn over with graffiti, and
8 in some cases the graffiti is offensive and hateful.

9 They are easily vandalized. While most publications
10 do their best to ensure that their newsracks stay
11 put, and that they stay in tiptop shape, many
12 newsracks remain a blight on our city's sidewalks.

13 The rules and laws that we have in place are not
14 cutting it. We need to better define what
15 constitutes a newsrack, how large they should be and
16 how far they should be from various other city
17 infrastructure so that newsracks that are maintained
18 properly remain maintained properly. My legislation
19 would clearly define a newsrack while allowing the
20 Department of Transportation to promulgate rules
21 regarding the materials they are to be made of and to
22 set standards regarding size, shape and appearance.

23 Furthermore, the bill would clearly define
24 restriction--restrictions on the placement of
25 newsracks to include bans within four feet of street

2 furniture, with five feet of a bike share station,
3 within eight feet of a back rack or within five feet
4 of a Department of Environmental Protection water
5 sampling station. DOT would also be required to
6 develop standards regarding the placement of
7 newsracks including, but not limited to the manner in
8 which newsracks are placed or installed to prevent
9 newsracks from tipping over. The parameters set for
10 newsracks under my bill would greatly improve the
11 appearance of our city sidewalks while still allowing
12 the press to freely distribute materials. So I thank
13 the chair again. I look forward to testimony. This
14 is something we've worked on for a long time. When I
15 was chair of the committee, Transportation Committee
16 some time ago. All these bills I think are a
17 culmination of many members wanting to do something
18 realizing that we have a problem. If you walk the
19 City of New York and you walk our streets you cannot
20 help but see the newsracks that are vandalized.
21 Unfortunately, you cannot help but see the messages
22 of hate that are written on many of our newsracks,
23 and I think that we have to address that. I know we
24 have to address that. I feel my legislation starts
25 to do that, and combined with the other legislation

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2 we have, finally begins to have a meaningful
3 conversation, and hopefully and with an end product
4 that we in the Council can all be proud of. So I
5 thank everyone for their support, and for the--the--
6 the amount of work that has gone into this. I thank
7 the staff and the chair.

8 CHAIRPERSON RODRIGUEZ: Thank you,
9 Council Member Vacca. I would like to acknowledge
10 the presence of Council Member Reynoso and Menchaca
11 and now, I would like to ask the committee counsel to
12 please swear--swear in the representatives of the
13 Administration here today, and then we welcome them
14 to offer their testimony.

15 LEGAL COUNSEL: Will you please raise
16 your right hand. Do you affirm to tell the truth,
17 the whole truth and nothing but the truth in your
18 testimony before the committee today, and to respond
19 honestly to council member questions?

20 PANEL MEMBER: [off mic]

21 LEGAL COUNSEL: Thank you.

22 [pause]

23 VINCENT MANISCALCO: [coughs] Good
24 morning, Chair and members of the committee. My name
25 Vincent Maniscalco. I am the Assistant Commissioner

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2 for Highway Inspection and Quality Assurance for the
3 New York City Department of Transportation. I am
4 joined by Leon Haywood, Deputy Commissioner of
5 Sidewalk and Inspection Management and Jenna Adams,
6 Director of Legislative Affairs. Thank you for the
7 opportunity to testify on important legislation that
8 addresses how DOT could better manage newsracks on
9 our sidewalks. Legislation addressing this challenge
10 is not new, and it has some history. Local Law 23 of
11 2002 establish a framework to allow DOT to regulate
12 the maintenance and placements of newsracks on
13 sidewalks around the city. Passed in response to a
14 growing number of complaints from residents,
15 community groups and elected officials, that law was
16 designed to address damage and properly maintained
17 newsracks on increasingly crowded sidewalks. Two
18 years later, Local Law 36 of 2004 was enacted, which
19 amended the framework established under Local Law 23
20 of 2002 in an attempt to further streamline the
21 regulatory process. These amendments reduce some
22 administrative for DOT, but we now know they created
23 certain challenges in ensuring properly newsrack
24 maintenance and installation. Further amendments to
25 the law are needed to encourage orderly placement,

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2 ensure secure installation, and provide adequate
3 enforcement tools when newsracks are improperly
4 maintained or abandoned, which brings us here today.

5 To illustrate, of the several hundred newsrack
6 complaints that DOT receives annually, a majority of
7 them relate to dirty newsrack or debris in newsracks.

8 It is difficult to know whether owners are, in fact,
9 keeping their newsracks clean in large part because
10 the law, as amended in 2004, relies on self-
11 certification process documenting that best efforts
12 have been made to remove graffiti not unauthorized
13 markings. In other words, the law as amended, does
14 not directly require the newsrack to be kept free of
15 graffiti or other improper markings, but rather,
16 requires a certification that best efforts have been
17 made to remove graffiti or the markings. DOT may

18 issue a violation to an owner for not submitting
19 their self-certification or for not providing a
20 maintenance log during an audit, but this may not
21 address the actual dirty newsrack generating
22 complaints. Four complaints regarding newsracks
23 filled with debris or empty or damaged newsracks the
24 law requires the owners be given a notice of
25 correction, and a period of which to correct the

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2 condition before being issued a notice of violation.

3 A notice of violation can only be issued after DOT
4 conducts a second inspection at the end of the
5 correction period, and determines that the condition
6 was not corrected. For debris, the correction period
7 is 48 hours. For empty or damaged newsracks the
8 correction period is seven business days. Under the
9 current process and factoring in the required mailing
10 periods, it can take two--it can take weeks before
11 DOT is permitted to issue a single notice of
12 violation with these conditions. Even when DOT
13 determines that notice of violation is warranted,
14 owners have successfully argued for the dismissal of
15 violation on the grounds that the problem was
16 remedied during the condition period--during the
17 correction period, and that any maintenance problem
18 found during a second inspection was new. Under
19 these circumstances, the condition discovered at the
20 time of DOT's re-inspection requires a new notice of
21 correction starting the process all over.

22 As population in New York City continues
23 to grow, we--and we experience record number of
24 visitors, many of our events and bustling
25 neighborhoods and commercial corridors are now packed

2 with pedestrians. Every inch of sidewalk space is
3 not only incredibly precious for pedestrians, but for
4 all other competed uses: Loading and unloading at
5 curb sites. Street vendors could grow a range of
6 street furniture and amenities including the link NYC
7 Kiosks, way finding signage, bike racks and bike
8 share stations, MTA and Select Bus boards, payment
9 machined and, of course, newsracks. Accordingly, as
10 we seek to balance access for publishers to
11 disseminate information from--with the safe and
12 orderly use of sidewalks for all users. We strongly
13 support Intros 411, 412, 427, 687 and 1209. Taken
14 together, Intros 411, 427 and 1209 will strengthen
15 the cleaning and maintenance requirements, allow DOT
16 to set and enforce standards on materials, size and
17 installation of newsracks, allow for stronger
18 enforceability of violations and easier removal of
19 neglected or abandoned newsracks, and provide for
20 better registration and oversight of newsracks by
21 DOT. Intro 411 would end the best efforts, self-
22 certification system and replace it with the
23 requirement for owners to maintain each newsrack in
24 good repair in a clean and neat condition and free of
25 graffiti. The intro would also amend the law to

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2 allow DOT to issue notice of violation if a newsrack
3 does not the publication and contains refuse within a
4 24-hour period before and a 24-hour period after the
5 scheduled delivery date. This is a change from the
6 current law, which only allows a notice of correction
7 to be issued when a publisher fails to keep the
8 newsrack with publication for more than seven
9 consecutive days without securing the door. This
10 continuous monitoring of a news--of a newsrack for a
11 week is impractical and unnecessarily time intensive.
12 So we welcomed the changed. And lastly, Intro 411
13 would also allow DOT better enforcement to--to
14 address the neglected newsracks and greater
15 flexibility to removed particular newsrack to a place
16 of safety under certain circumstances such as
17 temporary construction.

18 Intro 427 would authorize DOT to develop
19 standards regarding the size, shape, materials,
20 appearance and installations of newsracks. These
21 standards will be promulgated through agency rules.
22 This change allows DOT to create uniform standards of
23 design and construction that would allow a newsrack
24 to take up less space on sidewalks and be more easily
25 secured together, less likely to tip over, harder to

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2 steal or move, and less subject to damage, all of
3 which both benefits owners and the public.

4 Another crucial change proposed in Intro
5 1209 will require unique identifying decals provided
6 by DOT on all registered newsracks. This proposal
7 will assist DOT in enforcing many of the requirements
8 of the law both when it comes to ensuring that
9 newsrack on the street is duly registered, and
10 identifying the owner. In addition, decals with
11 unique identifiers would allow DOT to document that a
12 violation issued for a particular condition is being
13 issued to the same newsrack for which a required
14 notice of correction was previously issued, which can
15 be difficult to prove under the current law, as I
16 discussed earlier. This new system of registration
17 and identifying decals will help ensure that all
18 newsracks placed on the streets meet DOT's
19 requirements for newsrack design as well as for
20 providing proof of insurance requirements and
21 publication schedule. The proposal would permit DOT
22 to remove a newsrack that is not properly registered
23 and identified.

24 I would like to turn now for a moment to
25 multi-rack or modular newsracks, which are currently

2 being used by institutions and business improvement
3 districts to effectively address the aesthetics,
4 maintenance and street safety concerns posed by a
5 single newsrack. To encourage--to encourage the
6 installation of more modular newsracks, Intro 412
7 will codify a modular newsrack plan and approval
8 process. The application and approval requirements
9 outlined in Intro 412 would put in place a process
10 for ensuring space within a new modular newsrack for
11 publications currently at that location--at that
12 location as well as a process for new publications to
13 request space in such modular newsrack. At the same
14 time, it will restrict the replacement of single
15 racks on the block where modular newsracks that have
16 an approved plan and available space. Owners of
17 modular newsracks currently approved by DOT would not
18 be required to submit a new modular newsrack plan.
19 Although the restriction of a single newsrack would
20 only be enforced if such owners obtained approval for
21 a plan under the new law. Any entity including
22 business improvement districts, publishers or not-
23 for-profit organization would be eligible to submit a
24 modular newsrack plan for review, which includes an
25 opportunity for comment by local community board, and

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2 allows DOT to require change to meet the requirements
3 spelled out in the law. Finally, Intro 687 would
4 amend newsrack law to prohibit newsracks from being
5 placed too close to a taxi stand. We support this
6 common sense policy to promote the safe and
7 expeditious loading and unloading of passengers at
8 these locations. Business requirements from
9 particular types of amenities including taxi stands,
10 bike racks, bike share stations, a water sampling
11 station and city benches and other street furniture
12 could also be addressed through our agency rules, and
13 accordingly, we look forward to working with the
14 sponsor on the best way to achieve the goals of the
15 bill.

16 In addition to the proposal discussed
17 today, further strategies may be needed to improve
18 DOT's authority to respond effectively to complaints
19 we receive from individuals, community boards, and
20 elected officials. For example, when our inspectors
21 find a newsrack containing no publications that have
22 suffered severe damage, and is becoming a dumping
23 ground for all manner of refuse, the newsrack will
24 remain on the street inviting further abuse and
25 damage and degrading quality of life. It is only

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2 after a process of issuing a notice of correction and

3 then a notice of violation via hearing, of which the

4 violation may or may not be upheld, and the original

5 condition is still not corrected, would DOT be

6 authorized to take such rack off the street?

7 Accordingly, we look forward to exploring these

8 challenges in further discussions.

9 As you know, business--business

10 improvement districts and civic groups have advocated

11 for many years to improve the way newsracks are

12 managed. We have heard their concerns and proposal

13 before the Council today--and before the Council

14 today are the result of a thorough examination by DOT

15 and the Council to improve the current process in

16 order to maintain safety on our sidewalks. We must

17 be given the tools to effectively deal with problems

18 caused by dirty, broken, abandoned or poorly placed

19 newsracks plaguing commercial corridors from Midtown

20 Manhattan to Jackson Heights in Queens. We look

21 forward to continuing a dialogue with the--with the

22 Council and the stakeholders to finalize a

23 comprehensive set of updates to the law.

24 Now, moving away from newsracks, I will

25 address Intro 453, Chairman Rodriguez's proposal to

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2 require DOT to post on its website a list of sidewalk
3 locations for which the department is responsible for
4 removing snow or otherwise making repairs, and to
5 update this information within 30 days of any change.
6 DOT will welcome the opportunity to have a
7 collaborative discussion exploring ways to address
8 the goals of this bill. Now, I'll be very happy to
9 answer any questions from the committee.

10 CHAIRPERSON RODRIGUEZ: I want to start
11 on something that you did not address, which is how--
12 what percentage of sidewalk in our city are
13 responsible for us to maintain versus--the city
14 versus the private sector or private street?

15 VINCENT MANISCALCO: Could you--could you
16 repeat the question?

17 CHAIRPERSON RODRIGUEZ: Yeah, do we have--
18 -what percentage when you look at the street and it
19 come with the sidewalk, what percentage are private
20 streets, and versus a street that are city streets?

21 VINCENT MANISCALCO: Okay, so in--in
22 terms of the sidewalks, under the Administrative Code
23 Section 19-152, the abutting property owner is
24 responsible for maintaining that sidewalk, and then
25 they're also responsible for maintaining and that

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2 means, of course, cleaning 18 inches into the street.

3 And--and after that, the city is responsible for the
4 maintenance of the street itself.

5 CHAIRPERSON RODRIGUEZ: But you are
6 addressing like regular streets? You are talking
7 about let's say Broadway or Park Place.

8 VINCENT MANISCALCO: Correct.

9 CHAIRPERSON RODRIGUEZ: What about
10 communities that they have private streets?

11 VINCENT MANISCALCO: So on--in
12 communities where there are private streets, we do
13 not have jurisdiction on those streets.

14 CHAIRPERSON RODRIGUEZ: How--does where?
15 What is your relationship? I mean how someone can
16 say I got out and by the street? How--?

17 VINCENT MANISCALCO: I'm--I'm not sure of
18 your question.

19 CHAIRPERSON RODRIGUEZ: Well, we have
20 communities in New York City that they have private
21 streets.

22 VINCENT MANISCALCO: So when we--we go
23 into an area where there are private streets, the--
24 the residents in that neighborhood is responsible for
25 maintaining those sidewalks and those streets, and

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2 DOT does not have the responsibility or the authority
3 to into those areas.

4 CHAIRPERSON RODRIGUEZ: [pause] So anyone
5 can go out and buy a particular site in the city and
6 say here we are creating a new community, and you
7 also come with private--we also own the streets?

8 VINCENT MANISCALCO: So, I--I think the
9 streets that are private are already established. I
10 don't have that list in front of me but, of course,
11 we could provide those for you, but at the moment
12 the--the private streets are already established in
13 the city.

14 CHAIRPERSON RODRIGUEZ: But as you know,
15 one of the bills is addressing that particular piece
16 and what--how does the city work with those? What
17 percentage of our streets are private?

18 VINCENT MANISCALCO: That--that is
19 something that we would have to get back to you and
20 let you know. We--we don't have that information
21 right now.

22 CHAIRPERSON RODRIGUEZ: Okay. Let me go
23 back to the newsrack. Can we say that--first of all,
24 I want to be clear that, as I said when I opened in
25 my--and you got the sense of my opening statement--we

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2 don't want--we don't want--we are not in the business

3 to create a hardship to the owners or any particular

4 small or large newspapers who will inform our city.

5 We are all about knowing that in everywhere we have

6 the good and the bad actors. We have people that are

7 responsible in governments and finance and newspaper

8 and media everywhere. We have the good and the bad.

9 What--when--when you--have the DOT make any

10 assessment that you can say our experience is that X

11 percentage of owners of the newsracks we can consider

12 them being responsible? What is the assessment that

13 DOT can share with us on our evaluation or where--

14 where are we today as a city, and who--what

15 percentage would you describe are being responsible,

16 and what percentage do you think are, you know,

17 owners of those newsracks that they have to be

18 accountable?

19 VINCENT MANISCALCO: Chair, I don't have

20 the percentage, but I would say they are responsible,

21 and we want to look forward to working with the

22 publishers, and getting better compliance, and that's

23 all we're looking for is getting better compliance

24 and have a nice neat newsrack in the right place.

25 We're not against newsracks. Are some better than

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2 others? Yes. But we want to work with them, and we
3 want to--we would like to see them when we give them
4 a notice of correction it's corrected right away, and
5 we don't have to issue a summons.

6 CHAIRPERSON RODRIGUEZ: [off mic] So you
7 don't have any [pause]--[on mic]--you can--you
8 cannot--we cannot say that there's a particular area
9 or community corner in the street that you can say
10 those have been really bad actors that they should
11 not have been in business that they're leaving the
12 newsracks dirty, not clean--they, you know, like you
13 have to share something with us because you're saying
14 that everything is fine. Then let's stop this
15 legislation. For me, this is all about, you know,
16 what have been the experience? Can we say that most
17 of them? In the average can we say more than 50%
18 they have been responsible, you know, newsracks
19 owners? Like what have been the experience?

20 VINCENT MANISCALCO: Well, our experience
21 has been this: There's multiple racks on a corner.
22 What we do have, the information I do have available
23 is where we're getting the most complaints, which
24 community boards and which area, and those are the
25 areas we like focus on. I do have that information.

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2 CHAIRPERSON RODRIGUEZ: [off mic] All
3 right.

4 VINCENT MANISCALCO: So, like for
5 instance, most of our 311 complaints are coming from
6 Community Board 8 in Manhattan, which is the Upper
7 East Side.

8 CHAIRPERSON RODRIGUEZ: [off mic] And
9 then that community board is--?

10 VINCENT MANISCALCO: That particular
11 community board gets the most 311 complaints. Now,
12 which publishers are there? There's multiple
13 publishers, but that's the area we need to focus on
14 because that's where most of our complaints are
15 coming from, and that's the area I think we should be
16 focusing on and working with the publishers to make
17 this number go down.

18 CHAIRPERSON RODRIGUEZ: [off mic] How
19 many--how many [on mic] news--how many newsracks do
20 we have today? You know, is it--?

21 VINCENT MANISCALCO: [interposing]
22 Currently, we have a little less than 10,000
23 newsracks on our street citywide.

24 CHAIRPERSON RODRIGUEZ: Okay. What
25 number of those 10,000 have DOT trying to go after

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2 and give some violation, you know, make them
3 accountable that we can say, you know, from the
4 10,000 this number we have been--we have our--we have
5 our good experience, and with others now?

6 VINCENT MANISCALCO: Of the 10,000 we
7 registered this past fiscal year, we've issued 2,237
8 notice of corrections and we have issued 358
9 summonses.

10 CHAIRPERSON RODRIGUEZ: So we can say
11 that vast majority based, of course, knowing that
12 we're trying to work together on legislation that
13 would allow DOT, you know, to have a clear--a better
14 system on how--

15 VINCENT MANISCALCO: [interposing] Yes.

16 CHAIRPERSON RODRIGUEZ: --to make owners
17 of those newsracks accountable, but if we rely on
18 those numbers, we can say for the 10,000 close to
19 1,000 are newsracks that so far we can say that they
20 have not been a, you know, target by DOT because
21 they've been doing--they've been using it in a proper
22 manner?

23 VINCENT MANISCALCO: Right.

24 CHAIRPERSON RODRIGUEZ: What do you so
25 see as the future of newsracks in New York City ?

2 VINCENT MANISCALCO: For the future,
3 standard size clearly marked, cleaned newsracks, no
4 graffiti, no stickers, interlocking where they're not
5 easy to be tipped over or moved, which in many cases
6 they do. And I stated earlier, I think the goals
7 that DOT has is also the goals that the Council has
8 also the publishers have that working together I
9 think we'll make our streets safe and cleaner. And
10 the publishers could still have their publications
11 out there.

12 CHAIRPERSON RODRIGUEZ: [off mic] How
13 will all three legislations impact (sic) or will
14 allow DOT to regulate better the newsrack?

15 VINCENT MANISCALCO: Well, all of the--
16 the legislations are going to help us in one form or--
17 --or another. The 411 would help us by, you know,
18 allowing us to tell the kind--the newsrack owners
19 that their--their racks are dirty. So they need to
20 go out and clean them as opposed to just looking for
21 certification. The legislation that requires to have
22 a standard size would--it has standard format and as
23 I stated earlier, prevent it from being moved or
24 tipped over. The identifying markings are going to
25 be key because that's one of the problems we're

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2 having right now is we don't know which rack is out
3 there. A lot of times we often find that oh, this is
4 not the rack that was out there. It's been moved.
5 It's another rack. Also preventing newsracks to be
6 close to taxi stands so that people could get in an
7 out of the taxis easier. All of the legislations
8 will have an impact, and would help us tremendously.

9 CHAIRPERSON RODRIGUEZ: Can we go back
10 just to the report on the need to have a--to have a
11 clear report of the conditions of the sidewalk in our
12 city, and then I will let my colleagues the questions
13 or make any comment. On Intro 453, again that's what
14 we like to get DOT to report a list of sidewalks in
15 New York City under your jurisdiction, and again this
16 bill is meant to get a full account of what public
17 space that is owned and maintained by the DOT. We
18 have--I can say in my own district not only sometimes
19 there's not a clear system to make what the street
20 can say--we as a city can say we are responsible to
21 maintain this part of the sidewalk, and the owners
22 will--the private owner they are responsible for the
23 other. But in many areas let's say in my own
24 district that has sidewalk where 225th and Broadway
25 between Broadway and Marble Hill is one of those

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2 sidewalks that there has not been a clear system of
3 who is responsible for that sidewalk. Is that
4 sidewalk responsible for the city DOT? Is that the
5 Metro North and the MTA. When we have the snow
6 coming down, they only one that you hurt is the
7 pedestrian because sometimes neither the city or the
8 men of the MTA--or the MTA take care of cleaning
9 those sidewalks.

10 VINCENT MANISCALCO: Okay.

11 CHAIRPERSON RODRIGUEZ: We have the same
12 thing in the--I would say One Audubon between 178 and
13 177, the same disputes on who is responsible, the
14 city or, you know, whoever oversees the Port
15 Authority, who since they are responsible for the
16 cross-bounds area.

17 VINCENT MANISCALCO: Okay.

18 CHAIRPERSON RODRIGUEZ: So--

19 VINCENT MANISCALCO: Yes, so--so very
20 clear at DOT we do have snow plan, and we do have--we
21 can--we do identify the overpasses and the step
22 streets and, of course, our DOT facilities that we
23 are responsible for clearing the snow during those
24 periods of time. So very clearly we can provide a
25 list of those locations. We also during those times

2 when there is a snowstorm and there are conflicts wit
3 other state of federal entities we do work with the
4 community. We work directly with those entities and
5 somehow we--we--we are able to decide, or we're able
6 to make efforts to clear the snow. But clearly, we
7 have a list from DOT what we are responsible for, and
8 we do work with other locations that may not be our
9 responsibility, but we do step up during our
10 snowstorms to make those facilities clear of snow.

11 CHAIRPERSON RODRIGUEZ: I would just like
12 to enforce that even though most of the bills today
13 are addressing the newsracks, but for me the central
14 piece is about how can we as a city maintain
15 sidewalks, clean, safe and beautiful. And again,
16 with the great relationship that we have with the
17 administration I'm just looking to continue work with
18 Mayor de Blasio, DOT and the rest of the agencies to
19 continue working. I know that this has been
20 important as under the Vision Zero. We know that
21 we've been expanding some area where we have
22 identified areas that we can say they've been
23 overcrowded sidewalks that where's like more
24 pedestrians than the capacity that we've been able to
25 provide on those sidewalks. So what I just hope

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2 again is that working with this administration we can
3 continue putting a--a front--continue making a--a
4 priority addressing how can we make our sidewalks
5 safe and clean and beautiful in our city. With that,
6 Council Member Richards.

7 COUNCIL MEMBER RICHARDS: Thank you, Mr.
8 Chair. So I had a few questions on--well, on 453 and
9 this is the Chairman's bill in particular on the
10 listing of sidewalk locations. So how often do you
11 work with parks? So, for instance, in our
12 neighborhood, Council Member Miller is adjacent to
13 me, we often find sidewalks and trees just, you know,
14 just kept in poor shape. So how is DOT and the Parks
15 Department in particular communicating to ensure that
16 sidewalks are clear, and that we don't have all these
17 growths outside of sidewalks in particular in local
18 communities?

19 VINCENT MANISCALCO: So we work very
20 closely with the Parks Department, and quite frankly,
21 Parks Department does take the lead on sidewalks
22 where trees are initial. If, for example, you put in
23 a 311 complaint, your complaint into 311, that
24 complaint will go to Parks Department and Parks
25 Department will and their inspectors out, and they

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2 will assess the condition, and they have contracts
3 that they will eventually get around to making
4 repairs to those sidewalks where trees have been a
5 problem.

6 COUNCIL MEMBER RICHARDS: So how often
7 does DOT--so do you inspect sidewalks in particular.

8 VINCENT MANISCALCO: Yes.

9 COUNCIL MEMBER RICHARDS: Okay.

10 VINCENT MANISCALCO: Right. Right so
11 that that was that so they get to 311. So they get a
12 lot of our requests and--and sometimes those requests
13 end up coming to the Department of Transportation,
14 and so we send inspectors out there. We do
15 inspections of the sidewalks for trip hazards. When
16 we see those conditions out there, we identify those
17 conditions. We make the property owner aware of
18 those conditions. We also make them aware if DOT
19 comes out and does the repair on that property that
20 the property owner will not be assessed for the--the
21 damage of the sidewalk that's attributed to the tree.

22 COUNCIL MEMBER RICHARDS: Now, I want to
23 thank you, and you've done a lot of great sidewalk
24 work in particular in the residential area, and my
25 focus is more on the commercial areas. So, who--?

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35

2 VINCENT MANISCALCO: [interposing] So--

3 COUNCIL MEMBER RICHARDS: --protects

4 those particular areas?

5 VINCENT MANISCALCO: So we--

6 COUNCIL MEMBER RICHARDS: [interposing]

7 So a prime--I'll just give you a prime example,

8 Merrick Boulevard between Spring--between 230 Fourth

9 Street down to--where's the end of your district,

10 DanEEK.

11 COUNCIL MEMBER MILLER: [off mic]

12 Springfield.

13 COUNCIL MEMBER RICHARDS: Springfield. I

14 mean he's got Springfield but all the way near

15 Jamaica Avenue.

16 VINCENT MANISCALCO: Yep.

17 COUNCIL MEMBER RICHARDS: Right. So it's

18 just poor maintenance of sidewalks and there's a lot

19 of growth that happens because the trees are not

20 being maintained to the degree they should be. So I

21 would love to see DOT and Parks perhaps do some sort

22 of program or something or--or--or action to ensure

23 that we clean up the shrubbery in our boulevards.

24 VINCENT MANISCALCO: So, once again--

25

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2 COUNCIL MEMBER RICHARDS: [interposing] I
3 know it's Parks, but I'm putting--

4 VINCENT MANISCALCO: [interposing] No,
5 we're not stepping away from that. [laughs]

6 COUNCIL MEMBER RICHARDS: Okay.

7 VINCENT MANISCALCO: Once again, when we
8 do get the 311 complaints that come into DOT, we will
9 send inspectors out there, and if there is damage to
10 the sidewalk even if it's resulting from the tree or
11 otherwise, we will issue of notice of violations to
12 the property owner to make them aware of the damage
13 that is on their sidewalk, and--and they are liable
14 for making those repairs. So, so part of DOT's
15 responsibility is making sure that the property
16 owners on these streets that you're talking about are
17 aware that they're put on notice that they have
18 defects on their sidewalk and they have to correct
19 that. So, that-that's where our part comes in to
20 provide the notice.

21 COUNCIL MEMBER RICHARDS: Okay. So I'm
22 going to hop into another subject, which is not
23 necessarily sidewalks, but it is a request I did just
24 mention to the Chairman in regards to medians that
25 are poorly maintained all across our districts. One

2 from trucks. One, they're, you know, one thing
3 that's beautiful about Southeast Queens is the
4 residents will take responsibility for things in
5 their community, and one of things we see often is
6 our neighbors and people in our communities
7 maintaining these medians, which really are supposed
8 to be maintained by the city. When we speak to
9 Parks, they have no idea if theirs of it it's yours
10 of if it's Sanitation's, but these medians are really
11 poorly maintained. We did a town hall with the Mayor
12 last week. It was something that resident after
13 resident brought up. I'm hoping to see an investment
14 or something or more maintenance along the lines of
15 these medians in our communities. Some of them have
16 no protective barriers around them, no curbing and
17 it's a real shame. So who's responsible, and I know
18 DOT has done one set of medians at our request, but
19 when can we see some resolution to this?

20 VINCENT MANISCALCO: So, I'm--I'm glad
21 you mentioned that because I couldn't think of the
22 numbers or those back streets where we've done work,
23 but we've--we've obviously come out and this is DOT,
24 has come out, and we've done the repair of the curbs
25 around those island and--

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2 COUNCIL MEMBER RICHARDS: [interposing]

3 Not all.

4 VINCENT MANISCALCO: Not--no, not all.

5 COUNCIL MEMBER RICHARDS: You've done one
6 recently.

7 VINCENT MANISCALCO: You know, we've--
8 we've done--

9 COUNCIL MEMBER RICHARDS: [interposing]
10 Okay.

11 VINCENT MANISCALCO: --we've actually
12 done a number--

13 COUNCIL MEMBER RICHARDS: Allright.

14 VINCENT MANISCALCO: --and--I'll--I'll
15 gladly share that list of work that we've done there.

16 COUNCIL MEMBER RICHARDS: I live in the
17 neighborhood. I know what you've done.

18 VINCENT MANISCALCO: [laughs]

19 COUNCIL MEMBER RICHARDS: So, I'm--I'm
20 imploring you for us to work together close this
21 fiscal year. The budget just passed. So that we can
22 really bring some resolution to some of these
23 meetings, which is supposed to serve as green
24 infrastructure right--

25

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2 VINCENT MANISCALCO: [interposing]

3 Correct.

4 COUNCIL MEMBER RICHARDS: --so if we have
5 proper curbing we could--it could help alleviate some
6 of the flooding around the neighborhoods--

7 VINCENT MANISCALCO: Exactly.

8 COUNCIL MEMBER RICHARDS: --but also it
9 also serves as a safety device as well, as you know.
10 So, you know, I would love to have a conversation
11 offline on how we can fix this. (sic)

12 VINCENT MANISCALCO: So the--and--and
13 we've been working with our Borough Commissioner in
14 Queens which Nigole--Nicole Garcia. Hopefully,
15 you'[re familiar with who she is.

16 COUNCIL MEMBER RICHARDS: Uh-huh.

17 VINCENT MANISCALCO: And we've been
18 working through her, and identifying a list of
19 priority locations that we need to try to address
20 during the season. So, if we continue--

21 COUNCIL MEMBER RICHARDS: [interposing]
22 Okay.

23 VINCENT MANISCALCO: --through her, I'll
24 make sure when go back we bring this issue up to her,
25 and we'll see what we can do. COUNCIL MEMBER RICHARDS:

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2 COUNCIL MEMBER RICHARDS: Okay, and then
3 I--then I just want to add--I want to commend the
4 chairman for his bill, but I think we should also add
5 medians into that conversation because between Parks
6 and DOT no one knows who owns what.

7 VINCENT MANISCALCO: For the--for the
8 most part, and what I would say is the greenery--

9 COUNCIL MEMBER RICHARDS: [interposing]
10 Green streets that.

11 VINCENT MANISCALCO: Right, and there's a
12 little park, you know, flower on it that says Parks
13 Department. That's very clear that their ownerships
14 and the ones do that--that do not have that.

15 COUNCIL MEMBER RICHARDS: So, if they
16 don't have green streets they're yours. Okay.

17 VINCENT MANISCALCO: Then you bring it to
18 DOT.

19 COUNCIL MEMBER RICHARDS: Okay, so you
20 are the suspect and not even a suspect.

21 VINCENT MANISCALCO: That's correct.

22 COUNCIL MEMBER RICHARDS: You are
23 [tapping sound] where the buck stops.

24 VINCENT MANISCALCO: It's DOT.
25

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2 COUNCIL MEMBER RICHARDS: Allrighy, we'll
3 talk. Thank you. Thank you, Mr. Chairman.

4 CHAIRPERSON RODRIGUEZ: Thank you.

5 Council Member Chin.

6 COUNCIL MEMBER CHIN: Thank you, Chair.

7 I just want to follow up along the same line of
8 Council Member Richard's question in terms of the
9 sidewalk that belongs to the other government
10 agencies or entities, NYCHA sidewalks. So how did--if
11 D-O--if a resident calls in a complaint and you come
12 out and you do the inspection and it happens that
13 that part of the sidewalk belongs to New York City
14 Public Housing, how fast can you get them to fix the
15 sidewalk.

16 VINCENT MANISCALCO: So particularly with
17 the Housing Authority property locations, DOT sets
18 aside a certain amount of money every year that they
19 will use their contractors to come around and fix
20 Housing Authority properties. The Housing Authority
21 they provide a priority list for us, and we use our
22 funds to fix those properties. Last--last year or
23 last construction season, we--we did repairs on close
24 to \$3 million worth of sidewalks, the Housing
25 Authority properties. This year we plan on keeping

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2 that number up. Prior to last year, we were
3 averaging a million dollars a year on Housing
4 Authority property. So last year and this year we've
5 definitely upped our game on trying to make the
6 Housing Authority sidewalks safer and more
7 accessible.

8 COUNCIL MEMBER CHIN: So you--so NYCHA
9 gives you a list of their priorities?

10 VINCENT MANISCALCO: We--we go to them,
11 and we ask them what are their priorities and yes
12 they give--they provide us with a list at the
13 beginning of the construction season.

14 COUNCIL MEMBER CHIN: I mean what about
15 residents like for example in our district. If they
16 identify certain sidewalks, we can submit the list to
17 you also?

18 VINCENT MANISCALCO: So, we get 311
19 complaints about sidewalks around Housing Authority
20 properties. We when we get those complaints we go
21 out. We do inspections on them. We make Housing
22 Authority aware and from our point of view if we
23 happen to be in the community board with our--with
24 our construction sidewalk contract at the time we
25 will make the Housing Authority aware that hey, by

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2 the way, we're here. We have this property that has
3 gotten a number of complaints, and we're going to go
4 ahead and take care of it. So if we happen to be
5 into the community board, we will address it, but
6 primarily we work with the priorities that the
7 Housing Authority gets us. And we also get requests
8 from various elected officials about specific
9 properties as well. And--and we do our best to try
10 to step up and address those, and fit them into our
11 rotation.

12 COUNCIL MEMBER CHIN: Thank you, that's--
13 that's very good to know and I'm glad you have
14 capital dollars or maintenance dollars set aside to--
15 to do that nature sidewalks.

16 VINCENT MANISCALCO: We're limited with
17 that. We're limited.

18 COUNCIL MEMBER CHIN: Yes. [laughs] Let
19 me add and just follow up with another question on--
20 on the newsracks. Do you have statistics on--in
21 terms of which types are run by non-profit
22 organizations and which types actually do collect
23 money that they actually sell newspapers?

24

25

2 VINCENT MANISCALCO: No, we--we do not
3 have those statistics of which are the coin operated
4 ones and which are the standalones.

5 COUNCIL MEMBER CHIN: When they apply
6 don't they have to tell you which one they're doing?

7 VINCENT MANISCALCO: That's not one of
8 the requirements. No.

9 COUNCIL MEMBER CHIN: Okay, well, we
10 should--we should take a look at that because there
11 is a difference.

12 VINCENT MANISCALCO: Yes.

13 COUNCIL MEMBER CHIN: And the other thing
14 is that I noted in your testimony you were talking
15 about that right now you rely on self-certifications-
16 -

17 VINCENT MANISCALCO: [interposing] We're
18 planning on that.

19 COUNCIL MEMBER CHIN: --on the own--on
20 the owners. So there is no--is there any kind of
21 maintenance schedule that they have to abide by?

22 VINCENT MANISCALCO: No, they just have
23 to submit their certification that they made the best
24 efforts to--to clean the racks. I believe it's

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2 yearly. On a yearly basis that's all. That's what
3 the current law requires.

4 JENNA ADAMS: [off mic] I believe it's
5 quarterly.

6 VINCENT MANISCALCO: It's quarterly. I'm
7 sorry, the certificate of maintenance is quarterly.

8 COUNCIL MEMBER CHIN: Okay, and--but I
9 was glad to hear from your testimony that you think
10 that the--the set of bills that we're hearing today
11 will really help DOT improve the enforcement and--and
12 help sort of improve the standards.

13 VINCENT MANISCALCO: It would improve the
14 enforcement. Yes, absolutely, and we hope to see
15 better compliance.

16 COUNCIL MEMBER CHIN: Good. Thank you.
17 Thank you, Chair.

18 VINCENT MANISCALCO: If I could go back
19 to sidewalks. It was brought to my attention we
20 actually did the Rutgers Houses, which is in your--
21 your area last fall, and I note---I--

22 CHAIRPERSON RODRIGUEZ: [off mic]

23 VINCENT MANISCALCO: It was brought to my
24 attention that we also--we did the Rutgers Houses,
25 which is in your area, last fall, and I know that we

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2 also have one more project in your area that we plan
3 on doing this construction season as well.

4 COUNCIL MEMBER CHIN: I'm glad to hear
5 that because that sidewalk at Rutgers it's caused a
6 lot of attention. So I'm glad it got--finally got
7 fixed. Thank you.

8 CHAIRPERSON RODRIGUEZ: Council Member
9 Miller.

10 COUNCIL MEMBER MILLER: Thank you, Mr.
11 Chair. So I--I kind of want to go back to your--and
12 thank you DOT and the panel for being here and
13 sharing this important information with the Council
14 this morning. I want to go back to discuss
15 residential inspections of sidewalks and those
16 responsibilities, and you said that your inspectors
17 go out. Are they DOT inspectors or are they
18 contracted inspectors?

19 VINCENT MANISCALCO: They are DOT
20 inspectors.

21 COUNCIL MEMBER MILLER: Always?

22 VINCENT MANISCALCO: Always.

23 COUNCIL MEMBER MILLER: Okay.

24 VINCENT MANISCALCO: There was a time a
25 number of years ago where we had a contractor that

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2 went out and did inspections, but we've stopped that
3 over ten years now--

4 COUNCIL MEMBER MILLER: [interposing]

5 Okay.

6 VINCENT MANISCALCO: --and--and so all
7 the sidewalk inspectors are DOT employees.

8 COUNCIL MEMBER MILLER: How many
9 inspectors do you have?

10 VINCENT MANISCALCO: Right now, I have
11 about 20--20--between 20 and 25 inspectors that go
12 out to respond to 311 complaints.

13 COUNCIL MEMBER MILLER: They only go out
14 and respond to 311 complaints?

15 VINCENT MANISCALCO: That's the only
16 reason why they will be on a block is if they got a
17 311 complaint.

18 COUNCIL MEMBER MILLER: Okay good.
19 That's--that's good to know, and--and you said that
20 if they are required--if a repair is required and if
21 the city is forced to do that then the homeowner
22 would then incur that responsibility? Is--is there a
23 lien put in place on the property if they don't--

24 VINCENT MANISCALCO: [interposing] Yeah,
25 so when we--when we actually first go out and issue

2 the notice of violation to the property owner, at the
3 same time a lien, non-monetary is placed on the
4 property as well. Once the property owner does the
5 repair, then they--they let DOT know we'll come up,
6 we'll do a dismissal inspection. If we dismiss the
7 notice of violation, we will remove the lien and, of
8 course, remove the notice of violation. It's the--if
9 the city does the repair, we'll remove the lien, but
10 then they will now have a bill from the Department of
11 Finance for the cost of the repair for their
12 sidewalk.

13 COUNCIL MEMBER MILLER: So, what you
14 didn't--what I didn't hear you say--kind of walk me
15 through what--what it looks--what is the engagement
16 with the--with the homeowner? That they are
17 understanding the rules of engagement here that they
18 are--they get something stuck on their door saying
19 that here's--here's what happened. Is someone
20 explaining to them the process here? The majority of
21 times in the community I represent that there are
22 often seniors and I get a lot of calls about this
23 process and the lack of understanding of what this
24 process is. How do we then make this a more
25 efficient and effective process in that we're

2 actually serving not just those 311 callers, but that
3 we're not hurting these long-time senior resident
4 homeowners who often find themselves in a quagmire
5 because they can't afford to do some of the--the
6 repairs that are necessary. And sometimes they are
7 questioning--questionable repairs that require--that
8 are required. What is the appeal process, if any,
9 between there and--and is there room for us to kind
10 of figure this out and make it more user friendly for
11 everybody involved?

12 VINCENT MANISCALCO: So, when we issue a
13 notice of violation it's sent certified mail to the
14 property owner. So always get a record back stating
15 that somebody at the home signed for that--that
16 notice of violation. When property owners--and we do
17 get calls--have questions about their violation they
18 feel that maybe we were, you know, we-we--we missed
19 something or we--we didn't do a good assessment, they
20 can request a re-inspection, and we will come out and
21 we will re-inspect the property, and we will then
22 issue them an updated notice of violation so that
23 they can see the results of our second inspection.
24 Many times, when we get the request for that second
25 inspection, the property asks to be present, and so

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2 when they ask for that, we make sure we schedule with
3 the homeowner so that the inspector will come out at
4 the time that we agreed upon. So that we could have
5 a dialogue on the condition of the sidewalk as the
6 inspector sees it. And so, it also should be noted
7 that the--the first inspector that did the initial
8 notice of violation is never the second inspector
9 that goes out to do a re-inspection. So you will get
10 a fresh--fresh eyes on that sidewalk when that second
11 inspection--that re-inspect is done.

12 COUNCIL MEMBER MILLER: So on average is--
13 --does the homeowner generally repair on the--make the
14 repair on their own or how often does the city have
15 to step in to do it, and when that is done, do--does
16 DOT do it or the outside contractors doing the work?

17 VINCENT MANISCALCO: So, what we're
18 finding is somewhere between 35 to 40% of the
19 homeowners repair their own sidewalks, and so
20 therefore--

21 COUNCIL MEMBER MILLER: [interposing]
22 That's pretty low.

23 VINCENT MANISCALCO: That is--that is low
24 and--and one--that is low, and so, therefore, the
25

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2 city is coming out and doing a majority of the
3 sidewalk repairs.

4 COUNCIL MEMBER MILLER: And we're doing--
5 is that the city, is DOT doing it?

6 VINCENT MANISCALCO: We hire a contractor
7 and we monitor, and we work very closely with the
8 contractor that does the repair?

9 COUNCIL MEMBER MILLER: Well, what's the
10 average cost?

11 VINCENT MANISCALCO: Depending on the
12 size of a property, our average cost of a sidewalk
13 repair could be \$2,500.

14 COUNCIL MEMBER MILLER: \$2,500. That's--
15 that's a lot for seniors, but wow. In dealing with
16 capital projects, for--for multiple agencies
17 including DOT is--is there administration that is
18 involved and other costs. Are we passing those costs
19 over to the--the homeowners?

20 VINCENT MANISCALCO: So the--the
21 homeowner when we do repairs on a sidewalk--well
22 first when we do our inspection, we're looking for
23 trip hazards, and so we divide up the sidewalk into
24 flags, 5x5 flags, and--and so we identify the flags
25 that have the defects on them. When they come out to

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2 do a repair in many cases other flags have to be
3 replaced in order to repair the sidewalk
4 appropriately. When the city does those repairs, the
5 city does not pass those additional costs onto the
6 property owner. The property is only charged for the
7 flags that we identified that have defects on them.
8 So there is really a shared cost that we have when we
9 come to fix a sidewalk.

10 COUNCIL MEMBER MILLER: I am so glad that
11 you clarified that, and so the next time DOT it at
12 one of our--our homeowners town hall, which we have
13 one coming up next month, if it's covered locally.
14 Because this is a big question that we've been told
15 multiple times, that they came out. They had one
16 issue, and they ended up forcing them to make greater
17 repairs and they--so you're saying that those--those
18 additional repairs that cost isn't being passed onto
19 homeowners.

20 VINCENT MANISCALCO: So, I--let me be
21 clear. There are additional repairs that are
22 associated with the construction. But then there may
23 be additional repairs that are additional defects.
24 So if when I first--so we obviously don't come every
25 year and do construction. We go from community board

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2 to community board. So by the time I come back to a
3 particular location to do construction, it could be--

4 COUNCIL MEMBER MILLER: [interposing]

5 That's great.

6 VINCENT MANISCALCO: --and I'd like to
7 say three to five years later, right. So when I come
8 back the condition of that sidewalk could have
9 changed, and I may have a new defect that was not
10 there.

11 COUNCIL MEMBER MILLER: Okay.

12 VINCENT MANISCALCO: At that time, that
13 will be identified as a new defect, and yes the
14 property owner will be charged for that new defect.

15 COUNCIL MEMBER MILLER: Okay, so this is
16 probably something that you guys should come out and
17 explain, but what--and--and I'll conclude--but what
18 is that? What--what time--what is the timeframe
19 between identifying the violation and if, in fact,
20 the city has to come out and repair it?

21 VINCENT MANISCALCO: So, it's--it's
22 difficult to say because for example I could come
23 into Cambria Heights and issue a violation today. I
24 was just doing work in Cambria Heights last
25 construction season, right. So we--so that means

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2 that now I have 14 community, 13 more community board
3 to go to before I come back to your community board.
4 So again, that's why I say it could be three to five
5 years before I can get back to you if I just walked
6 out of your community board, and in the case of
7 Cambria Heights, we were just in the community board
8 last year. We did a lot of work, and so I believe we
9 are now moved on to the next community board that
10 we're working.

11 COUNCIL MEMBER MILLER: Are--are their
12 cases when you're prioritizing kind of liabilities
13 where--where one--one case maybe more severe than the
14 other and it absolutely has to get fixed now.

15 VINCENT MANISCALCO: If we feel that
16 there's a--a dangerous condition and an emergency
17 condition on a sidewalk, we'll make that sidewalk
18 safe knowing that we need--you know, it needs to be
19 safe until we get back it. So we make sure--we will
20 correct the safety aspect of it and move forward.

21 COUNCIL MEMBER MILLER: Thank you so much
22 and--and I'll conclude with and--and the list of
23 responsibilities of--of--of--of--of--of sidewalks
24 that DOT is responsible for, obviously that's what

25

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2 453--that--that this legislation is about. What is
3 the current process--

4 VINCENT MANISCALCO: So

5 COUNCIL MEMBER MILLER: --of knowing
6 that?

7 VINCENT MANISCALCO: So, I--I mentioned
8 before we have a snow plan and--and in our snow plan
9 we list the overpasses and the step streets and the
10 DOT facilities that we are responsible for
11 maintaining, you know, for definite we're removing
12 snow and, of course, doing all repairs as well.
13 There's a larger population that this bill is--is
14 talking about, and I think that's where we have to
15 sit down further and flush out all these other
16 properties that, you know, the--the Council--the
17 Chairman would like to have listed.

18 COUNCIL MEMBER MILLER: Thank you and--
19 and so just one, MTA. They--I was--I was actually at
20 the Long Island Rail--every Long Island Railroad
21 facility. We have seven of them between Council
22 Member Richards and I in the district, and every one
23 of them are poorly maintained. We--we are calling
24 for a meeting. I was on the facility. Garbage is

25

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2 all over the place and they say three feet from their
3 property nothing else they're touching. Is that so?

4 VINCENT MANISCALCO: We--we may disagree
5 on what their responsibilities are.

6 COUNCIL MEMBER MILLER: We need to really
7 coordinate that. That's shame--that's shameful.

8 Thank you so much.

9 VINCENT MANISCALCO: [interposing] We're
10 willing to have that discussion.

11 COUNCIL MEMBER MILLER: So thank you, Mr.
12 Chair. This has really been good. Thank you.

13 CHAIRPERSON RODRIGUEZ: But the contract
14 they go from what you said before that when I broke
15 those two cases that I have my district--in my
16 district one where they have been in limbo who is
17 responsible in the sidewalk between 225th between
18 Broadway and Marble Hill where the pedestrians
19 they're the ones that are hurt because claimed is
20 responsible for cleaning the streets. MTA says--
21 sometimes the city says it's the MTA, the MTA say s
22 it's the city. Audubon between 178 an 179 is empty
23 (sic) and you say if it's sidewalk we're responsible.
24 That's what you get, and then you will make MTA,
25 right--if they fail to do it, we cannot leave--you

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2 know this is open to interpretation. Cases such as
3 the one that Council Member Miller described of
4 anyone in the city where this come where the MTA has
5 failed to keep it clean. Does the City have the
6 authority to make the MTA or it's subject to
7 interpretation?

8 VINCENT MANISCALCO: So we have had a
9 number of cases where we've had situations,
10 properties like this where we've worked with the
11 facility managers, and they've done repairs, and I'm
12 talking about sidewalk repairs to their facilities
13 after having a number of back and forth
14 conversations. And there have been times where DOT
15 has come out and made repairs as well. Earlier when
16 I was talking about snow removal, that's kind of a--
17 close timeframe and DOT if MTA does not come out and
18 does snow removal, DOT has come by and has taken care
19 of the snow--snow removal on those locations.

20 CHAIRPERSON RODRIGUEZ: But is that the
21 properly process? Is the agency, being it MTA or
22 whoever, does not take care of the cleaning and the
23 safety of any particular sidewalk, is that something
24 that we have clear where the city says you have not
25 done it? We know that we have to be there for the

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2 pedestrians. We will do it, and then we make them to
3 pay for whatever cost. Like my thing is about like--

4 VINCENT MANISCALCO: [interposing] Right.

5 CHAIRPERSON RODRIGUEZ: --in 2016 we
6 cannot be living on, you know, that's MTA
7 interpreting one way, and we're doing another one.

8 You know, what? New York One is like who is
9 responsible, and make the other responsible.

10 VINCENT MANISCALCO: Well, unfortunately,
11 we don't have the authority to make them pay. That--
12 that's something that we do not have, and--and
13 particularly in situations where we're talking about
14 the sidewalk repair, we do--when we have cases we do
15 work with that facility, and there are times when
16 they've made repairs, and there are times when we've
17 made repairs. There's no--we feel it's their
18 responsibility. They feel that they have--

19 CHAIRPERSON RODRIGUEZ: [interposing] But
20 who--where--where can we find the last word of who is
21 responsible because for me, you know, we cannot live
22 on they feel one way, we feel the other way. If
23 there's something that broke that we can say who is
24 responsible?

25

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2 VINCENT MANISCALCO: We've been trying to
3 find that, you know, golden stamp that you're looking
4 for, and it always comes down to a negotiation.

5 CHAIRPERSON RODRIGUEZ: [interposing]
6 Okay, I didn't--I--

7 VINCENT MANISCALCO: So they stay---they
8 stay on their side of the fence. We exert what is
9 our responsibility, and at the end of the day
10 eventually one of us will take care of it, but I
11 agree with you, I wish it was clear cut.

12 CHAIRPERSON RODRIGUEZ: Okay, I just hope
13 that, you know, we can--at some point we can be able
14 to say, look, if this is the MTA's responsibility,
15 the MTA did the city--the city--you know, that's
16 important information. In the same direction of
17 sidewalks, if business is responsible--like in any
18 particular sidewalk at 181s in my district Audubon
19 and St. Nicholas Avenue, a business owner they have
20 the right to use three feet of the sidewalk to put
21 any goods that they're selling. If they're taking
22 more than the three feet, who makes them accountable
23 saying, you're taking too much area of the sidewalk
24 and, therefore, you have to remove everything from
25 there? [pause]

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2 VINCENT MANISCALCO: Okay, so, yeah, so
3 that's enforced by Sanitation. It's not enforced by
4 DOT.

5 CHAIRPERSON RODRIGUEZ: It's not the--

6 VINCENT MANISCALCO: So this is when
7 someone puts something out, you know, like the open
8 up a store, they put out a stand and then at the end
9 of the day, they take it in, that's something that
10 DOT would--excuse me--Sanitation would enforce. But
11 if they have some type of a permanent structure--

12 CHAIRPERSON RODRIGUEZ: [interposing] No,
13 I get--I get the permit--I get the permit piece.

14 VINCENT MANISCALCO: [interposing] Right,
15 that--that would be DOT.

16 CHAIRPERSON RODRIGUEZ: My thing is, you
17 know, who is responsible to be sure that the sidewalk
18 provides enough space for pedestrians to be able to
19 walk, and if someone is taking that space, whoever is
20 the person, someone that put a newsrack or a business
21 owner, who is taking more than the three feet that
22 they are responsible for or that they had right for.
23 You're saying that DOT is not the agency, but
24 Sanitation is the room, that is the one responsible
25 to provide that space?

2 VINCENT MANISCALCO: That--that is
3 correct unless I--if anyone tells me otherwise.
4 Correct, Sanitation is the agency. [background
5 comments] Yeah, so--the--the only time DOT would get
6 involved is if someone extends an item beyond--on--
7 onto city property and like screws it in and embeds
8 it, then it becomes an illegal encroachment. Then
9 DOT will issue a notice to the owner to have it
10 removed.

11 CHAIRPERSON RODRIGUEZ: Okay, how--who
12 measure the capacity of sidewalk? You know, like I
13 see DOT on--when there's a particular street that we
14 have, we feel that DOT is starting by its own
15 initiative to say we need to put a stop sign, or we
16 need to do some changes that we have and it impacts
17 the industry. Sometimes there's some assessments
18 that the DOT that does sending an engineering or
19 counting the number of cars that pass through the
20 street. When it comes to sidewalks, what tools does
21 the DOT use to be sure that sidewalks provides enough
22 space for pedestrians to walk, and what's the ratio
23 that you have identified?

24 VINCENT MANISCALCO: So DOT has standards
25 for the placement of street furniture on a street,

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2 and so they use those standards to determine the
3 placement and how many of these pieces of street
4 furniture can be placed. So when a part of DOT goes
5 out to do an installation, prior to doing that, they
6 do come out they do an assessment and they determine
7 where placements of various items can be made given
8 the present condition of a particular sidewalk.

9 CHAIRPERSON RODRIGUEZ: I get the part
10 related to objects and you're describing them, but my
11 question is related to how do we as a city make an
12 assessment of what is the capacity that we have in
13 our sidewalks to provide enough space for pedestrians
14 to walk?

15 VINCENT MANISCALCO: So I would say to
16 you that every project that DOT does we're looking at
17 trying to provide a good balance for pedestrians, for
18 cyclists and for vehicles, and we do that with every
19 project that we--that we undertake, and that is
20 really paramount to what Vision Zero is all about for
21 our agency. Clearly, we talked about Times Square,
22 and also the work that we've done on Broadways south
23 of 42nd Street where we use the opportunity to
24 capture a street to provide more space for
25 pedestrians. We do a similar assessment when we're

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2 looking at other neighborhoods as well. So we're--
3 we're constantly looking at opportunities to provide
4 a better balance.

5 CHAIRPERSON RODRIGUEZ: I--I just that
6 again and for me I'm more inspired into Mayor de
7 Blasio's initiative of Vision Zero where there's
8 great DOT Commission Polly Trottenberg, and the whole
9 staff that you have--that you are in DOT. We can say
10 that, you know, Vision Zero is hard work. So, and,
11 of course, this is a 20-30-year plan where we are
12 committed to reduce a number of New Yorkers being
13 killed [coughs]--

14 VINCENT MANISCALCO: [interposing] In
15 crashes.

16 CHAIRPERSON RODRIGUEZ: --at crashes, and
17 the way how I'm see it in a comprehensive way is not
18 only about car or speeding, failing to yield, but
19 it's also what makes pedestrians to move from the
20 sidewalk? That's what I'm coming from. I'm coming
21 more like how do we--how can we continue, you know,
22 making progress with the great advancement we have
23 made with Vision Zero saying do we--and I've attended
24 two interviews. I think I already told my staff my
25 to do it--a legislation asking the--for DOT to do a

2 yearly report related to the condition of sidewalks.

3 So that not only we live a system in place, when, you
4 know, when--when we are let's say working right now
5 on the rezoning area, or an area that we have many
6 311 reports. But that we can say as a city we know
7 that 90% of sidewalks provide enough space for
8 pedestrians to have a great experience or we are
9 operating over capacity. We have other areas where
10 we can, you know, what? And we've been doing it. We
11 have seen the island, the expanding of islands in
12 those communities where we have a lot of--that we
13 have lost the lives of many New Yorkers. So I know
14 that we've been attacking those particular
15 neighborhoods and streets. But I think is moving
16 forward in order to have a vision a for the next 20
17 or 30 or from the next 50 years, we have to have a
18 system in place where we can say every year, every
19 five years, whatever that we can agree say we do the
20 assessment. We get the condition with the whole
21 sidewalk in our city.

22 VINCENT MANISCALCO: Right. So we do
23 have a pedestrian volume index that the agency
24 reports in the Mayor's Management Report and what--
25 how we pull this together is twice a year we go out

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2 and we collect data from 100 street locations, from
3 13 East River and Holland River Bridge locations, and
4 from the Hudson River Greenway as well. So every
5 year, twice a year we collect this data and we create
6 this pedestrian volume index so that it gives us an
7 idea of exactly how the sidewalks are being
8 entertained on a reg--on a regular basis--and clearly
9 we do use this data to try to incorporate capital
10 projects that will then go out and increase capacity
11 where we--we can increase capacity.

12 CHAIRPERSON RODRIGUEZ: Great and that's
13 the good news, you know, it's not--and--and I know
14 that, you know, that we are not operating or coming
15 from a zero or not having a plan. But it's more on
16 how much more can we do probably to include the
17 larger numbers of the street. Because, again because
18 of how this Administration made Vision Zero one of
19 the top priorities. I think it is important only to
20 continue. You know, sometimes we human beings we
21 always approach from a safe place, and usually it's
22 like a business as usual. And I think that this--in
23 this particular time we have the message from the
24 top, which is we have to continue being creative on
25 how to make the experience of cyclists and

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2 pedestrians safe. And that's my concern when it
3 comes to--or I'm also am not just concerned, but my
4 point of view of that we still can do better when it
5 comes to having a better system related to making
6 sidewalks safe and beautiful in our city.

7 VINCENT MANISCALCO: And--and, you know,
8 there--you mention Vision Zero. There's a number of
9 project that the agency continues to span--expand
10 year after year. There's a plaza program where
11 community boards are now coming to us requesting the
12 opportunity to--to have a plan. We have weekend
13 walks during the summer, and then one of our
14 signature events over this summer is the--the Summer
15 Streets Program that we've been doing for a number of
16 years, which provides a walking experience for
17 citizens for three Saturdays. And--and this year,
18 one of the things that we're doing is trying out the
19 Shared Streets Program in Lower Manhattan, which
20 again will open up that portion of Manhattan to
21 people so that they can--they can go around. Also,
22 something else that we've tried, which I'm sure
23 you're all familiar with is the Pedestrian Flow Zones
24 in Times Square where we're trying to help manage
25 the--the amount of pedestrians and where pedestrians

2 walking in the city. Those are programs that--where
3 we've been doing, and that we are trying out now. We
4 also have some construction programs where there's
5 bus stops under the L, where there are situations
6 where we've captured the--the--basically the service
7 road of the street, and connected it to the bus stop
8 to provide a safe haven for pedestrians. And provide
9 additional space for people getting off of buses and
10 getting trains. We also have our great streets
11 programs where along some of our major arterials we
12 have come up with ways to try to make them more safer
13 for pedestrians as well as for cyclists and as well
14 as for motorists as well. So, we are definitely
15 moving forward. We have new ideas, and we're trying
16 new things all the time, and everything that we do,
17 we're looking at how can we make it safer for the
18 competing demands that a sidewalk and street has.

19 CHAIRPERSON RODRIGUEZ: Council Member
20 Borelli. (sic)

21 COUNCIL MEMBER GARODNICK: Thank you very
22 much Mr. Chairman. I appreciate the opportunity to
23 say a couple of words and to pose some questions to
24 the panel. My apologies for my delay. I was
25 speaking at a graduation in my--in my district this

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2 morning. That's something that I could not be absent
3 for. I--I wanted to thank you for having the
4 hearing. I--I won't go into much detail about the
5 need for us to try to correct problems like what are
6 being. Obviously [coughs] we have to strike a
7 balance here between the need for people to have the
8 opportunity to communicate while also respecting
9 public streetscape. And so that's what I am aiming
10 to do with the bill that I've introduced, and Mr.
11 Chairman I know that you share the concern about all
12 of this as you've articulated already in this
13 hearing. I want to just talk for a few minutes about
14 the modular newsracks specifically because as you all
15 noted in your testimony the point of the bill 412 is
16 to actually encourage the use of modular newsracks
17 and to try to streamline the process. My sense is
18 that perhaps, you know, some people might look at
19 what we've proposed and come to a different
20 conclusion that maybe it makes it more difficult.
21 Can you talk a little bit about the process for
22 implementing a modular newsrack today and some of the
23 challenges that people have seen in that context.

24 [pause]

25

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2 VINCENT MANISCALCO: Well, Letitia Kane
3 (sic) runs the newsrack unit and she will speak on
4 the process for installing, the current process for
5 installing multi racks in the city.

6 COUNCIL MEMBER GARODNICK: Okay.

7 [background comments, pause]

8 LETITIA CANE: Oh, with the new--this
9 bill?

10 CHAIRPERSON RODRIGUEZ: Please say your
11 name.

12 LETITIA KANE: My name is Letitia Kane.
13 I'm the Newsrack Coordinator for DOT. Okay, so I
14 will--the Bill 412 would allow any entity to install
15 a modular newsrack plan as it's approved by the
16 Department of Transportation, and with the
17 installation of modular newsstand, any paper who have
18 historical--who's been in the area would be able to
19 have the opportunity, the first opportunity to be
20 placed in those modular plans. As we the plan, any
21 single racks that are in the area will not be able to
22 be placed within a block of those modular plans.

23 COUNCIL MEMBER GARODNICK: Okay, so let--
24 the--the--the question that I wanted to start with
25 was the process today--

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2 LETITIA KANE: Uh-huh.

3 COUNCIL MEMBER GARODNICK: --for somebody
4 to put in a modular or newsrack. What does that look
5 like?

6 LETITIA KANE: Okay, the process today
7 is--is similar to the single rack plans. They will
8 register with the department, supply us with an
9 insurance form and certificate of maintenance form,
10 and we will go out and inspect the location to make
11 sure it's an appropriate location for a modular plan
12 to be placed, and we would approve that newsrack.
13 Once we approve that placement of the newsrack, they
14 would then have to come to the--the department to get
15 a--a permit for installation, and then they will be
16 able to place the modular rack there and we will go
17 out and do our post-inspection.

18 COUNCIL MEMBER GARODNICK: Why do we need
19 a--I'm--I'll play Devil's Advocate as the sponsor of
20 this bill--but why do we need to add more process to
21 the installation of a modular newsrack. It sounds
22 like they already to come, the DOT. They need to
23 show you their plan. They need to show you exactly
24 where they want to be. DOT needs to approve it

25

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2 before it happens. Why do we need to add--add more
3 process here? Do you think that that's a good idea?

4 LETITIA KANE: We're not really adding
5 more of a process of them--the approval process in
6 itself. What it would allow is to eliminate some of
7 the single racks in the area of placement for modular
8 racks and for those newspapers to be placed inside of
9 the modular rack, not to eliminate them from the
10 area, but to place them inside the modular rack.

11 COUNCIL MEMBER GARODNICK: So in other
12 words, if you have a modular rack on a block, you
13 can't then locate a single newsrack right next to it.
14 Is that a fair description?

15 LETITIA KANE: Yes.

16 COUNCIL MEMBER GARODNICK: Where are the
17 majority of modular racks located today?

18 LETITIA KANE: In Manhattan.

19 COUNCIL MEMBER GARODNICK: And how are
20 they working? Are they working well? Have you seen
21 any challenges? What's--what's going on with those
22 modular racks? A lot of them in my district, by the
23 way, I'll note, and I know you guys talked about
24 Community Board 8, that's--that's me and Kallos, so
25 we see a lot of--a lot of challenges. Tell us what's

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2 working. Tell us what--what your assessment of the
3 modulars.

4 LETITIA KANE: Well, currently the
5 department doesn't have any negative problems with
6 modular racks. The publishers usually do their
7 administrative paperwork on time. We haven't had any
8 311 complaints in regards to modular racks or I
9 couldn't tell you anything negative about it.

10 COUNCIL MEMBER GARODNICK: [interposing]
11 Do you have any objection from individual newsrack
12 users who are upset that they are no longer able to
13 have an individual newsrack next to a modular or has
14 that been a pretty seamless process?

15 LETITIA KANE: Well, that's the proposed
16 plan. So we don't currently have any objections.

17 COUNCIL MEMBER GARODNICK: I see. That's
18 right. So that's--today, you can just locate. I'm
19 sorry. That's right. Today, you can locate--

20 LETITIA KANE: [interposing] A single
21 rack--

22 COUNCIL MEMBER GARODNICK: --an
23 individual right next to a modular.

24 LETITIA KANE: Yes.

25

2 COUNCIL MEMBER GARODNICK: So the--
3 perhaps the frustration of those who have invested
4 time and resources in putting a modular, you could
5 have somebody hanging out right next door?

6 LETITIA KANE: Yeah.

7 COUNCIL MEMBER GARODNICK: Okay. So the
8 question will be what we hear today about potential
9 objections to that if there any. So we will hear
10 that at the hearing. Another part of the bill that I
11 introduced is about having more clearly delineated
12 identification about the racks themselves, individual
13 and modular, identification numbers, more tools for
14 DOT as opposed to the self-certification as you noted
15 in your testimony that efforts were made or we have
16 tried to comply with the law, which is what the
17 current rules say. Does DOT feel like it has the
18 ability to accommodate new enforcements of any
19 violations here? I mean if we're going to add new
20 rules, we're going to add new identifiers, the--the
21 supposition is that somebody will be able to take a
22 look, evaluate, consider, look and see what other
23 people are doing, what they're supposed to be doing.
24 What--where--where is DOT at this point in time in
25 the ability to do that?

2 VINCENT MANISCALCO: Well, currently,
3 we're able to enforcement the existing rules, but the
4 proposed legislation that we have in front of us
5 will--will it make it much easier, and--and actually
6 before you came, Council Member, what I said was what
7 we were looking for is better compliance. We want to
8 see--we want to work with the publishers and make
9 sure they comply. The current--these proposed
10 legislations will help us with some more enforcement
11 especially with the identification marking that
12 you're proposing. That would be excellent because
13 one of the problems we're having right now is that
14 the argument is that the rack that's there was not
15 the rack that you saw before. So, what--what's in
16 front of us will help with our enforcement tools, and
17 I feel very confident that we will see compliance
18 once these are passed.

19 COUNCIL MEMBER GARODNICK: When DOT gets
20 a report of or sees something like that image on the
21 left hand side, an empty newsrack filled with coffee
22 cups, paper bags, et cetera, other garbage, what is
23 the--what is the step that you all take today, and
24 what will you be able to do in a situation in which
25 these bills pass?

2 VINCENT MANISCALCO: Right now, if we
3 find something like that, the--a notice of correction
4 is--is sent tot he publisher allowing then five days
5 for correction. [coughs] The newsrack owner has 48
6 hours to remove the refuse. Then we conduct a--a re-
7 inspection the 7th and 9th day. If the violation is
8 still found, we write a notice of violation, which
9 has a hearing date, and that goes to OATH for
10 adjudication. Right and at that time the--the
11 hearing could be 60 days, but all this time that has
12 gone by between the notification, the inspection and
13 the hearing that still remains in the street. That
14 cannot be removed.

15 COUNCIL MEMBER GARODNICK: And--and with
16 these bills?

17 VINCENT MANISCALCO: Well, we'll--we'll--
18 one of the things we're going to require is a 24 hour
19 before--a--a schedule for the news--for publishers
20 that tells us when they have the--publication in
21 there. So we would inspect before. We would inspect
22 after. Well, it's going to help us in that we're not
23 going to be issuing a notice of correction. We're
24 just going to issuing a notice of violation. But we
25 still have to wait for the adjudication in order for

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2 us to remove it. So it does shorten the timeframe
3 for us in--as far as going straight to the summons,
4 but it doesn't allow us right now the current bills,
5 and we could work on that to remove that. So it will
6 be out there until that case is adjudicated.

7 COUNCIL MEMBER GARODNICK: And you think
8 we should amend these bills to allow for that to
9 happen.

10 VINCENT MANISCALCO: We would really like
11 to work with the Council on looking at--at these
12 bills. Like I said, they're very helpful, but there
13 are some areas that I really think we could work on
14 together.

15 COUNCIL MEMBER GARODNICK: I mean in
16 fairness to the--the publishers who use newsracks,
17 you know, in some cases this happens without their
18 knowing. They're obviously not destroying the boxes.

19 VINCENT MANISCALCO: Right.

20 COUNCIL MEMBER GARODNICK: Some person
21 going by has decided to use it as a garbage bin.
22 Maybe they are contributing actors in that they
23 haven't filled it and it looks like it's abandoned,
24 but maybe not. And, you know, if it becomes covered
25 with graffiti, that's not usually their--the cause

2 off--off--of the publishers. So would it be fair for
3 us to allow for DOT to confiscate boxes before an
4 adjudication happens?

5 VINCENT MANISCALCO: I don't think that
6 would be fair because they need their day in court.
7 If we were going to issue a summons I think in all
8 fairness they--they need their day court. What I
9 would like to see is if we issued a--I'd like to see
10 the--the publisher's better compliance on the--that's
11 why we give them the notice. We like to give them
12 the notice and say just remove it because it's an
13 eyesore. But to answer your question again, to
14 remove it before adjudication I don't that would be a
15 good idea.

16 COUNCIL MEMBER GARODNICK: Well, I--I
17 don't know.

18 VINCENT MANISCALCO: [interposing] I just
19 think we would have to start--

20 COUNCIL MEMBER GARODNICK: I don't know
21 the that question.

22 VINCENT MANISCALCO: Yes.

23 COUNCIL MEMBER GARODNICK: I--and
24 obviously it is something, which should be removed.

2 VINCENT MANISCALCO: [interposing] Well,
3 the--

4 COUNCIL MEMBER GARODNICK: Obviously,
5 whether--whether the city should be doing it or the
6 publisher should be doing it, at the moment that it
7 looks like that, we should all acknowledge the fact
8 that somebody should not allow it to continue to stay
9 on the street, once you're aware of the issue. I
10 don't know if it's necessarily a penalty situation,
11 but it should never look like that.

12 VINCENT MANISCALCO: Well, like--like I
13 said, maybe we can discuss it, and one other
14 suggestion is okay if it's still in violation, let's
15 remove it and let's store it somewhere until the
16 adjudication, and then depending on the adjudication
17 do we--does it remain in storage or do we put I--have
18 the publisher pick it up and put it out there.
19 Again, these are things that we can discuss.

20 COUNCIL MEMBER GARODNICK: Okay, well I
21 think we should--we should-

22 VINCENT MANISCALCO: [interposing] Okay.

23 COUNCIL MEMBER GARODNICK: I mean, look,
24 we'll go through the hearing today. We'll hear what
25 people have to say, but I--I--I do think that that

2 point is an important one because a lot of the stuff
3 just sits in a never, never land of adjudication
4 that's not so great for the people who have been hit
5 with the summons. It's not great for the DOT or for
6 the public and all the while, you know the
7 streetscape in Community Board 8 and in other parts
8 of the city looks crummy. We don't want to allow
9 that to happen.

10 VINCENT MANISCALCO: And also Councilman
11 it--it--it's for whatever--if the case is dismissed,
12 we have to start the process all over again and
13 still, as you stated, that's still out there. It's
14 still an eyesore. So that's something I think we can
15 discuss.

16 COUNCIL MEMBER GARODNICK: Because we,
17 you know, the--the--in the Briefing Report it cites
18 the--the investigation by CIVITAS, which saw the--all
19 of those learning annex boxes, which were empty--
20 doing nothing. Sitting there just occupying space
21 for a very long time. We tried to call Learning
22 Annex. We tried to figure our where they were, where
23 they had gone. We tried, you, know, to instigate
24 enforcement efforts to--to do the necessary, to be

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2 ale to deal with , but there were few tools
3 available.

4 VINCENT MANISCALCO: Right.

5 COUNCIL MEMBER GARODNICK: And in a
6 situation like that, we want to make sure that the
7 city has tools. If you've got, you know, well over
8 100 yellow boxes occupying the street--the
9 streetscape without any content in them for a very,
10 very long time--

11 LETITIA KANE: [off mic] 1,400.

12 COUNCIL MEMBER GARODNICK: How many?

13 LETITIA KANE: [off mic] 1,400.

14 COUNCIL MEMBER GARODNICK: 1,400--1,400
15 perhaps. I stand corrected, but I'm--not that I'm
16 supposed to be corrected from--from the crowd, but
17 I'll accept it in this instance.

18 VINCENT MANISCALCO: But we can't.

19 COUNCIL MEMBER GARODNICK: 1,400. The
20 point is, you know, we need to make sure that you all
21 have the tools to deal with.

22 VINCENT MANISCALCO: We have picked them
23 up and, of course, there's probably some more out
24 there that we're not aware of, and if you have the
25 locations by all means send it to us. Because we

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2 have picked them up. They're all right of business
3 and we are picking them up when we find. So if you
4 have locations as CIVITAS has, let us know.

5 COUNCIL MEMBER GARODNICK: Okay. All
6 right, thank you very much.

7 CHAIRPERSON RODRIGUEZ: Thank you. I
8 would like to acknowledge Council Member Greenfield
9 and also Constantinides, and before I let the
10 Administration go and go to the next panel, I want to
11 thank Commissioner Trottenberg for her commitment for
12 pedestrians on First Street and sidewalk especially
13 given the recent announcement of the Shared Street
14 Initiative giving us car-free streets for the first
15 time in a major portion of the city. On August 13,
16 we will see a large section of the Financial District
17 closed to car traffic, but open to the people. With
18 that, thank you for being here to testify on behalf
19 of the--of the DOT. Next panel [background comments,
20 pause] Shulamit Warren from Manhattan on behalf of
21 the Man--of the Manhattan Borough President; Caitlin
22 Lewis, Times Square Alliance; Michael Nussbaum from
23 Queens Tribune--Tribune, and Michael Mitchell.
24 Sorry, Michelle Rea from New York Press Association.
25 We will put a time on two minutes for each member of

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2 the panel. Sorry, if the testimony is more than the
3 two minutes, please if you can summarize. [pause]
4 [background comment] All right, as I said, because
5 of the time we have allocated two minutes for each of
6 you. So, you can read it or summarize it. [pause]

7 SHULAMIT WARREN: Okay. Good morning.

8 My name is Shulamit Warren. I'm the Director of
9 Policy and Special Projects for Manhattan Borough
10 President Gale Brewer, and I'll be reading her
11 testimony. My name is Gale Brewer, and I'm the
12 Manhattan Borough President. Thank you, Chair
13 Rodriguez and members of the Transportation Committee
14 for holding this hearing on Intros 427, 411, 412,
15 1209 and 687 relating to the installation, place and
16 operation of newsracks in New York City. I urge the
17 community and Council's support and pass common sense
18 regulations on newsracks throughout the city. I also
19 want to ensure the new regulations have minimal
20 impact on the vital community newspapers, which rely
21 on them. Over my many years in public office, I have
22 heard concerns from my constituents about this
23 quality of life issue. Throughout Manhattan and
24 elsewhere in our city many newsracks are poorly
25 maintained and clutter our sidewalks. Currently,

2 there are just as likely to be used as a trashcan and
3 a place to pick up your favorite newspaper. DOT also
4 tells me that most complaints against newsracks are
5 for those placed in Manhattan. So this is a
6 particular quality of life concern for my office.
7 These often graffiti covered newsracks can be an
8 eyesore. Worse, they cause a safety hazard
9 particularly for New Yorkers who use wheelchairs or
10 who have low or no vision. Last year, my office
11 conducted a survey of 1,200 pedestrian ramps along
12 Broadway in Manhattan to check their accessibility
13 issues. Among our main findings, 18% of curb cuts
14 were completely or partially blocked by street
15 furniture such as a newsrack, which can be easily
16 moved or pushed over. The package of bills before
17 the committee today seeks to fix many of these
18 issues. DOT tells me that they currently have no
19 possible way to enforce violations, particularly for
20 operators of newsracks. They first require a notice
21 of correction. Intro 1209 sponsored by Chair
22 Rodriguez would rectify this situation by requiring
23 all newsracks to have a DOT issued decal as a unique
24 identifier. However, currently regulations already
25 require newsracks must display an identifying sticker

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2 that includes the name and the address of the owner.

3 I'm told by newsrack owners that these stickers are

4 often removed. The identifier proposed by intro 1209

5 should therefore be permanently affixed to the

6 newsrack and tamper proof. DOT should moreover have

7 should help cover the cost of installing these new

8 identifiers. Intro 427 sponsored by Council Member

9 Vacca would other--would likewise help DOT better

10 regulate the placement of newsracks by ensuring they

11 are installed in the required distance from bike

12 racks, et cetera. Intro 687, sponsored by Council

13 Member Koslowitz would enact a similar requirement

14 that no newsracks be placed in a manner that blocks

15 access to easy looting, et cetera. [bell] And I

16 guess--I guess one last thing I would say is that

17 412, sponsored by Council Member Garodnick will help

18 encourage the use of multi-racks. As DOT points out,

19 they are less easily vandalized, et cetera. Where

20 there are provisions that ensure that all currently

21 available publications are given safe and multi-

22 racks, this is supposed to create a way that

23 community boards can review new publications that CT

24 (sic) represented. The one thing I would say and, of

25 course, multi-racks were installed by Madison Avenue

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2 BID. They are definitely more secure, cleaner,
3 aesthetically pleasing. However, I am concerned the
4 cost of these multi-rack units will fall on
5 neighborhood newspapers and again, I would encourage
6 DOT to help cover the cost of purchase--purchase some
7 insulation (sic). Thank you for your time.

8 CHAIRPERSON RODRIGUEZ: Thank you.

9 MICHELLE REA: Thank you for providing us
10 with an opportunity to discuss the impact of the
11 proposed amendments to the Administrative Code in
12 relation to the requirements and enforcement of
13 newsrack registrations, newsrack regulations,
14 newsrack requirements and modular newsracks. My name
15 is Michelle Rea. I'm the Executive Director of the
16 New York Press Association, the trade association
17 representing more than 750 daily, weekly, ethnic,
18 religious and business newspapers published in the
19 State of New York. The New York Press Association and
20 I were very involved in the negotiations and
21 enactment of the current set of newsrack regulations,
22 which were initiated by the passage of Local Law 23
23 in 2002. The intention of that law was to regulate
24 the placement and maintenance of news racks on the
25 city's sidewalks to ensure the safety and welfare of

2 people using the sidewalks and persons performing
3 essential public service such as utility, traffic
4 control and emergency services. It also sought to
5 improve the appearance of the city's sidewalks while
6 recognizing the constitutional protections afforded
7 to newspapers and other publications under the First
8 Amendment. The law intended to accommodate all of
9 these interests in a complementary and mutually
10 advantageous manner. Enforcement of the law got off
11 to a rocky start. The New York City Department of
12 Transportation and the Environmental Control Board
13 were well intended when they crafted regulations to
14 enforce the new law, but the new regulations and
15 restrictions went well beyond the intent of the law,
16 and within six months DOT had issued 12,000 notices
17 of correction and assessed more than 2,000 fines
18 totaling almost a million dollars. Soon thereafter,
19 DOT commissioner Iris Weinshall called for a
20 moratorium on enforcement of the regulations, and the
21 City Council repealed the rules that DOT had
22 promulgated. It then took three more years for the
23 players involved to negotiate the regulations that
24 are in place today. I share this information with
25 you because we don't need to add additional relation-

2 -regulations now and repeat the mistakes of the past.

3 Since that time, many of the larger newspapers have

4 removed their newsracks from the city street and

5 opted for more expensive forms of distribution

6 because they find the regulations so onerous. The New

7 York Times once had more than 13,000 racks and today

8 they have no newsracks in New York City. USA Today

9 also pulled all of its New York--newsracks from New

10 York City. According to our records, there are

11 approximately 10,000 registered newsracks on the

12 sidewalks of New York toady. That's down 2,500 or

13 25% from three years ago. Most of the newsracks

14 owners in New York today are small independent

15 publishers of community and ethnic newspapers, and

16 most of these newspapers are diligent about self-

17 policing their own newsracks. These publishers live

18 here, too, and they work hard to be good citizens and

19 good neighbors. The majority of publishers have

20 engaged in independent contractors who deliver their

21 newspapers according to the publication schedules,

22 cleaning out refuse, removing graffiti and loading

23 racks with their publications often more than once a

24 week. These newsrack owners already adhere to a long

25 list of newsrack regulations. More regulations

2 aren't the answer. Enforcing the current regulations
3 is a better solution. We also hope you understand
4 that newsrack owners are in many ways the victim. We
5 aren't the ones filling our racks with garbage or
6 making them up with graffiti. We don't move our
7 raps--racks or tip them over, but we understand that
8 the racks are our property, and we work hard to
9 maintain them. Remember, these ricks are symbols of
10 our brands, and we don't want to give our newspapers
11 a bad name by letting our racks become a blight on
12 the city's landscape. Which brings me to my next
13 point. Newspaper publishers recognize that City
14 Council is under fire from well meaning, well healed
15 civic organizations including the Municipal Art
16 Society, the Times Square BID, CIVITAS and others.
17 Their collective mission is to save New York City by
18 banning newsracks. Our filthy newsracks are rotting
19 the Big Apple, but the city has a strong interest in
20 protecting the rights of all citizens [bell] and the
21 vast majority of those citizens read our newspapers.
22 72 newspapers are published in Queens with a combined
23 distribution of 1.4 million. 47 newspapers are
24 published in Brooklyn with a combined distribution of
25 1 million. 96 newspapers including 69 ethnic

2 newspapers are published in Manhattan with a combined
3 distribution of 3.8 million, and 17 newspapers are
4 published in the Bronx with a combined distribution
5 of 223,000. So lots of New Yorkers love newspapers.
6 Competing interests are in play here. It is the City
7 Council's responsibility to reconcile them in a
8 manner that is fair to all. Attached to my--to my
9 testimony for your convenience is a complete list of
10 the regulations from DOT including registration,
11 maintenance laws, lists of locations, change forms,
12 proof of insurance and more. The New York Press
13 Association, and New York's community and ethnic
14 newspapers urge the Transportation Committee and the
15 City Council not to adopt any additional newsrack
16 regulations, but instead, to enforce the existing
17 regulations and to use its authority to remove
18 abandoned newsracks from the sidewalks immediately.
19 Thank you very much for your time and consideration.

20 CHAIRPERSON RODRIGUEZ: Thank you. [off
21 mic] [on mic] to let the member of the panels that I
22 only made this exception because you represent the
23 New York Press Association, but the rest in this
24 panel from the public interest two minutes. If you

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2 will take more than those two minutes, please
3 summarize. Next one.

4 FEMALE SPEAKER: I also have testimony
5 from Tom Allen the Publisher or City and State. Will
6 you allow me to read his testimony or would you just
7 like me to submit it.

8 CHAIRPERSON RODRIGUEZ: [off mic] You
9 have it. I gave it to you.

10 FEMALE SPEAKER: Okay.

11 MICHAEL NUSSBAUM: It's--it's great
12 speaking her at the Council under the eyes of
13 Alexander Hamilton who is the founder of one of the
14 first great newspapers in this country, and I'm sure
15 Chairman Rodriguez, your daughter over there is
16 getting a great lesson on the First Amendment. But I
17 take a little bit of offense on the photographs here
18 because it could very well have been a photograph of
19 a garbage container that even the City Council
20 members who pushed their name on it that are
21 overflowing and constantly use and misused throughout
22 the city's streets. So it's a personal offense that
23 the newspaper industry is being directed towards this
24 issue. I'm the Publisher of the Queens Tribune and
25 the Press of Southeast Queens and formerly associated

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2 with 26 newspapers citywide in the past. I fully
3 understand and share with this committee the need to
4 address the issue. I fully understand and share with
5 this committee the need to address the issue related
6 to congestion on the streets of our city. The
7 previous administrations made it a priority to
8 encourage new concepts in street furniture. DOITT
9 made enormous changes removing the pay phones from
10 the walls onto the street with large displays who are
11 now--the real purpose is to generate revenue both for
12 the licensees and for the city. This added enormous
13 congestion in many intersections, but no one was
14 complaining as the money rolled in. Newspapers have
15 a great historical role in developing this city to
16 its greatness. Today, we have metal and plastic
17 boxes to deliver the news. Alexander Hamilton had
18 kicks on the street hawking the news. But as a
19 community newspaper that has been publishing for 46
20 years, our brand, the Queens Tribune is very
21 important to us, and for the people of Queens.
22 Lessening our presence through onerous legislation
23 and tremendous administrative red tape hinders our
24 freedoms to bring news to our citizens. Our
25 newsracks are our--our--our advertisements within

2 each community. We do not have billboards nor the
3 ability to place ads on radio or TV. Each of us
4 retains distributors who monitor the newsracks,
5 maintains its integrity and cleanliness. However,
6 the burden now being placed by these new regulations
7 and fines imposed by DOT, divert our attention and
8 resources [bell] and hinders our ability to cover the
9 news and distributing our newspapers to our
10 neighborhoods. Instead of supporting a free press,
11 the city is reducing the news coverage and the
12 reverse form of censorship causing enormous capital
13 expense that requires many of us to cut back in our
14 distribution.

15 CHAIRPERSON RODRIGUEZ: Can you please
16 now summarize.

17 MICHAEL NUSSBAUM: I'd be--yes. So while
18 you clean up the streets, you're reducing the ability
19 for us to cover the paper and the news. There go the
20 coverage of all of you wonderful political people to
21 cover your events that we can then expand that to the
22 constituents here. We are responsible citizens. We
23 instruct our staff to maintain this. The problem
24 lies with the fact that we are not sitting here with
25 a committee and members of DOT prior to these

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2 hearings to work out this. None of us were asked to
3 sit down and talking to you before the legislation
4 was enacted. We would like that opportunity
5 hopefully in the weeks and months ahead. Thank you.

6 CHAIRPERSON RODRIGUEZ: Thank you.

7 [pause]

8 CAITLIN LEWIS: Thank you Chair Rodriguez
9 and committee members. My name is Caitlin Lewis.
10 I'm the Director of External Affairs at Times Square
11 Alliance. The Alliance was founded in 1992 by the
12 New York Times, and I can assure you that we both
13 appreciate and are willing to engage in conversations
14 about the freedom of the press. We--we commend this
15 effort to bring coherence to the many rules and
16 regulations governing the placement, use, and
17 maintenance of newsracks on New York City streets and
18 sidewalks. We appreciate the attention paid to
19 community consultation as in Intro 412, which
20 requires newsrack owners to consult with the city and
21 local community boards on newsrack placement
22 decisioning. We also encourage communication with
23 BIDs and other neighborhood organizations that have a
24 holistic understanding of the area in question. In
25 general, whenever an encumbrance is placed on a

2 public sidewalk, we believe that there should be a
3 high level consideration of the neighborhood's facts
4 and circumstances including pedestrian flow and
5 density of the surrounding area. In Times Square for
6 example pedestrian counts range from 350,000 to as
7 many as 480,000 people passing through each day. We
8 feel that whenever any encumbrance is to be placed on
9 a sidewalk in the area, this significant congestion
10 should be taken into play--taken into account. Intro
11 427 in particular places stricter measurements on
12 these rack locations on city streets, which will help
13 to decongest areas such as Times Square. While we
14 support Intro 687, we also feel strongly that hotel
15 loading zones should be added to this list as these
16 areas have trucks constantly entering and exiting,
17 and sidewalk encumbrances often prove problematic.
18 Ultimately, the Times Square Alliance urges the
19 Council to pass these bills that will allow the city
20 to better regulate newsracks on city streets and
21 sidewalks, and to communicate with newsrack owners.
22 Thank you for the opportunity to testify.

23 CHAIRPERSON RODRIGUEZ: [off mic] [on
24 mic] We will continue having conversation. This is
25 not a--this is only the beginning. I am more than

2 happy, you know, through our committee staff to
3 approach you and see how we can have a more--a one-
4 on-one meeting, a round table conversation. In--in
5 here, you know, we heard loud and clear what you got
6 to say. If there is someone that a pro for instance
7 First Amendment-First Amendment Rights, it will be
8 me. I have, you know, fight for that when our First
9 Amendment rights have been violated in different
10 protests. So let's continue conversations, and let's
11 see how we can get things together.

12 MICHAEL NUSSBAUM: Can I ask a question
13 of the Chairman. You had spoken to DOT about the
14 amount of space a landlord, a private person that
15 would control their portion of the city streets, and
16 what percentage of that was, and who would regulate,
17 correct?

18 CHAIRPERSON RODRIGUEZ: Yes.

19 MICHAEL NUSSBAUM: If the newsracks or
20 news boxes were placed within the store owner's
21 property line outside his store would that not fall--
22 or would it not then fall under DOT's jurisdiction?

23 CHAIRPERSON RODRIGUEZ: We will continue
24 having conversations with DOT and everyone can hear
25 what DOT could say. We will continue also providing

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2 the opportunity to speak to the sector that
3 represents the voices of everyone who are in the
4 business of providing information to New Yorkers. So
5 this is what I can say that we got to move now to the
6 next panel, but we will approach you and--and have a-
7 -a conversation with you, too, before we move on, on
8 this legislation.

9 MICHAEL NUSSBAUM: Thank you.

10 CHAIRPERSON RODRIGUEZ: Thank you. Next
11 is Gina Lovasi from Columbia University; David Martin
12 [pause], Tom Biederman, Walter Sanchez. [[pause]]
13 Please stay with the two minutes. We only made one
14 exception. [pause]

15 DR. GINA LOVASI: Thank you. Good
16 morning. I'm Dr. Gina Lovasi. I'm an Assistant
17 Professor and Co-Director of the Urban + Health
18 Initiative at Columbia University's Mailman School of
19 Public Health, and I want to just briefly point to a
20 few highlights from the research literature that I
21 think are relevant to the issues being considered.
22 I'll do so briefly in the interest of time. I want
23 to first point out that--that motor vehicle accidents
24 involving pedestrians are a leading cause of injury
25 and that this is particularly true for low-income

2 populations and for individuals under age 35.

3 Pedestrians are the most physically vulnerable of
4 road users, and on a trip-by-trip basis they are 50%

5 more likely to be killed than motor vehicle

6 occupants. Second, feeling unsafe because of

7 automobile traffic or other concerns reduces the

8 likelihood that individuals will choose active forms

9 of transportation like walking or that children will

10 be engaged in outdoor play. This is supported by our

11 research, and yet it's not a simple case because one

12 of the things we see is that wherever there are more

13 pedestrians there's a potential for higher rates of

14 pedestrian injuries. Even if the risk is the same to

15 each pedestrian no matter where they walk, we expect

16 to see higher pedestrian injuries in places with more

17 pedestrians. This complicates evidence that would be

18 relevant to the issues being discussed today, as do--

19 as does the relation between having more pedestrians

20 and actually making pedestrians safer. It's felt that

21 as there are more pedestrians using the road, drivers

22 maybe more attentive to the--the needs and more time

23 to look out for pedestrians. And finally, I just

24 want to point that there are both hazards and

25 positive changes to street environments that have

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2 been evaluated for their effect on health, and I have
3 those summarized briefly in my testimony.

4 CHAIRPERSON RODRIGUEZ: [off mic] Thank
5 you and we have them here. Thank you [on mic] for
6 all the research that you're doing. We know we
7 cannot address Vision Zero without including the
8 research that Columbia and others and not condemning
9 (sic) what they're doing on approaching from the full
10 perspective.

11 DR. GINA LOVASI: Thank you.

12 DAN BIEDERMAN: Dan Biederman, President
13 of 34th Street Partnership. I have with me Jay
14 Martin who really runs the program for us at 34th
15 Street. We own 40 newsrack--news boxes, modulars.
16 We spent about \$200,000 on putting them in and
17 maintaining them over the last few years. Clearly,
18 this is generally, though, we generally support your
19 legislation. The abandoned news boxes that have bee
20 mentioned today, learning about acts and City FEG
21 (sic) unsightly terrible condition and they really
22 detract from all that we've done to improve the
23 streetscape at 34th Street which has cost about \$23
24 million. We believe there are a few other
25 adjustments in your legislation that would be great.

2 One is we do agree with your requirement to display a
3 new DOT identification number for a specific news box
4 at a given location. This decal should feature the
5 specific approved--approved location for the DOT, ID
6 number. That would help us to identify the new single
7 news boxes that are put in our district all the time.
8 DOT should make available to the public the mapping
9 and location of all news boxes per BID. We also
10 believe the rule that states no more than one
11 newsrack component--multi-rack component per
12 publication could impose--impede the requirement to
13 have 24 hours--have publications have 24 hours before
14 and after a delivery date to be visible. So we
15 consider--you should consider a requirement that
16 contends with the publication size schedule, a number
17 of pages. It's very complicated per publication.
18 They've always got an answer as to why they can't be
19 there. As for the requirement to lock a news box of
20 a non-performing publication, we suggest an
21 alternative to that, permit a weekly cleaning rule.
22 We clean every news box at least once a week. No
23 lock is really needed, and then concerning removal
24 requirements when I sidewalk shed is installed we
25 suggest that removal be required if there is

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2 reasonable interference in pedestrian flow and/or
3 specific construction work. So, generally a good
4 job, committee and--and DOT. Thank you for your
5 efforts on this. The questions have been on target
6 from all the council members. Where--if there are
7 specific questions Dave could answer them, but we'll
8 pass to the next panel member.

9 WALTER SANCHEZ: Good morning. My name
10 is Walter Sanchez. I'm a resident of Maspeth, Queens
11 and Publisher and Editor of the Queens Ledger and
12 Brooklyn Star week--weekly newspaper group [coughs]
13 for more than 30 years. I publish a collection of
14 eight weekly community newspapers, some of which have
15 been published every week since the last 1800s and
16 early 1900s. Some of them have been published 5,000
17 consecutive Wednesdays. That's a lot of Wednesdays.
18 We have dozens of news boxes throughout Brooklyn and
19 Queens and rely on them for distribution every
20 Wednesday and Thursday in--in a number of
21 neighborhoods, which I consider underserved by
22 community news. One of the stories I'll tell you
23 about why Street--street boxes allow us to--allow us
24 the freedom to write about dicey editorial subjects,
25 which might create ire in the eyes of some. One

2 example of the need for street news boxes is the
3 story about a burglary in Astoria at a supermarket
4 recently. Our responsibility as a news organization
5 is to inform the community about this event, and a
6 description of the suspect given by the Police
7 Department to seek help from the community. And
8 while the--the supermarket wouldn't let us put
9 newspapers in--in the supermarket that week, we had a
10 news box 100 feet away. This is more typical than
11 one would think and just one reason single newspaper
12 boxes, street boxes are essential to the public. We
13 need to be able to also place our news box in
14 locations without having to register for approval.
15 Legislation not allowing--making us--requiring
16 approval is really not reasonable. A time recently
17 when a college in Clinton Hill, Brooklyn was planning
18 to build a large public--a large athletic facility,
19 which would dwarf the surrounding buildings.
20 Neighbor had no--neighbors had no way of knowing
21 about a public meeting, which is happening in three
22 weeks. We then placed news boxes for that three
23 weeks along Vanderbilt Avenue at DeKalb, and at
24 Myrtle Avenue and Vander--and Clinton Avenue at
25 DeKalb and Myrtle. Those newspapers we put 300--we

2 put 200 newspapers in those boxes, and they were all
3 gone. Three hundred people turned out for this
4 meeting. Those are the things that--that's why we
5 need to be able to put these news boxes up sometimes
6 sporadically. I'll finish up. There have been times
7 when people move these boxes. They use them as
8 garbage cans. They take off the labels. We don't--
9 we found them a borough away at times. As soon as
10 we're informed, we need to do--we need to be informed
11 that this happens before we get a violation, and
12 we'll be responsible.

13 CHAIRPERSON RODRIGUEZ: Thank you. Thank
14 you, and--Is that it? Everyone testified? Great.
15 So we will continued conversation. You know like we
16 will--definitely this is a beginning. A lot of
17 feedback, you know, for or against it and this only
18 the beginning of this process. So definitely before
19 moving on on anything we will approach you and give
20 you feedback with more quality time so that we can
21 get into a conversation on this. The next panel.
22 [pause] Next one Barbara Blair, Burt Brennan,
23 Michael Gruen, Kathy [pause] Kathy from Grand
24 Central. Sorry, I couldn't read your last name.
25 [[background comments, pause]]

2 BARBARA BLAIR: Thank you, Council Member
3 Rodriguez, members of the Committee on
4 Transportation. Good morning. My name is Barbara
5 Blair. I'm the President of the Garment District
6 Alliance, a Business Improvement District in Midtown
7 Manhattan. I commend you for proposing legislation
8 to improve regulation of newsracks on our sidewalks,
9 and to ensure that they are well maintained,
10 individually traceable and registered with the City
11 of New York. We support this proposed legislation.
12 The Garment District has extremely high pedestrian
13 counts. At many times during the day especially
14 during rush hours, you will have pedestrians walking
15 in our streets because there is virtually no room on
16 the sidewalks. With ever increasing numbers of
17 people on the sidewalks, it's imperative that the
18 city take this opportunity to expand its review of
19 street furniture conditions and its impact on public
20 safety. I would like to suggest that an overall
21 governing entity be responsible for considering the
22 amount of street furniture on each block, and that
23 such an entity would have the authority to reject
24 additional furniture after a specified percentage of
25 sidewalk space has been used. This responsibility

2 generally falls to DOT. However, certainly the
3 Department of Buildings, DOITT and other agencies
4 have a role. My concern is with the governance of
5 furniture on our streets. The Garment District
6 Alliance strongly recommends that one entity have
7 overriding power to determine what goes on the
8 streets. At this time we have newsstands, bus
9 shelters, phone booths, links, newsracks, way finding
10 systems, waste receptacles, parking and traffic
11 signs, parking meter pay stalls, store signage, stand
12 pipes, fire hydrants, building sheds, subway
13 entrances and probably some items I'm forgetting.
14 And this is not including the human furniture such as
15 the panhandling homeless with their cardboard signs,
16 pets and belongings; tour bus hawkers, menu and other
17 paper leaf litters, illegal vendors, truck deliveries
18 that stack their goods on the sidewalks for
19 distribution, or people exercising their First
20 Amendment Free Speech Rights. All of these items
21 reduce the amount of space for pedestrians,
22 restricting and redirecting their movement into bike
23 lanes, parking spots, and the roads. [bell] I
24 submit--okay, well, the only other thing that I would
25 suggest in wrapping up, and you have my testimony, is

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2 that you have unified street furniture on the streets

3 right now, CEMUSA, the newsstands, and you could

4 require that these newsstands allot a certain

5 percentage of space to free newspapers, or you could

6 have a modular unit that is designed by the City of

7 New York, placed on the newsstands and eliminate all

8 the news boxes. Thank you very much.

9 BOB BRENNAN: Good morning, members of

10 the committee. My name is Bob Brennan. I'm the

11 Chief Operating Officer of Snitch Communications, and

12 what I wanted to mention was by DOT's own statistics

13 they said that there's 10,000 newsracks out on the

14 streets, and they only issued 358 violations. That's

15 a pretty good track record. We talk about how

16 egregious the publishers have been, but that doesn't

17 sound so bad to me, and I think in the words of what

18 Michelle Rea had mentioned in her testimony, what we

19 need is--is--is more enforcement more than anything

20 else. Snitch Communication maintains more than 125

21 newsracks on the streets across Brooklyn and Queens

22 where we distribute thousands of copies of the Queens

23 Courier, the Home Reporter, the Brooklyn Spectator

24 and El Correo. Through the years we have worked

25 diligently to ensure that our newsracks comply with a

2 litany of regulations as currently outlined in the
3 City Administration Code. Whenever a problem is
4 reported to us such as a newsrack is located to too
5 close to a curb, has become full of garbage or has
6 been vandalized with graffiti, our team is quickly
7 there to improve the situation. The safety and the
8 wellbeing of the public as well as the proper
9 maintenance of our newsracks are of great concern and
10 importance to our company. We believe that the
11 Administrative Code already has more than enough
12 regulations for the placement and maintenance of
13 newsracks, and yet, here we are debating more
14 regulations for an industry that neither needs nor
15 can afford any further regulation. At present there
16 are no more than 14 different clauses within the Code
17 governing where are racks are and are not allowed to
18 be placed. For example, news racks cannot be placed
19 within two feet of a curb, within a bus stop, on any
20 landscaped areas or anywhere that's deemed too narrow
21 and sidewalks that are deemed too narrow. Now,
22 people in the Council want to add another rule and
23 regulation involved taxi stands. Newsracks are
24 virtually important to the success of all our
25 publications. Much of El Correo's circulation among

2 Spanish speaking residents of Queens for example
3 largely stems from newsracks. Our company pours vast
4 resources into creating quality newspapers worth
5 reading and takes great pains to ensure our readers
6 have easy, convenient access to all our papers. More
7 regulations mean more problems. Rather than adding
8 more rules, please choose instead to enforce the
9 rules we already have on the books. Thank you very
10 much.

11 CHAIRPERSON RODRIGUEZ: Yes.

12 MICHAEL GRUEN: Michel Gruen, President
13 of--

14 CHAIRPERSON RODRIGUEZ: [off mic]
15 [interposing] Press the button.

16 MICHAEL GRUEN: Just press the button.
17 I'll start over. My name is Michael Gruen. I'm
18 President of the City Club of New York, and I'm
19 speaking on behalf of the Streetscape Committee.
20 First of all, I--I very much and we appreciate the
21 comprehensive point of view that the committee is
22 taking to try to recognize that newsracks are only
23 part of an entire array of street furniture and uses
24 of sidewalks. So one important thing to do is to
25 consider where newsracks stand in the hierarchy of

2 uses, which range from the essentials such as traffic
3 lights to the minimally significant and important, as
4 I would think of, A--A-framed signed in front of
5 stores. It--it has probably changed over time. The
6 market for newspapers may be very strong for small
7 publications. The large publications such as the New
8 York Times, Daily News and so on have disappeared
9 from the newsrack market. They have largely gone
10 into electronic distribution, and I'm sure that will
11 happen even more as time goes on. We believe that
12 the problem with the legislations being--been
13 proposed, is that it doesn't give sufficient
14 attention to enforcement issues. That is the
15 weakness in the system. It is essential that the
16 procedural safeguards, which were imposed by the 2004
17 legislation be modified as to make it easier to
18 present cases and drive them to a completion. And it
19 is also important to create the wherewithal for the--
20 for the DOT to deal efficiently with their task.
21 They need to have electronic devices to communicate
22 between themselves and headquarters to immediately
23 identify what newsracks they're considering, what the
24 problems with it are, what needs to be done and go
25 onto the next one.

2 CHAIRPERSON RODRIGUEZ: Sorry. Can you
3 please summarize?

4 MICHAEL GRUEN: I--I--

5 CHAIRPERSON RODRIGUEZ: And you're
6 putting good--I think like you're making good
7 recommendations, but if you can summarize. We have
8 to move on.

9 MICHAEL GRUEN: I commend our full
10 written statement to you. Thank you very much.

11 CHAIRPERSON RODRIGUEZ: [off mic] Thank
12 you. [on mic] Thanks.

13 KATHY KAHN: Hi, my name is Kathy Kahn
14 (sp?). I'm here this morning on behalf of Grand
15 Central Partnership and the Madison Avenue Business
16 Improvement District, the operators of nearly eight
17 out of ten modular multiple newsrack units in New
18 York City. In addition to currently managing the
19 Grand Central and Madison Avenue programs, I've also
20 helped to launch the 34th Street Partnership and
21 Bryant Programs some 20 years ago, and oversaw the
22 creation of modular programs at Hunter College and
23 for Park Tower Group owner of 535 Madison after
24 working in the newspaper circulation business. So
25 having played a role launching or currently managing

2 just about every modular newsrack program in the
3 city, I'd like to thank the chair and the
4 Transportation Committee for this opportunity to
5 share some thoughts and comments about the
6 legislation before the committee today, and their
7 impact on the two largest modular newsrack programs
8 in the city. Madison Avenue and Grand Central
9 currently have about 50 paid and free publishers
10 voluntarily participating in their programs. Our
11 philosophy is simple: Work collaboratively with the
12 publishers to achieve our collective goals. For the
13 BIDs, it is to promote clean and orderly sidewalks
14 free of clutter--of the clutter of individual
15 newspaper boxes. For the publishers it is to
16 distribute their publications where allowed in high
17 pedestrian traffic areas in a cost-effective manner.
18 Grand Central and Madison Avenue BID clean and
19 maintain their units everyday, and retain a
20 maintenance form to make repairs within 24 hours. I
21 skipped ahead. Sorry. In return for partic--
22 participating in our programs, the publishers remove
23 their individual boxes from within the boundaries of
24 the Grand Central and Madison Avenue BID. As a
25 result of this cooperative effort, Grand Central and

2 Madison Avenue don't generally have any problems with
3 individual newspaper boxes in their areas. But the
4 cost of fabricating, installing and maintaining these
5 modular units is quite expensive, and the programs
6 are challenging to manage, which is why despite the
7 city's desire to see the use of modular newsracks
8 expand, there has been very little interest to do so
9 because of the significant financial investment to
10 launch those programs and the myriad of regulations
11 confronting operators of such programs. Regrettably,
12 I am concerned that some of the provisions [bell] of
13 the bills before the committee will further
14 discourage expansion of modular programs. Keep
15 going? For example, the common thread of Intro 411,
16 412 and 1209 to seek the burden--to burden the owners
17 of modular units with the new requirement to disclose
18 detailed delivery information and to maintain the
19 quantity of publications in our units. While we take
20 full responsibility of--for installing, repairing and
21 maintaining--

22 CHAIRPERSON RODRIGUEZ: Miss, can you
23 please summarize?

24 KATHY KAHN: Sorry?
25

2 CHAIRPERSON RODRIGUEZ: We'd like--can
3 you please summarize.

4 KATHY KAHN: Uh, we--

5 CHAIRPERSON RODRIGUEZ: --or we will keep
6 your testimony.

7 KATHY KAHN: You have the--you have the
8 testimony. We have specific issues with 411, 412 and
9 427. It's in the testimony.

10 CHAIRPERSON RODRIGUEZ: Okay.

11 KATHY KAHN: We'd be happy to work with--
12 with the--the committee and DOT on--on these and we
13 thank you for your consideration.

14 CHAIRPERSON RODRIGUEZ: Great, and for
15 you and the rest--those who were before and those
16 coming, I just would like to invite everyone to, you
17 know, come back with some particular recommendation.
18 You know, I think that at the end of the day, this
19 process invites everyone to a level of compromise.
20 You know, you have said that probably we just have to
21 be sure that we do the enforcement part, or what we
22 already have in place, but also I would like for you
23 to look at what we have, and come back with--send us
24 the suggestion. We will be inviting you to have a
25 conversation and meeting from the Committee of

2 Transportation. And--and, you know, like the more
3 time we can go back and forth, but please, you know,
4 also come back, give us some recommendations.

5 Thinking always about compromise is the best way to
6 go. It's not--not everything or nothing, and I think
7 that--I hope that--I just hope that, you know, that
8 we can come out with something productive and--and
9 something that is not negative for no one, but
10 something that we can live with protecting the good
11 business owners who are providing the information to
12 New Yorkers at the same time that we make the bad
13 actors also more accountable. So that's my
14 invitation to you and the rest to come. The next
15 panel is Christine Bridget, Jenny Stroll (sic),
16 Jennifer Christian, and William Marquardt.

17 [background comments, pause]

18 CHAIRPERSON RODRIGUEZ: Okay.

19 CHRISTINE GROTE: Hello--

20 CHAIRPERSON RODRIGUEZ: Hi.

21 CHRISTINE GROTE:--Chair Rodriguez. So my
22 name is Christine Grote, I'm the Co-Founder Check
23 Ped, an 800-member organization in New York City and
24 the only one with a primary focus on pedestrian
25 sidewalk and safety. We applaud the proposed

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2 legislation to organize and improve the appearance of

3 newsracks. In particular, the fact that they are

4 movable and reduces the control over their placement,

5 which is an issue. We wish this legislation would go

6 further and include the respect of a distance of 9.6

7 feet for pedestrians paths for allowing people to

8 pass by. Street rules on placements at least 25 feet

9 from links installation and from pedestrian crossing,

10 and are designed with water weights so that the boxes

11 cannot be easily moved from their assigned location.

12 And finally, that the metallic stands, which are

13 often stored with the racks are banned. In the

14 morning, newspapers deploy personnel who install

15 these metal--metallic stands in the middle of the

16 sidewalk, and obstruct the flow of pedestrian.

17 Further, it should be illegal to have personnel

18 handing out newspapers. The boxes are supposed to be

19 self-service. Seventy-five percent of New Yorkers

20 walk at some point during their commute and 50% of

21 Port Authority commuters walk to their final

22 destination. The sidewalks are really a walk lane

23 that serves a mode of transportation like bus lane,

24 drive lane or parking lane. Imagine if a corner had

25 links and newspaper box and A-frames in the middle of

2 them. It is urgent that we make sure that
3 pedestrians can move most effectively and in comfort.
4 Change the name of the sidewalk to walk lane, give
5 the DOT the mission to enforce all the rules and to
6 design new rules for the--all the furniture on the
7 sidewalk, and return the maintenance to walk lanes to
8 the city. Why are my taxes paying for the
9 maintenance of car lanes [bell] and not walk lanes?
10 I have two more, but that's pretty much. Thank you
11 for this hearing. It's very important.

12 JEANNE STRAUS: Good morning. My name is
13 Jeanne Straus. I'm President and Publisher of
14 Strauss Media Manhattan, and I'm testifying here
15 today about the proposed additional regulations on
16 news boxes. I'm here representing my Manhattan local
17 publications, Our Town, the West Side Spirit, the
18 Chelsea News and our Town Downtown. Thank you,
19 Chairman Rodriguez for the opportunity to speak. Our
20 papers are each local neighborhood publications. We
21 report the local news that matters to people's
22 everyday lives, but rarely makes it into the big
23 dailies. News about stores openings and closing,
24 bike lanes, traffic light changes, and even City
25 Council member's accomplishments. We believe, as I

2 know you do, that keeping people informed about their
3 neighborhood news is a vital component of building
4 and sustaining community. Like you, we care about
5 the neighborhood, and what it looks like, and we
6 believe there should be obligations on newsrack
7 owners to keep them clean and in good working order.
8 But there already are tremendous, and I would dare
9 say sufficient regulations that we have to adhere to
10 to keep the city informed and our boxes in good
11 order. We've heard about the all--already today. I
12 won't reiterate, but there are plenty of them. The
13 proposed legislation is onerous. I'm concerned about
14 this latest push to impose requirements and
15 regulation of community newspapers, the only people
16 who are left covering neighborhood issues.
17 Additional stickering with numbered decals will be a
18 nightmare. We already have to replace our ownership
19 stickers that people peel off. We're already filing
20 precise locations. Allowing the DOT to decide the
21 size and shape of our newsracks is untenable. The
22 largest newsrack provider went bankrupt last year.
23 So there are very few choices of sizes left. We
24 can't tell the city when our news were removed
25 because often they're removed by the city for fairs

2 and festivals unbeknownst to us, and we have to go
3 around looking for them. It's in all of our interest
4 for the newsracks to be maintained and kept in better
5 shape. I know you all support [bell] and believe in
6 the First Amendment. I urge you not to pass this
7 legislation, which makes it harder and more
8 expensive for those of us embarked on continuing to
9 get the local word out. Often, your local words out
10 to do our jobs disseminating the news to our
11 neighborhoods. Thank you very much.

12 JENNIFER GOODSTEIN: Thank you. My name
13 is Jennifer Goodstein. I'm the CEO of NYC Community
14 Media and President of Community News Group. My
15 husband and I have a large network of weekly
16 community papers that cover every neighborhood in
17 Manhattan, Brooklyn, Queens and the Bronx with titles
18 such as the Bronx Times Reporter, Queens Times
19 Ledger, Brooklyn Paper, the Villager, Downtown
20 Express, and dozens of other neighborhood newspapers.
21 In addition, we publish Caribbean Life, Gay City New,
22 and family magazines. In a few days I'll be marching
23 down Fifth Avenue with friends, family and employees
24 in the Pride Parade to celebrate the LGBT community.
25 We all know the great strides that civil rights have

2 been--of civil strife--civil rights that have been
3 made in the past decade for the LGBT community and
4 Gay City News was a strong--played a strong role in
5 that success because it was free paper in newsracks
6 on the streets of New York City helping in the
7 educate--education of society, organizing communities
8 and informing our citizens. As a result, laws were
9 changed. Laws might have been changed, but not all
10 hearts were changed. It is still too common for
11 hateful graffiti including gay slurs to be found on
12 our gay city news boxes in some neighborhoods. Our
13 papers are removed and the boxes are filled with
14 porn. Our boxes are moved from business owners who
15 fear having our papers too close to their business
16 will send the wrong message to their customers. So
17 we remove the graffiti, we clean out the boxes, and
18 we return the newsracks to their registered location.
19 This is the price we pay as publishers for free
20 speech, and it's a price we are happy to pay. We do
21 not want our news boxes to be dirty, broken or
22 covered with graffiti. We want to make sure our
23 papers remain available and accessible to our
24 readership, and that our newsracks reflect the
25 trusted and professional brand that our papers have

2 taken decades to establish, but it's challenge.
3 Fortunately when we miss something, the Department of
4 Transportation contacts via notice of correction. It
5 helps us to respond very quickly and clean the--clean
6 the boxes and repair our newsracks. I would support
7 more electronic communication between the Department
8 of Transportation and the publishers so that we can
9 respond when there is a problem with our news boxes
10 to make sure that they are clean, safe and available
11 with the news that we provide each week. Thank you.

12 WILLIAM MARQUARDT: [off mic] My name is
13 William Marquardt, and I'm a private citizen. I'm
14 here to tell you that there is a very simple solution
15 to this problem. We don't need to fight over it.
16 I've been involved in a project in which I have
17 endeavored to clean up and having that avenue more
18 clean. That part is [on mic] 72nd Street and East
19 96th Street, and the newsracks are only a small part
20 of this endeavor, occupying n more than about 5 to
21 10% at most of the time involved. I'm a registered
22 employer with New York State. I pay all these
23 expense. It's not a profit making business. It's
24 volunteer. I pay everything out of my own pocket.
25 To--to give you some indication of the success of

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2 this effort and how simple it is to resolve this

3 problem without having to find the newsracks--racks'

4 owners. I yesterday spontaneously checked 50

5 newsracks in this area of my project. Out of those

6 50 newsracks, not one newsrack had graffiti. Not one

7 newsrack had--had a sticker on it. Not one newsrack

8 had a flyer on it's a simple problem to correct. Now

9 here's the situation, here's the approach. The

10 approach that has been taken in the past of having

11 the newsrack owners responsible for it and to issuing

12 them fines, it's a cumbersome inefficient process

13 that will not work, and if you try to implement

14 something essentially to it, it's going to fail in

15 the future. This approach here instead of having--

16 you need to have one person handle all newsracks. So

17 one organization handle all--all of the newsracks.

18 This is very inefficient for each newsrack operator

19 to send their own people around to another. [bell]

20 You have numerous people going--going around doing

21 it. You--you need to have one person handling--

22 handling everything and--and then make the newsrack

23 owners pay for this service and--and they've--and

24 that's their responsibility. And over time, over

25 time it will decrease. Initially, getting cleaned up

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2 will take a bit of effort. I'd be glade to meet with

3 anybody and go into more details. But I guarantee

4 you I have the proof that this approach will work.

5 CHAIRPERSON RODRIGUEZ: Thank you.

6 WILLIAM MARQUARDT: My email is

7 williaminmanhattan. That's--I live in Manhattan.

8 It's williaminmanhattan@gmail.com. If anyone wants

9 to contact me please--please do.

10 CHAIRPERSON RODRIGUEZ: Thanks. The

11 next panel Rachel First, Vanessa Gavin, Anthony --

12 It's there. [background comments] Okay, keep it

13 here. Allow them. Antonio Rodriguez. So this is

14 our last panel.

15 RITA HIRSCH: Red means it's on, sir?

16 Red--red means it's on? It's on?

17 CHAIRPERSON RODRIGUEZ: You may begin.

18 RITA HIRSCH: Mr. Rodriguez and all of

19 the Transportation Committee that worked on the four

20 bills I really thank you. My name is Rita Hirsch,

21 formerly the City Task, retired from it but for 14

22 years I have photographing the newsrack boxes around

23 the city. And unfortunately, I can't say things have

24 gotten any better. I'm very glad that Jeanne Straus

25 is here because here's three of her boxes. She can

2 see right here on West End Avenue and 70th Street.

3 This is last week. They're all empty. Along with
4 the other boxes they're all empty. Most of the boxes
5 in our area where I live on 57th Street are empty. I
6 won't say what they look like, but they look pretty
7 terrible. What I'm hoping will happen is that I
8 thank you for--for getting together after I'd say 12
9 years and getting these bills together, but you have
10 to give DOT the enforcement power. I'm not a lawyer.

11 As I read through them I didn't feel that there was
12 enough teeth in the bills so that DOT can remove
13 boxes that are filled with garbage that have not been
14 filled for more than 14 days. And so as someone
15 said, I think Ms. Straus did, the rules are there,
16 but DOT has not had the power to enforce them. So I
17 beg you. I beg you for the sake of all New Yorkers
18 for your children who take things out of these boxes
19 and put things in maybe. Whatever it is that we
20 clean up this mess, and make our streets truly
21 beautiful, streets that we want to walk down. Let's
22 have modulars. If we're going to have newsrack boxes
23 make sure that they're really cleaned up. I have
24 called into all of the publishers. They do sometimes
25 send someone out, but generally we get this look all

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2 over the city of New York not just on West End Avenue
3 and 70th Street. Thank you and again appreciate what
4 you're doing.

5 CHAIRPERSON RODRIGUEZ: [off mic] Thank
6 you.

7 ANTONIO RODRIGUEZ: My name is Antonio
8 Rodriguez (sic). I'm the publisher and owner of the
9 La Presse Lito (sp?) one of the largest papers in New
10 York. We are in Brooklyn, Bronx, Jackson Heights,
11 the Barrio of West Side. We have hundred--published
12 every week we have 160,000 papers. We could--we work
13 very close with DOT(sic) I don't think we need any
14 more laws. We have the low on the book, which
15 enforce and--and my paper is we have the major
16 component of a newspaper informing education,
17 entertainment. We help our patrons with jobs,
18 healthcare, housing, affluent (sic) opportunity,
19 solve their problem and service, legal service,
20 caregiver. Every wee we give a space--a space to our
21 organization, not-profit. It--it stand for the
22 Council and other public service announcement. We
23 present government--also we present government and
24 committee to our rich information on the weekly
25 basis. We're working very close to DOT because we

2 clean up racks everyday, and one of the biggest
3 problems that we have as the people who put all those
4 signs there if you are--if I can explain to you how
5 much money I spent cleaning the boxes and all the
6 business people put in to advertise there, and I have
7 to go and clean it everyday. I clean 40 or 50 boxes
8 every week. I have to go and pick up and bring it,
9 because you cannot do it on the street. So if you
10 can force--I'm--I'm trying through the organization
11 through the Police Department and maybe we can see if
12 they can help me out, and I say if you can give a
13 ticket to all these people who put the posters
14 [bell]. I've been calling everyone of them and tell
15 I'm going to sue them. I sue several of them, but
16 they tell me they know what they want to put in it.
17 So see if we can push the restriction. If I had to
18 pay the guy or the policeman to go with me, and put a
19 ticket or a DMV supported ticket with--with the
20 advertisers.

21 CHAIRPERSON RODRIGUEZ: [off mic] Thank
22 you. Next.

23 ANTHONY CRESTOR: Hello, my name is
24 Anthony Crestor (sp?). I work with Mitchells. We
25 are distributors for many of the publications that

2 are in attendance. I personally am in charge of
3 dealing with the violations when they come from the
4 DOT, and I deal with about 2,500 plus boxes out of
5 the 10,000, and I want to say that we have about 99%
6 success rate in beating those DOT violations. So I
7 don't think new regulations are what we need. If
8 we're handling over 2,500 and we only have 1% fail
9 rate, I think we're doing a pretty good job. If you
10 do you do decide to go forward with some of these new
11 rule changes, I do hope that you ask the publishers
12 for input because a lot of the rules that I'm looking
13 through will affect us greatly especially the new ID
14 that's going to be supplied from the DOT and only
15 give us ten days on top of that to put it into each
16 box. And for our company, we have over 2,500 boxes
17 to do that within tens days is kind of impossible.
18 So I know I'm the last person speaking so I'm going
19 to keep it short. So thank you for having this
20 hearing, and again I concur with my colleagues. I
21 don't think any new regulations is needed. Thank
22 you.

23 CHAIRPERSON RODRIGUEZ: [off mic] With
24 that, thank [on mic] to everyone representing a
25 different sector from the press. You know, as I said

2 before, my concern is not just on the newsrack, but
3 it's about the sidewalk in general. Therefore, as we
4 will move and have future conversations with the
5 administration I just want to be sure that as I
6 invite those individuals who came to testify
7 represent an organization to open with a compromise
8 come back with specific suggestions. But also to the
9 administration that I'm more looking at the whole
10 situation that we have on sidewalks where the
11 newsrack is one of those elements that we have to
12 look at. And I'm all about being there for the good
13 actors supporting our friends, but also everyone
14 else. Like if you are responsible for the newsrack,
15 and among that--those newsracks there, you have
16 witnessed one or two that are not necessarily the one
17 that represents your industry, you want to be sure
18 that those bad actors are taken out of the business.
19 You know, they have to adjust. (sic) So that's what
20 I want to be sure that as you go back and continue
21 conversations among yourselves, come back with the
22 others or some suggestion, but we are here--I am here
23 to be sure that we continue promoting our First
24 Amendment rights. I'm here being sure that we also
25 make everyone accountable and working with the

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2 Administration, and let's say this sector represented
3 the media, especially the printing one we want to be
4 sure that, you know, they--we continue the door open
5 on--on this conversation, and with that I let my
6 daughter to end it. This hearing is adjourned.

7 [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 10, 2016