

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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June 22, 2017
Start: 11:18 a.m.
Recess: 1:35 p.m.

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
Costa G. Constantinides
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards

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

Meera Joshi, Commissioner and Chair
NYC Taxi and Limousine Commission

Leon Heywood, Deputy Commissioner
Sidewalks and Inspection Management
NYC Department of Transportation

Montgomery Dean, Chief of Staff to the Chief
Operation Officer
NYC Department of Transportation

Joe Yacca, Director of Hyper Operations
NYC Department of Transportation

Michelle Craven, Senior Executive Director Cityscape
and Franchises
NYC Department of Transportation

Sean Quinn, Senior Director
Office of Bicycle and Pedestrian Programs
NYC Department of Transportation

Ed Schnell, Director Revocable Consensus Security
Division of Legal Affairs
NYC Department of Transportation

Christopher DeCicco, Counselor
Borough President James Oddo

Ryan Price, Executive Director
Independent Drivers Guild

Michelle Dutton, Uber Driver

Steven Sowater, Part-time Driver

Patrick Las Penas, Verizon

Frank Prost, National Grid

Keith Rooney, National Grid

Henry Dong, Con Edison

David Gmach, Con Edison

Alex Slatky, Triple A Northeast

2 [sound check, pause] [gavel]

3 CHAIRPERSON RODRIGUEZ: Good afternoon,
4 and thank you all for attending today's
5 Transportation Committee hearing. My name is Ydanis
6 Rodriguez, and I am the Chair of this committee. We
7 are joined today by my colleague Council Member
8 Matteo. Today, we will discuss several pieces of
9 legislation on a range of topics. Intro 1375 and
10 1397 introduced by Council Member Matteo will
11 required DOT to alert local community board, council
12 members and borough presidents ten days prior to the
13 issuing of the permit to open a recently repaved
14 street also known as protected streets. It will
15 require the following street opening, the streets to
16 be restored all the way to the curb line and 20 feet
17 along the curb from the start of the opening. We
18 will hear from Council Member Matteo in a few
19 moments. We will also hear two bills that I recently
20 introduced. The first bill, Intro 1646 will require
21 all black cars and luxury limousine based-bases to
22 allow passengers to tip drivers in whatever method of
23 payment the use to pay for the trip. This is
24 important because the bill require all upstate black
25 car services to include a tipping option for drivers,

2 something they have—they have been reluctant to do.
3 Driving a cab is a tough job in our city, and for
4 many who close—who choose to work in this industry
5 this is their career who stay here to send their kids
6 to college, or they themselves work at day or evening
7 and also go to college. Personally, I know the
8 number of hours required in this industry to make a
9 living because when I was at city college during the
10 daytime I also drove a car—a livery taxi during the
11 nighttime to support myself—myself and help my
12 family. One of the ways—one of the ways drivers have
13 always booted their earnings is through tips. It
14 encourage quality service in a safe—I'm sorry—and a
15 safe an easy ride, and can make a major difference in
16 the life of a driver. Tipping is an available option
17 through the user interface in yellow and green taxis,
18 and through some off-base companies like Lyft and
19 Lyft. However, this option has not ben uniform
20 throughout the industry. Earlier this year, the
21 Independent Drivers Guild, a trade organization
22 representing predominantly Uber (sic) drivers filed
23 a petition with 11,000 signatures. This petition
24 highlights that Uber drivers were potentially missing
25 out on a total \$300 million based on looking at a

2 passenger's behavior in yellow cabs. Just this week
3 points to more and more cause to add a tipping option
4 as well as pending agency rules in this specific bill
5 we will hear today. Uber has finally relented to
6 their longstanding opposition to providing a tipping
7 option and will begin to roll these features out
8 across the country, and we don't expect that that
9 change will change the 30% earning that drivers make
10 at Uber. This is, of course, welcome news, but I
11 believe that we as a city must ensure that not just
12 Uber but all off-bas companies provides a tipping
13 option through their online platform, and this is why
14 Intros 1646 will accomplish this goal. It reaffirms
15 the dignity of those who driver on our streets and
16 instead of arbitrary and even punitive rating system,
17 tipping rewards good service and puts money in the
18 pockets of drivers. We are glad that we will hear
19 from the IBG and some of their members today, and
20 will discuss the realities and financial hardship
21 that many drivers are faced with. I would like to
22 ensure that this measure is codified in law as
23 opposed for being done only through internal company
24 policy or agency rulemaking because we want to put
25 this in the books for a long time not to undone by

2 changes at certain companies all by future occupants
3 at TLC. I look forward to discussing this with the
4 many here today and hope we can arrive at a solution
5 to best support our hardworking drivers and give it
6 to those who want to support them as well. Lastly,
7 today we will hearing Intros 1658 a bill I introduced
8 and co-lead with another 29 council members aiming-
9 aimed at addressing a glaring vulnerability on our
10 streets and sidewalks. This bill will require the
11 DOT to install metal or concrete bollards at
12 locations across the city where will remain
13 vulnerable to attack-or attack becoming more common
14 by the week. These bollards will be required in
15 front city schools, plaza-plazas-pedestrian plaza
16 adjustments-adjustments to car traffic and at the
17 most dangerous corridors in the city measured by DOT
18 crash totals and designated priority corridors. Just
19 over a month ago a young 18-years-old tourist had her
20 life lost away from her as she enjoyed the glow of
21 Times Square on a spring afternoon with her younger
22 sister. A driver deliberately took his car onto the
23 sidewalk with the intention of killing or injuring as
24 many people as possible. Alyssa Elsman is no longer
25 with us today because this motorist driver was able

2 to mount the curb and gun his engine toward helpless
3 pedestrians in the crosswalks of the World-world.
4 But the same day that I introduced the bill, two
5 other cars-vehicles also jumped into the sidewalk one
6 around 39th Street, and the other one at the corner
7 of Columbia Presbyterian. Since then we've seen
8 those separate and tragic and other tragic terrorist
9 attacks occur in London in just this month involving
10 drivers who use a vehicle as a weapon of mass
11 destruction, and who drove into sidewalks to take the
12 lives of others. We have to learn from what happened
13 in London and in other cities, and we have to
14 celebrate that New York City after 9/11 we haven't
15 had another terrorist attack. And here in New York
16 on the same day I announced again this legislation
17 many New Yorkers have started sending their message
18 through Twitter and emails supporting this
19 comprehensive policy. This example shows that
20 whatever through terrorism a sickness individual or
21 even simply a driver who hits the gas at the wrong
22 moment, pedestrians can have their life taken from
23 them even when-when on sidewalk doing what they are
24 supposed to do. Our sidewalks are not safe havens
25 from cars, and those with the most people on them

2 remain vulnerable—vulnerable just like the—like areas
3 in front of the schools and parks and in locations
4 known to see many crashes. The one thing that
5 stopped the Times Square driver, however, was a metal
6 bollard. This is why even before the Times Square
7 attack, I began to work on this bill to think about
8 sensitive locations where the drivers could do severe
9 damage. I thought not about important business in
10 the corporate headquarters location where we often
11 see many bollards, but instead I consider our schools
12 and the area where pedestrians have a con—have
13 naturally congregated. These are places we must
14 protect, and this past month could not make that any
15 clearer. My colleagues agree, and that's why so many
16 have signed to be colleagues on to support this
17 effort even before the bill was introduced. We hope
18 to hear today from agencies and the stakeholders how
19 we can move these important measures forward and
20 support New Yorkers. In a moment we will hear from
21 the Department of Transportation and the Taxi and
22 Limousine Commission, but first I would like to offer
23 my colleague Council Member Matteo an opportunity to
24 speak on his legislation.

2 COUNCIL MEMBER MATTEO: Thank you, Chair
3 Rodriguez. I have an article from the Advance,
4 Staten Island Advance dated August 11, 2006. It
5 refers to a DOT Initiative called Take Back the
6 Streets that was essentially a crackdown on illegal
7 street cuts and shoddy repair work. This was an
8 issue that formerly councilman and President Oddo has
9 been working on for quite some time. During this
10 time I was his chief of staff, and we are teaming up
11 once again to do all we can to ensure our new
12 resurfaced streets remain in pristine condition. But
13 with every bad street cut, it undermines our
14 collective effort to improve our roads. That is the
15 reason we introduced these two bills, Intros 1375 and
16 1397. For years the city cannot make adequate
17 investment in resurfacing our streets, but all that
18 changed in the last several budget cycles. The city
19 has made record improvements with over 1,200 lane
20 miles reserved for some—the current fiscal alone.
21 The Mayor, DOT and the coalition of elected officials
22 supported this funding deserve a lot of credit for
23 getting this done. However, the frequent cuts
24 particularly emergency cuts, which utility companies
25 and other entities undertake threatens that progress.

2 When a utility cut—when a utility company comes to do
3 work on a street that was recently resurfaced the
4 result is confusing among residents about what is
5 going to occur and anger at the waste of taxpayer
6 funds that were recently used to make this street
7 new. Frequently, it is unclear even to elected
8 officials offices as to why the work is occurring and
9 how long it will take. On top of that, the patch job
10 is often inadequate. I have driven on roads that
11 were resurfaced in the last several years that are
12 already uneven and cracked because of poor patch work
13 and through utility cut project included. These
14 bills are meant to clear up any ambiguity so that the
15 public officials closest to these issues are able to
16 answer constituents' questions and communicate
17 directly with those doing the work if need be. These
18 bills will make sure that the taxpayers are whole and
19 the patch job is done satisfactorily and that proper
20 notice is given when cuts are made to the protected
21 streets. With that, I'm looking forward to having a
22 discussion with you on the two bills, and seeing how
23 we can come up with an adequate solution to this
24 problem. Thank you, Chair. I also, too, I wanted—I
25 wanted to recognize that also we were joined here by

2 Council Member and Minority Leader Jimmy Van Bramer,
3 and before we begin I would like to thank our
4 committee staff Counsel Fiza Zamlik (sp?), Policy
5 Analyst Jonathan Masserano, Emily Rooney, and Finance
6 Analyst Branson West and Chima Obichere. I also want
7 to thank my staff Jose Lewis, Rosa Murphy, and
8 Stephanie Milliano for their effort in putting this
9 hearing together. Now, I ask our counsel to please
10 administer the affirmation and we'll hear testimony
11 from the representatives of the Administration.

12 LEGAL COUNSEL: Please raise your right
13 hand. Do you affirm to tell the truth, the whole
14 truth, and nothing but the truth in your testimony
15 before this committee today, and to respond honestly
16 to Council Member questions?

17 COMMISSIONER JOSHI: [off mic] Yes.

18 LEGAL COUNSEL: Thank you. [pause]

19 COMMISSIONER JOSHI: Good morning. Good
20 morning Chair Rodriguez and members of the Council
21 joining us today. I'm Meera Joshi, Commissioner and
22 Chair of the New York City Taxi and Limousine
23 Commission, and thank you for the opportunity for us
24 to share TLC's views on Intro 1646. This legislation
25 would require black car and luxury limousine bases

2 that dispatch vehicles through an app to provide a
3 tipping option for passengers through one of the
4 methods payment that passenger-meth-methods of
5 payment that passengers use to pay for the underlying
6 fare. Such services would be required to inform
7 passengers of the gratuity option and make drivers
8 aware that they've received the tip as soon as
9 practicable. Finally, Intro 1646 would subject
10 people who violate the law to a fine of \$200 to \$500
11 and require TLC to promulgate rules as may be
12 necessary. Chair Rodriguez and the TLC have worked
13 hard to protect our licensed drivers and their
14 income, and TLC supports the state goal of this
15 legislation, which is to expand drivers' ability to
16 access their corridor and tips. As you know, just
17 this week Uber announced that it will implement an
18 in-app tipping option nationwide, and we should all
19 be gratified to see, yes, the industry embrace the
20 city's policy initiative. I am concerned, however,
21 that the proposed legislation excludes certain types
22 of drivers and does not require that the tip be
23 directly or fully transmitted to the deserving
24 driver. Like the Council we believe that drivers
25 should be able to easily access the money they earn,

2 and the TLC announced on April 7, 2017 that we would
3 propose a rule requiring for-hire vehicle bases to
4 offer passengers the option of tipping drivers
5 through the exact same means that they paid for the
6 underlying fare. This means that if a passenger can
7 pay the fare through an app, the base, every base is
8 required to allow the passenger to tip through the
9 app. TLC's proposed rule would apply industry wide
10 and includes a clear requirement that all tips
11 including those received via app must be tripped-
12 transmitted directly to drivers. Our proposed rule
13 has been noticed for a public hearing on July 13th
14 2017, and while the proposed TLC Rule is similar in
15 spirit to Intro 1646, we believe that our proposed
16 rule is an effective way to more expansively and more
17 effectively benefit hardworking drivers. Our primary
18 concern with Intro 1646 as drafted is that it would
19 regulate bases in a non-uniform manner. It contains
20 exclusions that would prevent certain groups of
21 drivers from receiving the income-the tip income
22 they've earned, and we believe that all drivers are
23 equally deserving of income protection. Currently,
24 Intro 1646 includes black car and luxury limousine
25 bases, but it does not notably include livery bases.

2 The reason for this exclusion is unclear to us
3 because several livery bases including one livery
4 base operated by Uber used apps for passenger booking
5 and for payment. Under Intro 1646 all of those
6 drivers who use—who use that base for jobs would not
7 be able to receive tips via the app. Similarly, the
8 bill excludes drivers who perform in-line work by
9 prearrangement the definition of which would be—could
10 be read to include airport pickups another group of
11 drivers that would be excluded from tips. And
12 finally, TLC believes that section 1947-B of the
13 proposed legislation would allow a black car base
14 that occasionally accepts cash payments to continue
15 requiring tipping in cash even if some or most of its
16 trips are dispatched and paid via an app. This
17 language could potentially exclude another additional
18 category of drivers. Today, because more and more
19 people are booking rides and paying fares through
20 apps and fewer people carry cash, a cash-only option
21 for tips deprives app based dispatch drivers of
22 potential income. As such, TLC's second major
23 concern is that Intro 1646 requires that drivers
24 shall be made aware of any gratuity received by any
25 passenger-facing booking tool as soon as possible.

2 But, importantly it does not require that drivers who
3 are tipped through the app actually receive those
4 tips directly or receive them in a timely manner.
5 Furthermore, as written, the legislation does not
6 prevent the base from taking any deductions from the
7 tip before giving it to the driver, nor does it
8 require the full tip be transmitted directly to the
9 driver. We strongly believe that all app dispatched
10 drivers should be able to receive a tip via app and
11 they should receive the tip, the entire tip that
12 they've earned quickly, fully and directly. As such,
13 our proposed rule would require that the base give
14 the entirety of the tip to the drivers directly free
15 of any deductions made by the base. TLC supports
16 requiring all bases to use apps to let their
17 passengers tip via app. However, for the reasons
18 I've just provided we're confident that TLC's already
19 noticed rule will accomplish this goal more
20 effectively than Intro 1646. Our rule will protect
21 all drivers in a uniform and effective manner
22 creating more income opportunities for more drivers.
23 We thank you for the opportunity to testify on Intro
24 1646, and I'm free to answer any questions you may
25 have. [pause]

2 DEPUTY COMMISSIONER HEYWOOD: Good
3 morning, Chair Rodriguez and members of the
4 committee. My name is Leon Heywood, Deputy
5 Commissioner for Sidewalks and Inspection Management
6 at the New York City Department of Transportation,
7 and I am joined Montgomery Dean, Chief of Staff to
8 the Chief Operation Officer. Also, present is Joe
9 Yacca, Director of our Hyper Operations. I'm here
10 today to testify on behalf of Commissioner
11 Trottenberg and Mayor de Blasio on DOT's important
12 work to maintain and protect New York City's nearly
13 20,000 lane miles of street. I am also joined today
14 by Michelle Craven who will be speaking about
15 Introduction 1658 requiring the installation of
16 bollards at certain locations. When Commissioner
17 Trottenberg first started her job—when Commissioner
18 Trottenberg first started her job, she heard more
19 complaints about the poor condition of the streets
20 than almost anything else. Since then, we increased
21 our investment to execute back-to-back years of
22 record resurfacing. Under Mayor de Blasio's
23 leadership in FY16 through FY19, we will pave over
24 5,000 lane miles of our streets most in need, more
25 than a quarter of the city's nearly 20–20,000 lane

2 miles. Compared to an average resurfacing budget in
3 the three preceding years of \$180 million, DOT spent
4 \$195 million in FY15, \$238 million in FY16 and then
5 planning to spend \$274 million in FY17 with similar
6 levels planned for FY18 and FY19. We have also
7 nearly doubled our investment in street
8 reconstruction to out more safety projects taking the
9 amount from \$1.7 billion in the last Ten-Year Capital
10 Plan in the prior administration to \$3.3 billion in
11 this year's Ten-Year Plan—Ten-Year Plan. So, we
12 share the Council's—the Council's interest in
13 protecting our record investment, and look forward to
14 continuing to work with you to ensure our streets are
15 maintained and safe in good condition. Our streets
16 facilitate the movement of pedestrians, transit
17 riders, motorists and cyclists as well as the
18 delivery of goods and services throughout the city.
19 Under the surface, the same streets support the
20 city's water, sewer, power and telecommunication
21 infrastructure as well as the subway tunnels and
22 building vaults. The streets themselves also serve
23 as public spaces fostering social, economic and
24 recreational activities. Excavations of our streets
25 are a necessity to install and maintain the

2 underground infrastructure our city requires to
3 function, and with an ongoing boom in construction,
4 DOT is issuing 70% more street opening permits than a
5 decade ago. A substantial and important regulatory
6 task the DOT is managing a process that minimizes the
7 number of excavations that occur while facilitating
8 necessary access to underground infrastructure, and
9 it is vital that we ensure quality street
10 restorations while also minimizing disruption for
11 both street users and residents. In order to
12 accomplish all this, several of DOT's divisions are
13 involved in this work. Our first office our Office
14 of Construction, Mitigation and Coordination issued
15 587,000 construction permits related to our streets
16 in the most recent fiscal year including 228,000
17 street excavation permits. Of those, 62,775 or 27%
18 were on streets resurfaced in the past five years.
19 In addition, the office reviews requests for full
20 street closed work on arterial streets large scale
21 projects and projects in the densest and most
22 congested parts of the city attaching additional
23 stipulations to permits for this type of work. I
24 oversee high--Highway Inspection and Quality--Quality
25 Assurance unit or HIQA, which includes teams of

2 specially trained inspectors that continuously visit
3 and monitor construction activity in the field both
4 proactively and in response to complaints to ensure
5 that any work being conducted has the proper permits
6 and the permit holder is complying with the
7 appropriate DOT rules, specifications and
8 stipulations. Finally, our Division of Roadway
9 Repair and Maintenance plays a crucial role by
10 coordinating all of our maintenance and resurfacing
11 work. This includes informing utilities and others
12 of DOT's resurfacing schedule, the purpose of
13 coordination and taking part in the review of permit
14 requests from protected streets. As you might
15 imagine, the types of permits that DOT administers
16 are sometimes highly technical, and we are very proud
17 of our Street Works Manual, a resource for utilities,
18 developers, contractors and anyone who undertakes
19 work that will impact the street. That explains the
20 importance of advance notice and coordination,
21 outlines or registration process and describes
22 application procedures for each type of permit, and
23 all necessary approvals. This guide can be found at
24 streetworksmanual.nyc. Before commenting on the
25 legislation before the committee today, I would like

2 to describe DOT's current process for ensuring
3 durable quality restorations of all our city streets
4 and describe the additional requirements we have for
5 protective streets. All permittees must follow rules
6 and regulations and conform to specifications and
7 standard detailed drawings. We require that all jobs
8 are properly backfilled and restored, neatly squared
9 off, and sealed around the edges to provide a level,
10 smooth and durable riding surface. Our inspectors
11 can stop and review work at any time during a
12 project. When our inspectors encounter—encounter
13 defects after a restore—after a restoration has
14 been completed, the severity can dictate various
15 actions. For minor repairs, we issued a 30-day
16 corrective action request. However, if a restoration
17 is very poor in that it is sunken or not to
18 specification, several aggressive reviews and
19 remedies will take place. If it—if it presents an
20 immediate safety issue, a notice of immediate
21 corrective action requiring the error to be made safe
22 within three hours, will be issued, and our HIQA unit
23 will then follow up until the dangerous condition is
24 resolved. Then DOT will schedule a re-excavation in
25 the presence of an inspector who will control every

2 aspect of the restoration. This will include
3 specifying the permit type, and when the work can be
4 done requiring all new fill, requiring the presence
5 of a soil testing laboratory and in most cases
6 requiring that concrete is used as a base material,
7 and paving a greater area than was originally open.
8 If a contractor does not comply, they could be
9 subject to a hold on all new permit requests. We
10 also require permittees to post a bond to be used to
11 pay for restoration should a company go out of
12 business. As you can see, contractors certainly have
13 every reason to want to avoid a required re-dig. So
14 this provides a strong incentive to do the job right
15 and avoid defects in the first place, which is our
16 primary goal. On Protect the Streets we have
17 enhanced requirements. Streets that have been
18 resurfaced within the past 18 months are
19 automatically reviewed for additional provisions
20 including curb-to-curb resurfacing or potentially
21 resurfacing the entire block or intersection as
22 warranted. In the most recent fiscal year, this
23 additional pre-review applied to 17,366 permit
24 requests or 7% of street excavation permits. For the
25 entire five years after resurfacing contractors are

2 required to pay an additional fee and arrange to have
3 DOT inspectors on site to supervise the backfill in
4 person and permittees are required to guarantee the
5 restoration for five years. I would also like to
6 highlight some amendment our highway rules that DOT
7 recently enacted to enhance the quality of
8 restorations on all our streets. These new rules
9 went into effect in August and DOT completed phasing
10 in enforcement this past April. First and foremost,
11 DOT is now requiring in-kind restoration of all
12 concrete sub-base material. Previously, permittees
13 were allowed to use asphalt instead of concrete. DOT
14 has been pursuing this requirement for several years,
15 and we think it will be impactful. Second,
16 permittees must now make all cuts with straight edges
17 and 90 degree angles. Previously, cuts made at
18 unusual angles led to more uneven surfaces, and
19 reduced durability. This change will mean cleaner
20 cuts that are more durable and more complete
21 restoration in the affected area resulting in less of
22 a patch work.

23 Now, with regard to the bills starting
24 with Introduction 1375, this bill requires ten days'
25 notice by DOT to affected council members, community

2 boards, and borough presidents before issuing a
3 street opening on any street that has been resurfaced
4 or reconstructed in the past five years, or noticed
5 within 25 hours in case of emergency permits. It
6 would appear that the concern driving the bill is
7 that too many permits are issued on the street for
8 work that is avoidable or should have been planned
9 better. DOT plans its paving schedule based on both
10 capital construction plans and available information
11 on planned work by the utilities. We distribute our
12 schedule to stakeholders, and make it available
13 online. In addition, each borough's administration
14 Superintendent of Highway Operations for our Division
15 of Roadway Repair and Maintenance conducts a monthly
16 coordination meeting with other city agencies as well
17 as utility companies, transit operators and other
18 stakeholders involved and are—and are affected by—and
19 are affected by resurfacing projects. These
20 coordination meetings are held so that other roadway
21 stakeholders are aware of resurfacing and other
22 repair projects that are occurring as well as to
23 facilitate better right-of-way planning. The
24 schedule is often modified to allow those with
25 underground infrastructure to inspect and perform

2 necessary work in advance of paving operations.

3 Despite these dedicated efforts—efforts, it is
4 impossible to predict every needed street opening and
5 align it with planned resurfacing. In addition to
6 emergency work, DOT invariably receives permit
7 requests for a certain number of construction or
8 infrastructure projects that could not have been
9 anticipated or completed five years or even 18 months
10 in advance. While we do sometimes deny permits if
11 there is clear evidence that the work could and
12 should have been performed earlier. The most
13 important thing we can do is to try to minimize the
14 number of such street openings in the first place
15 through coordination. The proposed notification
16 requirement would place significant administrative
17 burden on DOT requiring it to send email
18 notifications and track the completion of statutory
19 notification periods before issuing permits.

20 Additionally, DOT has made significant efforts to
21 make our permitting process faster and more user-
22 friendly, and this bill would add delays to the
23 thousands of permit requests many of which DOT
24 otherwise strives to fulfill on a same-day basis.

25 While DOT cannot support the bill as proposed, we are

2 open to working with the sponsors. We would be happy
3 to explore ways to better inform stakeholders about
4 permits being issued for work in their communities,
5 and will continue to coordinate with those who need
6 to work on our streets to reduce the number of
7 necessary openings that occur in the greatest extent
8 possible. Now, turning to Introduction 1397, which
9 would require curb-to-curb resurface-resurfacing and
10 an additional 20 feet of resurfacing up and down the
11 street in either direction for restorations of all
12 excavations on streets resurfaced or reconstructed
13 within the past five years. As I discussed before
14 above, DOT reviews a portion of applications for
15 permits on protected streets and adds expanded
16 resurfacing stipulations where appropriate including
17 repaving entire blocks or intersections. However,
18 this legislation would enact a blanket requirement
19 without consideration of the size or location of the
20 excavation or the particular condition of the site.
21 This would negate the balanced approach we take to
22 the application of these requirements and in some
23 cases require unwanted amounts of paving activity.
24 While DOT understand and shares the desire to enforce
25 strict restorative-restoration requirements, excess

2 paving requirements must be weighed against the added
3 cost they impose on construction projects and above
4 all, the larger street closures entailed, which lead
5 to more disruption and traffic delays. When
6 considering street restoration, it also important to
7 different-differentiate between street openings and
8 the travel lanes of a street, which receive
9 significant vehicle wear and parking lanes or
10 channelizations or show the areas of the street,
11 which receive minimum or significantly less wear.

12 Larger paving requirements are not a
13 panacea. Paving a larger area will not prevent
14 defects caused by inferior backfill, or improper
15 compaction. This is why DOT is-is successfully
16 pursuing more robust requirements for these aspects
17 of restoration. Larger paving requirements can also
18 potentially affect the grade and elevation of the
19 road bed leading to ponding issues. These
20 requirements could turn a two-a small two-foot
21 plumber's cut into a project requiring over 100 lane
22 feet of paving or more especially on a wide street.
23 In particular, this could affect smaller businesses
24 doing work for individual homeowners. For small
25 businesses, the added requirement to run a large

2 paving project for a small plumbing job could affect
3 or fully exclude them from taking certain jobs
4 contrary to New York City's Small Business First
5 Initiative. For homeowners these requirements could
6 make what is already an expensive project much more
7 costly in the case of an emergency and unforeseen
8 house connection project. Our colleagues from DOT
9 performed an analysis of water and sewer permits
10 issued annually, and found that on average in a given
11 year about 3,000 property owners citywide including
12 almost 500 on Staten Island will be subject to
13 additional costs as a result of the proposed
14 legislation, and estimate that in the case of a new
15 water sewer-sewer line, the cost to the homeowner
16 could increase from 5,000 to 15,000. While utilities
17 and larger developers may be more able to handle the
18 added requirements proposed in this legislation,
19 never-nevertheless, they would see increases to the
20 cost of doing work on protected streets for projects
21 that are priorities for the city. For example, those
22 related to the construction of affordable housing,
23 creation of green infrastructure or installation of
24 new traffic signals to name a few. This would be
25 true for construction projects carried out by our

2 sister agencies as well in particular DEP and DDC.
3 DEP conducted an analysis and found that the proposed
4 legislation would increase its costs for sewer and
5 catch basin repair alone by over \$13 million. If
6 these requirements led to better more durable
7 restorations that would be a cost to be weighed.
8 However, for the reasons I've have laid out, DOT
9 believes the associated costs would be significant
10 while their improvements to the quality of
11 restorations will be cosmetic. While DOT cannot
12 support this bill as drafted, we would like to engage
13 with the sponsor to evaluate a way forward to address
14 the underlying concerns. Thank you again for the
15 opportunity to speak before you today on these bills
16 and the important work of protecting and maintaining
17 our street. It is critical to allow for necessary
18 access to the underground infrastructure our city
19 depends while minimizing disruption and protecting
20 the tax-taxpayers' investment in our road network.
21 After you hear from my colleagues, I will be happy to
22 answer any questions you may have. [pause]

23 MICHELLE CRAVEN: Good morning Chair
24 Rodriguez and members of the Committee. I am
25 Michelle Craven, Senior Executive Director Cityscape

2 and Franchises. Also present to answer questions
3 regarding this legislation Sean Quinn, Senior
4 Director of the Office of Bicycle and Pedestrian
5 Programs and Ed Schnell, Director of the Revocable
6 Consensus Security. Thank you for having us here
7 today on behalf of Commissioner Trottenberg and Mayor
8 de Blasio to discuss Intro 1658 requiring the
9 installation of bollards consistent with pedestrian
10 safety and in accordance with DOT guidelines at
11 schools, plaza and Vision Zero priority
12 intersections. DOT recognizes the heightened concern
13 on the part of the Council for protecting pedestrian
14 spaces in response to the recent incident in Times
15 Square as well as acts of terrorism in other cities
16 using vehicles to drive into crowded pedestrian
17 areas. Today, I'll describe the ways in which DOT
18 partners with the NYPD when it comes to the
19 installation of bollards for security purposes.
20 Otherwise, non-security bollards are a tool in DOT's
21 repertoire and I will discuss ways in which we use
22 them for a few particular purposes. From the outset
23 I would caution against any bill which would
24 institute a requirement for DOT to consider every
25 location of a particular type for the installation of

2 any kind of bollard. Where no one-size-fits-all fits
3 for street safety and we have many means available to
4 address our varied city streetscapes. When it comes
5 to security bollards, the proposed legislation would
6 interfere with the expertise and informed judgment of
7 the NYPD regarding counter-terrorism measure-
8 measures, and when it comes to any other use of
9 bollards, this would be an inefficient use of DOT's
10 resources and attention. It would conflict with our
11 approach of selectin the right designs, treatments
12 and features based on the context of each location in
13 the course of our work whether we are focusing on
14 intersections in need of re-design, constructing new
15 plaza spaces or enhancing school safety. Crashes
16 that take place on sidewalks are shocking, but are
17 responsible for a small percentage of all pedestrian
18 fatalities and serious injuries, and importantly,
19 they are less predictable. Unlike pedestrian
20 injuries overall-overall-excuse me-targeting high
21 volume, high injury locations will not necessarily
22 have much of an impact on these types of crashes in
23 the way that it does for crashes involving serious
24 injuries and fatalities overall. Moreover,
25 installing bollards designed to stop the impact of a

2 vehicle is often complicated and expensive and can
3 potentially cost millions of dollars. Therefore, the
4 sites must be chosen with the utmost care and input
5 from security experts. Installation includes
6 assessing and either moving or accommodating
7 underground infrastructure, water, sewer, power and
8 telecommunications, subway tunnels and building
9 vaults as well as sidewalk excavations that install
10 anchors, which may be connected together. Muni
11 meters or street furniture may need to be relocated
12 and preserving street trees requires specialized
13 bollards and horizontal connectors. ADA
14 accessibility must be considered. Bollards can cause
15 conflicts with our pedestrian ramps, although if they
16 are installed as part of a larger capital project,
17 they can also make some enhancements to ramp design
18 possible. Emergency vehicle access per incident
19 response also must be considered, and the FDNY is,
20 therefore, involved in our assessments as well.
21 Bollards have significant impacts on curbside loading
22 and unloading including passengers in wheelchairs.
23 When it comes to curbside loading, the impacts at
24 school locations particularly need to be considered.
25 Bollard installation also removes about 2-1/2 feet on

2 average in the pedestrian clear path on a sidewalk.

3 In congested locations, this loss of space for

4 pedestrians could cause people to spill into the

5 street. As you know, DOT is seeking to open up and

6 expand pedestrian space in our city, a mandate

7 strengthened by Local Law 95 recently signed into law

8 by Mayor de Blasio and championed by Chairman

9 Rodriguez. Placing pedestrians all across the city

10 behind barricades would conflict with that goal. The

11 considerable resources and time devoted to these

12 numerous capital projects would detract from our

13 ability to execute more street improvement projects

14 and build out more sidewalk space in congested areas

15 of the city. Instead, to protect pedestrians on the

16 street including in the crosswalk and on the

17 sidewalk, we are focusing our resources and energy

18 under Vision Zero on street design, enforcement

19 efforts and public outreach, which together are

20 changing driver behavior overall reducing speeding

21 and reckless driving. We must also continue to

22 target unlicensed driving and driving while impaired.

23 Therefore, while each different type of bollard can

24 be useful in certain situations, DOT cannot support

25 the legislation as proposed. We used bollards for a

2 few specific purposes. When it comes to the
3 insulation of bollards for security, we rely on our
4 NYPD colleagues to identify locations where this may
5 be needed and for analysis of what rating of bollard
6 or level of protection should be achieved. DOT
7 reviews these locations and provides our expertise on
8 pedestrian and ADA access and construction
9 constraints. For example, in Times Square during the
10 capital construction of the plazas, we included
11 bollards at the request of the NYPD for security
12 purposes. As you know, Times Square is a unique
13 location and the only one where DOT through DDC has
14 installed bollards ourselves. More commonly DOT and
15 NYPD work together when individual property owners
16 install bollards as a building security measure,
17 which make up most of the bollards you see around New
18 York including at landmark buildings. At our
19 intersection, sidewalk edges and plazas we use a
20 variety of treatments to separate vehicles and
21 pedestrians depending on the needs and space
22 available for locations. Some provide a physical
23 barrier while other delineate or channelize vehicular
24 traffic and many do some combination of both. First
25 and foremost this includes the curb itself. Aside

2 from clearly delineating the roadway from pedestrian
3 space, the height of the curb serves as a partial
4 physical barrier as well. Among other measures, we
5 also use street trees, landscaping features, flexible
6 delineators, planter and granite blocks. These last
7 three are particularly appropriate for non-capital
8 plazas because they are interim and removable while
9 providing protection and visibility for each of the
10 spaces. Each of our treatments also takes up more or
11 less space that would otherwise be available for
12 pedestrian movement, so we must balance that as well.
13 We generally use non-security bollards in some
14 specific incidences—instances where we are trying to
15 control vehicle access such as in a plaza. Plaza de
16 Las Americas has removable bollards at driveway ramps
17 to allow vehicle access only during events set-up.
18 Fordham Plaza has bollards lining a driveway area
19 that is within the plaza to keep cars and trucks
20 within their permitted zones. Similarly, we use
21 basic pipe style bollards in some places on our
22 sidewalks where we seek to prevent cars from parking,
23 ensuring a clear pedestrian pathway. But when it
24 comes to the edges of plazas generally, we treat them
25 like sidewalks as you line—line spaces with bollards.

2 Additionally, pro-ended (sic) bollards would be
3 incompatible with our current use of interim
4 materials in some plazas. We will continue to use
5 our current toolkits to protect these spaces. And
6 finally, we use Bell and Martella bollards on our
7 pedestrian island, which are lower to the ground and
8 are designed to protect the island from turning
9 vehicles. DOT will continue to coordinate with NYPD
10 no bollard protection for pedestrian locations at
11 sites they determine to have a high security threat,
12 and we'll continue to partner with NYPD to conduct
13 assessments on construction feasibility and costs.
14 Once again, thank you for giving me the opportunity
15 to comment on Intro 1658 and discuss our use of
16 bollards. My colleagues and I would now be happy to
17 answer any questions you may have.

18 CHAIRPERSON RODRIGUEZ: Thank you and
19 before I ask some questions, I'd like to recognize
20 that also I was joined by Council Member Reynoso,
21 Garodnick, Constantinides, Chin, Richards, Miller and
22 Menchaca. I have a few questions. [off mic] [on mic]
23 Can we agree that the use of vehicles as the weapons
24 of mass destruction can be used by terrorism in New
25 York City?

2 MICHELLE CRAVEN: I think given the
3 instances we've seen around the world it's certainly
4 a threat yes.

5 CHAIRPERSON RODRIGUEZ: Right. Is the
6 DOT working right now to identify how many
7 intersections we have in New York City that are open
8 for cars to get into the sidewalk and plaza? Do we
9 have as today?

10 MICHELLE CRAVEN: Well, we are constantly
11 talking to NYPD about areas that are potential
12 targets or potential threats for terrorist activity.

13 CHAIRPERSON RODRIGUEZ: What is the
14 number of plazas—of those particular intersections?
15 As today, can you share what we know that DOT has
16 identified that they are open for cars to get into
17 sidewalks?

18 MICHELLE CRAVEN: I don't have that
19 information.

20 CHAIRPERSON RODRIGUEZ: That's—that's
21 what this law is trying to do. That's what this bill
22 is trying to do to put together a comprehensive
23 policy so that every year DOT and we as a city should
24 be able to share with the Council and the city in how
25 many plaza—street plaza, how many schools per year

2 are we working and we putting the money because the
3 funding that, you know, I'm happy to say that the
4 money—the amount of money that you share for—for
5 FY18, you know, that money was allocated at the
6 Administration between the Administration and the
7 Council and voted by the Council. So, I'm very happy
8 to say that working together with Mayor de Blasio and
9 the DOT Commission, and we've been, you know, taking—
10 making it our top priority to save the lives of
11 pedestrians of cyclists. But I hope that as we
12 continue conversation we understand that what we want
13 to do is to put together a comprehensive policy like,
14 you know, as we have a plan of how many protected
15 bike lanes we want to accomplish every year. As we
16 already have other plans, we just want to have—to be
17 sure that there's a plan that we can hear from DOT,
18 you know, that concrete information how many—inter—
19 inter—how many intersections that we have that is
20 heavily used by pedestrians that they are not
21 protected actually. We don't want to be in the news
22 and in the newspaper when they're sending a similar
23 story like the one in London, and for us to say that
24 was a particular plaza that we will benefit. If we
25 as a city know that every year we have to protect

2 those—those areas for pedestrians. So, you know,
3 this is something that I—I just wanted to be sure
4 that if you look at the bill, the bill is not—it's
5 very concrete. The bill is trying to put together a
6 policy. The bill is trying to put together a plan,
7 but with the assessment of DOT. We work in
8 collaboration with you. We know that with know that
9 the designing, the specific utility designing is
10 something that internally the agency is the one that
11 have to take care. However, to have a plan, to have
12 a goal of what—how are we doing at 23rd and Broadway?
13 How are we doing even around Times Square or other
14 areas that we need to have pedestrian bollards
15 because there are cars of weapons of mass destruction
16 that's being looked at is that the new way or how is
17 the way they're going after innocent people. So, I
18 just want to be sure that we understand that, you
19 know, that we are clear on—on our goal. It's not to
20 tell the DOT under the—into the—the small details,
21 but this is about putting together a policy on how
22 are we going to be protecting our plazas, schools,
23 entrance to the park, and—and congested
24 intersections. When it comes to the TLC, and I want
25 to jump into the TLC on the tipping—the driver tip—

2 the tipping to drivers, I also want to be clear that,
3 you know, first of all [bell] we've been working
4 together for three years in a very good collaborative
5 way, you know, trying to level the playing field of
6 all sectors in the taxi industry. But when it comes
7 to making any change by bill, by the law or a rule,
8 we want to be sure that we understand it that when
9 the Council pass a bill, assuming that the Mayor will
10 sign the bill, then TLC will do a rule to vote on
11 implementing the language of that bill. However,
12 when a change is made by a rule, then the Council can
13 make changes by the law. But the law made by the
14 Council signed by the mayor cannot be changed by a
15 rule. I understand the difference that you have with
16 some aspect and what you are sharing with us that
17 concern that you have on the rule, and I hope again
18 that we can have a conversation with your team and
19 see how we can navigate together. So, as you will be
20 voting as a rule, we want to be sure also that we
21 codify this law so that whoever the new commissioner
22 four years from now or the new administration that we
23 know that this is something that we know that this is
24 something that we will be determining?

2 COMMISSIONER JOSHI: Yeah, and I do want
3 to say I believe we've worked well complementing each
4 other in areas where TLC rules do not have authority,
5 City Council and the Transportation Committee
6 especially yourself have been a leader in making
7 changes to the local law. And, in fact, two of those
8 changes notably the Universal License where you made
9 a dramatic change to the Administrative Code, and the
10 distinction between the independent and corporate
11 medallion, another example of a dramatic change to
12 the independent code also underscore that we don't
13 live in a world of permanence either at the council
14 level or the TLC rule making levels, and a change in
15 commissioner, a change in the administration, a
16 change in Speaker can result in a change of any one
17 of those things, local law or TLC rules. Nothing is
18 etched in stone, but working together, I think with
19 our expertise in-in how the-the industry works on a
20 day-to-day level, we can definitely be of assistance
21 to guide any language that if Council chooses to go
22 this route that I definitely be all encompassing,
23 that it provide drivers with an effective tool to
24 ensure that they get the entirety of the tips, and
25 that it apply to every sector of drivers so that no

2 one sector is left out of the benefit of the
3 protection of a tipping mandate. But we appreciate,
4 as always, your consistent work in the area of
5 protecting drivers.

6 CHAIRPERSON RODRIGUEZ: So, let's hope
7 that we just have continued conversation around what
8 you have in the language in the rule as we also are
9 moving this legislation. I have other questions, but
10 my colleagues also they have questions. Council
11 Member Matteo.

12 COUNCIL MEMBER MATTEO: Thank you, Mr.
13 Chair. Let me just respond to—in general to some of—
14 of your testimony on the two bills that I introduced.
15 One the—the bills are introduced not to prevent the
16 work. We know the work is needed. The bills are
17 introduced to ensure that we're planning right, and
18 that we're making the necessary repairs once the
19 work finished, which quite frankly, I don't think
20 collectively with the agencies, the utilities, and
21 everyone involved we've done a good job. We
22 certainly—certainly are not looking and government
23 likes to talk about passing costs onto our
24 constituents. It's a line you use lot when you're
25 talking on a bill you don't agree with. We're not

2 looking to add any costs especially with the-the
3 numbers that you have here to our constituents and
4 small businesses. Obviously that's-that's a non-
5 starter for us. What we're talking about is
6 introducing bills that-where we can come to an
7 agreement whether it's legislatively or policy wise
8 to make this process better. The process doesn't
9 work now, and I've been in government since 2004. It
10 hasn't worked since then. So, let me just get-let me
11 just be specific on 13-with the Notification Bill. I
12 see that you-you obviously have issues with-that
13 would add to your administrative duties, and it's-
14 it's tough to-to let us know. Is your concern that
15 you're worried that we're trying to prevent the work
16 from happening, and that there's weighing from the
17 community and the elected officials to stop the work?
18 Because the intent is purely for notification, and
19 if-if some of the language has changed let's say when
20 you know, and you notify us I mean the-the local
21 council member the borough president and the
22 community board is the same-do you have the same
23 objection to letting us know and you know about a
24 permit that you issued to open a street? Because-and
25 I'll let you answer in a second, but 50% of the

2 problems in government is communication, and when
3 we're working together and I can inform my
4 constituents and the Borough President can inform
5 Staten Island constituents and--and--and the rest of
6 the city can inform their constituents when a cut is
7 happening on a street that was just resurfaced, it
8 helps the anger, it helps the confusion. And that's
9 what we're trying to do on the notification bill to
10 ensure that there's transparency and that when a
11 street was resurfaced and two days later it's--it's
12 opened, it's frustrating, and--and it's not how a
13 driver will--will seek us out all of the time. And
14 so, we're looking to ensure that there's proper--that
15 there's proper communication between the agencies,
16 the utilities with you and then us. So that we can
17 all know what's happening on a street that was just
18 resurfaced.

19 DEPUTY COMMISSIONER HEYWOOD: We would
20 have no problem in notifying you when permits are
21 taken out. Our objection is waiting ten days before
22 we actually approve the permit. We feel that that is
23 the burden that's placed on us. We also feel that
24 that places a burden on the--the--the utility or the
25 contractor or plumber that's doing work. So, that's

2 our biggest concern is the—is the whole time that's
3 being talked about here?

4 COUNCIL MEMBER MATTEO: Okay, so is there
5 a timeframe that is acceptable?

6 DEPUTY COMMISSIONER HEYWOOD: I think
7 that's something that we can talk about after. I
8 can't give you a time, but--

9 COUNCIL MEMBER MATTEO: [interposing]
10 Okay, because listen and—and—and that's part of the
11 reason why we introduced legislation and have
12 discussions offline in hearing to come to the right
13 balance and the right agreement. If ten days is too
14 much, and it's causing a problem, that's fine but,
15 you know, for me the notification bill is the—the
16 one—the easier one to push to make sure that we're
17 doing it right, and that—and that at the end of the
18 day it's most important that our constituency knows
19 what's happening, and the social media and my
20 colleagues and I are on social media everyday
21 speaking with our constituents directly. It's
22 helpful. We're being helpful to the agency and the
23 utilities say hey this emergency work that you've
24 done on Richmond Road today, you know, we understand
25 it was just—it was just resurfaced but the floor cap

2 is needed. You know, there's a leak and we're-we're-
3 we're collectively working to make sure that the
4 repair will remain, you know, satisfactory, which-
5 which I'll talk about in a second. So, I appreciate
6 the-your willingness to work on the notification
7 because I think that's something that we-we should be
8 moving rather quickly to get done. So, when DOT
9 resurf-knows and resurfaces a street, one of the
10 frustrations is the two to three-week timeframe that
11 they leave the street nailed (sic) and, you know, the
12 sewer caps are-are raise, open and it's quite-You
13 know, it's just as bad as one of these potholes, and,
14 you know, we tell them that it's two weeks for a few
15 reasons: The schedule of Staten Island. I'm just
16 speaking State Island. The other boroughs may have a
17 different schedule, but when I talk to my borough
18 commissioner the two weeks are for the-the contractor
19 to catchup on resurfacing because the milling with
20 DOT work is non-union (sic) contractor, and that's
21 how it is on Staten Island. But it's for utilities
22 to also have a chance to come in and make the work.
23 So, please explain for the record the process that
24 when you know Richmond Road in Staten Island is going
25 to be milled and resurfaced, how are you reaching out

2 to utilities to say do you have planned work? Can we
3 move it up? Can we do it within the two weeks and
4 just—just go through process so we can understand
5 better. Because I—I'd like to think that it's
6 happening, but when you see the cut made three days
7 later and it wasn't an emergency, I'm not saying
8 that's the case, but I'm just talking about the—when
9 it wasn't an emergency it boggles your mind.

10 DEPUTY COMMISSIONER HEYWOOD: So,
11 initially we provide a schedule that is for a season.
12 So, first we say this is the schedule we plan on
13 putting out for this season. Then every month we
14 have a coordination meeting. In the coordination
15 meeting all of the utilities are invited, contractors
16 are invited, plumbers are invited. We have DDC and
17 DDP our sister agencies are invited as well so that
18 everyone that has a stake in the street understand
19 where we are and what our schedule is. So, we have
20 that once a month, and we have participation from all
21 of those—those different groups. Then every week we
22 put out a schedule that says that, you know, you saw
23 my—you saw my season schedule. Now, you saw where I
24 was last week. Now, here—this is where we're going

2 to be this week. That is put out. It's on our
3 website. It's emailed out. I believe it'--

4 COUNCIL MEMBER MATTEO: [interposing]
5 Yes, we all get it.

6 DEPUTY COMMISSIONER HEYWOOD: --that in
7 Staten Island they even--they even publish it--

8 COUNCIL MEMBER MATTEO: [interposing] Uh-
9 huh.

10 DEPUTY COMMISSIONER HEYWOOD: --and it's
11 published in other places as well.

12 COUNCIL MEMBER MATTEO: [interposing]
13 Advance publishes it weekly. We publish it weekly.

14 DEPUTY COMMISSIONER HEYWOOD: So, we do
15 everything we can to make sure people understand
16 where we are. Once we know, as you're talking about,
17 the road is open for approximately two weeks,
18 sometimes longer. Utilities have that opportunity
19 and they reach out to us, and they say oh, I have
20 this going on. I'm going to need an extra week. Two
21 weeks isn't enough. We will keep that street open
22 for them. So that communication is there. We're
23 available. We're willing to adjust because we have
24 the great concerns that again we don't want to pave,
25 and we don't want them to come in after and then open

2 up after we've already paved. So, we take a number
3 of steps to bring everybody together to make them
4 understand where we are. We do this, you know, we
5 provide information on a weekly basis, and then once
6 a street is open we're available to allow them to
7 come in to do what work is necessary so that we can
8 keep that street open, they can do their work, they
9 can finish, then we'll come behind and close it out.

10 COUNCIL MEMBER MATTEO: Okay.

11 DEPUTY COMMISSIONER HEYWOOD: So, those
12 are the steps we take.

13 COUNCIL MEMBER MATTEO: So, I get the-I
14 get the list from my borough commissioner early in
15 say February and it's a draft, but are you giving
16 that list to the companies then, and discussing or
17 are you saying that you're-you're doing it, you know,
18 weekly and then you're hoping they contact you?

19 DEPUTY COMMISSIONER HEYWOOD: So, we-we
20 provide the list at the beginning of the season. We
21 have monthly meetings with all the contractors, all
22 the utilities, all the stakeholders in the street,
23 and then weekly we provide updates as to where we are
24 actually are actively working.

2 COUNCIL MEMBER MATTEO: Okay, do you—do
3 you have numbers on permits that you have given on
4 streets that have been milled and not yet resurfaced,
5 and if you don't can you give it to me?

6 DEPUTY COMMISSIONER HEYWOOD: I don't. I
7 can—I can get that to you. We—we don't have that but
8 we can get that.

9 COUNCIL MEMBER MATTEO: [interposing]
10 Because listen, I'm willing to continue the
11 conversations with constituents why it's important to
12 keep it open for two weeks as long as we're doing the
13 utilities within that two weeks. It's just—it
14 doesn't—I'm not sure if that's the reality but, you
15 know, because there are—there are those who want the
16 resurfacing done the next day, and I get that there's
17 a value in keeping it open if we're going to do—if
18 we're going to do utility work, but the scheduling is
19 obviously another issue. So, let me just get—and I
20 know, Mr. Chair, I'm taking some time, but let me
21 just get to the—to the repairs. So, you know, like I
22 said before, we use this legislation to talk about
23 how we can better the—the repairs. Maybe cutting the
24 curbs isn't the—the best way especially with costs,
25 but they're sinking, the utility cuts. They've been

2 sinking for a long time. When a utility or whomever
3 comes and makes the strip we've been fighting with
4 the notion that the utility cuts work when they don't
5 and--and are experiencing and I--and I referenced the
6 2006 articles that when--when they make the cut three
7 days later it's sinking, and I know that we've been
8 working with your agency to try and make sure that
9 the fill is better, but can you explain, you know,
10 why they're sinking and what technology or methods
11 that need to be used to make sure that these cuts
12 aren't sinking and causing the problems that we--that
13 we're talking about.

14 DEPUTY COMMISSIONER HEYWOOD: So, one of
15 the reasons the cut may sink is because there may be
16 voids underground that are not in direct proximity of
17 the cut. So, someone could have a problem right
18 here, right because this--that's where their facility
19 is that they're going to fix. They can go down and
20 they can dig to that point to fix it, but there may
21 be a void somewhere else in the area around that--that
22 is undetectable, and the problem that arises is that,
23 and this is what can happen, I'm not saying it
24 happens all the time is that once they do their
25 backfill, and travel--vehicles travel over the road,

2 the road and underneath it can continue to settle
3 because there's voids, and that's one of the—the
4 biggest problems we have especially when there's
5 water associated with a repair of it's in the
6 proximity of a repair. One of the things that we've
7 one, two things that we've done that we feel are
8 going to help cuts be more stronger and last longer
9 is to require a concrete base. We used to allow an
10 asphalt, wearing costs and then a final restoration
11 for—for that final restoration. Now, whenever you
12 have a concrete base we are now requiring that you
13 have to put a concrete base back. Putting a concrete
14 base provides you with a lot more stability than if
15 you had asphalt, and the concrete pretty much seals
16 with the other concrete around it so that the
17 depression that you may have gotten with the soil
18 settling underneath will not be so noticeable, will
19 not come back as quickly.

20 COUNCIL MEMBER MATTEO: Okay.

21 DEPUTY COMMISSIONER HEYWOOD: So, that's
22 important and—and just the second thing that we're
23 doing is we used to have cuts that you couldn't even
24 describe them. You know, what—what geometric, you
25 know, is that? We wasn't sure. So, we're forcing

2 everyone to square things off so that we can get
3 cleaner cuts, better seals, and we feel that will
4 last a lot longer.

5 COUNCIL MEMBER MATTEO: No, I'm glad you
6 mentioned that because that goes to my-my point and-
7 and my-we talk about wears and tears on Staten Island
8 so much so that I've allocated capital funding for
9 them, and for those who may not be familiar with the
10 term wear and tear is just taking a patch of the
11 street where's a lot-a numerous potholes, milling it
12 and then resurfacing it and the wear and tears work
13 where DOT doesn't have to keep coming back and
14 filling pothole to pothole to pothole, and we did a
15 wear and tear on Richmond Avenue five years ago.
16 There hasn't been one pothole since. So, is it
17 possible to-when you're talking about the squaring
18 off about because that's with and wear and tear? Is
19 it that we should be doing more of that wear and tear
20 type work where the costs aren't going to be
21 astronomical and the-the street is going to hold up
22 and they don't have to keep going back? HIQA doesn't
23 have to go back and violate. You know, is wear and
24 tear a viable option here?

2 DEPUTY COMMISSIONER HEYWOOD: You know,
3 wear-were and tear are isolated situations and--and I
4 think what you're talking more of is like strip
5 paving. You know, where you're--where you're going
6 out and you're--

7 COUNCIL MEMBER MATTEO: [interposing]
8 Right.

9 DEPUTY COMMISSIONER HEYWOOD: --putting a
10 layer over and we do that primarily to buy us time.
11 You know, we know that this street needs to be
12 resurfaced.

13 COUNCIL MEMBER MATTEO: [interposing]
14 Exactly, before it gets resurfaced right.

15 DEPUTY COMMISSIONER HEYWOOD: And so, we
16 do it simply to buy us time until we actually can get
17 that street in-in-in the actual rotation to be
18 resurfaced. So, I think that we do our best to use
19 strip paving to our advantage when it's--when it's
20 necessary when we find it's necessary but that, too,
21 is just a temporary. You know, it will last us--

22 COUNCIL MEMBER MATTEO: [interposing]
23 Right.

24 DEPUTY COMMISSIONER HEYWOOD: --one or
25 two seasons and then we know we got to come in and--

2 and rip up the street, the middle of the street and
3 then we pave it.

4 COUNCIL MEMBER MATTEO: Okay, in the
5 interest of—I know we have to move along. I—I have
6 other questions that we'll—we'll talk offline. I
7 just want to reiterate we're looking to find the
8 right solution. We're not looking to find added
9 costs. I'm not interested in adding costs to my
10 constituents to my small businesses. It's non-
11 starter. I know there's a way for us collectively
12 whether it's legislatively or policy driven to—to
13 solve the repair problem. I do think that that we
14 will—I'd like to move forward quickly on the
15 notification because I think it's important, and the
16 communication is important and we should come to an
17 agreement on what—the best way we can move forward
18 with the notification bill and talk, continue to talk
19 with the borough president and—and the agencies and
20 utilizes on the best way we can tackle this—the
21 restoration problem. Thank you, Mr. Chair.

22 DEPUTY COMMISSIONER HEYWOOD: Thank you.

23 CHAIRPERSON RODRIGUEZ: Thank you,
24 Council Matteo and—and we will continue working
25 together. It's important to know how important is it

2 for you and the borough president, Staten Island
3 Borough President, and for many other communities
4 throughout the city, and now let's—I also want to
5 recognize that also we've been joined by Council
6 Member Levin and now Council Member Chin for
7 questions.

8 COUNCIL MEMBER CHIN: Thank you, Chair.
9 I'm also a co-sponsor of Intro 1375. I represent
10 Lower Manhattan, and our streets get dug up
11 constantly, and that's why I support the notification
12 bill because I think that all of us need to really
13 learn early on when is this going to happen, and how
14 soon it will be done. I think the—the milling of the
15 street, right, you said you have to keep it open for
16 two weeks. What I've gotten complaints from my
17 constituents is it's very hard to walk on those
18 streets after it's milled especially for seniors who
19 have to use a walker, people on wheelchair. It's a
20 challenge. So, keeping it open for two weeks is
21 stand, but are there times can we like speed it up?
22 If there is no permits, requests for utilities, does
23 DOT take a look and see if there is ways of kind of
24 like doing it quicker instead of just waiting for the
25 standard two weeks?

2 DEPUTY COMMISSIONER HEYWOOD: So, the-

3 COUNCIL MEMBER CHIN: [interposing] Or

4 more. Sometimes it could be longer.

5 DEPUTY COMMISSIONER HEYWOOD: Right.

6 There--there have been times when we have moved
7 quicker than the two weeks. You know, if we--if we
8 found ourselves in areas that, you know, have been
9 brought to our attention that are problematic in
10 terms of pedestrians and--and--and people transversing
11 it, you know we have sped that up, but in terms of
12 the way our operation works, and the amount that our
13 surfacing can do to our milling the problem is if--if
14 we don't enough milled, we'll end up non-productive
15 and--and right now the mix that we got is pretty much
16 two weeks of milling can take care of one week of
17 resurfacing. And so that's pretty much the way our
18 pace has been going right now, but we have been--we
19 have increased locations that have been brought to
20 our attention where necessary. But in terms of our
21 operation, that's pretty much the pace that we've
22 been working with, and that has been very productive
23 for us.

24 COUNCIL MEMBER CHIN: So, you--you do
25 offer flexibility. I--I think that we--I think that we

2 did complain to you about the area that was near the
3 hospital, and I think it was—I seem to remember it
4 was done a little bit quicker.

5 DEPUTY COMMISSIONER HEYWOOD: We—we try.

6 COUNCIL MEMBER CHIN: But the other thing
7 is that when a utility company when they apply for a
8 permit how soon do they start work?

9 DEPUTY COMMISSIONER HEYWOOD: That I
10 can't give you an answer on how every—every, you
11 know, someone could apply for a permit today, they
12 can start today, they can start next week. In the
13 situation of when we're milling and paving, once we
14 mill the street, as soon as they say hey I have these
15 issues out there, we want them to get out there as
16 soon as possible. You know, we don't want them to
17 wait for oh, we're in the second week now, and
18 there's two days left and they come out there. We
19 actually encourage them to get out there as quickly
20 as possible because quite frankly they go out there,
21 they say I have this problem, this problem could
22 result in that problem. So, they could actually be
23 out there longer than they want. So, we encourage
24 the contractors, the utility, the plumbers if they
25 have to come out there as soon as they let us know,

2 get out there right away because we—we try to push
3 them to finish up in that time period because we do
4 want to close the street up because we understand
5 that it is an inconvenience for the community to keep
6 it open even longer.

7 COUNCIL MEMBER CHIN: And after the
8 street is paved I mean down in my area where Beaver
9 Street is and Williams Street is it finally got
10 paved, and all of a sudden there was some drilling
11 going on late, you know, into the evening, and it's
12 like the street just got paved. So, and there was no
13 notice to the community. I just heard the drilling,
14 and I looked out the window and it was like wait a
15 minute. Why are they drilling over there? That
16 street just got paved. So, I think that we got to
17 make sure that the community knows, the community
18 boards, the council members so that at least we can
19 answer our own constituents' because for us it's that
20 then I got to go on the website. I've got to call my
21 staff. I have to look it up. It's what's going on?
22 Is it an emergency? Is it not an emergency? And the
23 other issue is that the contractor really needs to
24 get out there to notify the people in the surrounding
25 area. Sometimes it's a residential building. Just

2 let people know that you're doing this work, and the
3 time that you're doing that work because often times
4 these contractors they go overtime. So, people are
5 saying why is it 10 o'clock and they're still
6 drilling, and they shouldn't be, or maybe it is an
7 emergency. If we know about it, then people won't
8 complain. So, I think that notification is so
9 important. All you have to do is give people a
10 notice so they can put it up in the lobby. People
11 know that this is happening, and they can make
12 adjustments. So, going forward I think it's our
13 responsibility as government to kind of inform people
14 and also as—as an elective we need the information so
15 that we can help.

16 DEPUTY COMMISSIONER HEYWOOD: And you
17 know, that's definitely something that we could talk
18 about and, you know, I want to also remind that, you
19 know, there is a requirement that on every job that
20 the contractor provides some basic information on the
21 work that's going on. So, that may not be put into
22 somebody's—inside, you know, flyers put into the
23 building, but those are things that I guess we can
24 talk about on how we can do better with our
25 notification.

2 COUNCIL MEMBER CHIN: I look forward to
3 that. I think that you need to do more in terms of
4 letting people know, and send us, you know, a copy
5 of--of the notice, and then just give it to the
6 building. It's just so simple, and it will help a
7 lot of angry residents when they know what's going
8 on. Thank you.

9 DEPUTY COMMISSIONER HEYWOOD: Yep.

10 CHAIRPERSON RODRIGUEZ: Council Member
11 Miller.

12 COUNCIL MEMBER MILLER: Thank you, Mr.
13 Chair. [coughs] So, A lot of my frustrations are not
14 unlike my colleagues' particular in--from Staten
15 Island because we represent similar homeowners in the
16 city here, and--and often what we see is a lack of
17 agency coordination, and where we have a lack of
18 agency coordination. Certainly when you're dealing
19 with private contractors the same thing manifests
20 themselves. So, in between--what--what kind of
21 oversight is done to ensure that the--the streets are
22 put back in proper order after the jobs are done?
23 How are you notified by the contractor? Do you then
24 send our an inspector and what does that process look
25 like?

2 DEPUTY COMMISSIONER HEYWOOD: So, so
3 presently if a contractor wants to work on a
4 protected street, right, that's street that was
5 recently resurfaced within the past five years, and
6 particularly in the first 18 months. They--they--they
7 request a permit. That permit is initially put on
8 hold, and the--the administrative superintendent of
9 Highway Operations in the roadway, in the roadways of
10 the borough they review that request. They want to
11 know why you're taking the permit out, what work are
12 you going to do, and they also tell them the type of
13 restoration that they are required to do. So once
14 that permit is then take out, the contractor go and
15 they can do their work. Prior to actually doing the
16 backfill, they now have to notify HIQA, and we will
17 send--send an inspector out on site to monitor their
18 backs--their backfill and compaction. So, those are
19 the steps that we take to try to stay on--on top of
20 it--

21 COUNCIL MEMBER MILLER: [interposing] So,
22 in--in the--in the instance that--and now I'm going to
23 give you a real time instance where there was some
24 infrastructure worked on on a local street, and it
25 was two months ago. The street has not been put

2 back, and it certainly has been—not been put back in
3 proper repair. Also, the—the infrastructure work is
4 now being done on the—up the next street over, and
5 they've re-routed the bus onto that street. So,
6 it's—it's—it's a mess over there, but the street has
7 been done for two months. Do they—are they required
8 to notify you immediately and the process begins then
9 or does the process begin and the inspector comes out
10 when they notify you. What—what we're getting into
11 is—is why does it take two months, and—and the street
12 is still—and—and the same disrepair?

13 DEPUTY COMMISSIONER HEYWOOD: So, it
14 really depends on the type of repair that's going on.
15 You know, if it's a—if it's a small plumber's cut
16 that, you know, it's in front of one house and he
17 goes in, that's something that should be take care of
18 in a matter of days. He does his—he does his repair.
19 It's back to--

20 COUNCIL MEMBER MILLER: [interposing] Two
21 months.

22 DEPUTY COMMISSIONER HEYWOOD: You know—
23 excuse me?

24 COUNCIL MEMBER MILLER: Two—two—two
25 months.

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2 DEPUTY COMMISSIONER HAYWOOD: So, two
3 months, this absolutely has to be a bigger job. They
4 must have found other complications and unless I go
5 out and investigate--

6 COUNCIL MEMBER MILLER: [interposing]
7 There's no work being done.

8 DEPUTY COMMISSIONER HAYWOOD: I-I-

9 COUNCIL MEMBER MILLER: [interposing]
10 They finished two months ago. There's no work being
11 done, and the street's a mess.

12 DEPUTY COMMISSIONER HAYWOOD: There's no--
13 I can't think of any reason, but if you give me the--

14 COUNCIL MEMBER MILLER: [interposing]
15 Absolutely.

16 DEPUTY COMMISSIONER HAYWOOD: --location--
17 -

18 COUNCIL MEMBER MILLER: [interposing]
19 And--and--and I did speak to--actually I spoke to the
20 Commissioner. We-we had a-a town hall scheduled for
21 Monday, and it was postponed, but we did--she has that
22 information. It is 119th Avenue between Farmers and
23 196th Street there.

24 DEPUTY COMMISSIONER HAYWOOD: Okay, I
25 didn't get that. So, what--sorry.

2 COUNCIL MEMBER MILLER: So, that was one
3 of them, and-and we talked about notification. It
4 was just mentioned as well, and so we have to do an
5 absolute better job on notification and [coughs] what
6 that looks, and when permits are issued. Now, this-
7 this part may or not be an agency issue there, but I
8 last-last Dr. King's holiday there was some work
9 being done, and it was not emergency work, and-and
10 the residents thought it was not just an
11 inconvenience, it was disrespectful. And so, we want
12 to make sure that that doesn't happen. We aren't
13 issuing work permits for-for holidays are we?

14 DEPUTY COMMISSIONER HAYWOOD: [Pause]

15 No.

16 COUNCIL MEMBER MILLER: Okay and then.
17 [background comments] Talk about additional costs.
18 You didn't really explain where that additional costs
19 for the homeowners would come from in particular like
20 we know that's a major issue [bell] when-when the
21 sewage lines are-are damaged and the homeowners has
22 to endure that in particular if they don't have the
23 insurance. You said that it would-it would increase
24 that cost and-and \$5,000 is a lot already, but to ten
25 to fifteen is absolutely ridiculous and I-like my

2 colleagues don't see where that additional costs
3 would come from.

4 DEPUTY COMMISSIONER HAYWOOD: So, what
5 we're--what happens, and--and this is an example of a--a
6 house connection right. So, a plumber would normally
7 do, you know, a cut that's a 2x2 or something, right,
8 and they would go there to fix it, and then they
9 would just normally just restore that area. This
10 bill is saying I want you to go 20 feet on either
11 side, right? So, I have a--I have 2-foot a 2x2 that's
12 now 20 on either side plus curb to curb. So, now I'm
13 going 35, 40 feet. So, now a plumber and a lot of
14 them actually are not really prepared to do this.
15 They have to come--they have to mill the roadway
16 first. That 20 and--

17 COUNCIL MEMBER MILLER: [interposing] So,
18 that's not--that's not happening currently?

19 DEPUTY COMMISSIONER HAYWOOD: It is not
20 happening--

21 COUNCIL MEMBER MILLER: [interposing]
22 There's no milling involved. So--so in the interest
23 of time could we--

24 DEPUTY COMMISSIONER HAYWOOD:
25 [interposing] Only when we require it.

2 COUNCIL MEMBER MILLER: Okay. So, how do
3 you know if you do not see it all the time in the
4 district? But could we carve out these homeowners
5 and these specific plumbing jobs that we see that--
6 that are pretty--occur pretty often unfortunately in
7 the district?

8 DEPUTY COMMISSIONER HAYWOOD: Okay.

9 COUNCIL MEMBER MILLER: Okay, good. So,
10 and--and--and finally, there was some--some streets
11 repaved in the district and everyone is happy except
12 for the fact that they're now flooding when it rains,
13 which didn't occur prior to that. How do we fix
14 that?

15 DEPUTY COMMISSIONER HAYWOOD: They're--
16 they're now flooding?

17 COUNCIL MEMBER MILLER: They flood, yeah.
18 It is--it is repaved, angled off. It is--it's pitched--
19 exactly, it is not pitched correctly and we--

20 DEPUTY COMMISSIONER HAYWOOD:
21 [interposing] So, you have some ponding?

22 COUNCIL MEMBER MILLER: --the sidewalks
23 are now flooding.

24 DEPUTY COMMISSIONER HAYWOOD: So, you
25 have some ponding conditions?

2 COUNCIL MEMBER MILLER: Pondering, yeah,
3 and this is—it is—it's like a month old, and the
4 recent rains have—have—have caused significant
5 flooding.

6 DEPUTY COMMISSIONER HAYWOOD: So, in
7 situations like that, you provide us locations, we'll
8 go out there. We may have to regrade to run the
9 water alongside the curb to make sure it gets to the
10 catch basin.

11 COUNCIL MEMBER MILLER: Okay.

12 DEPUTY COMMISSIONER HAYWOOD: So, we have
13 to [bell] go out--

14 COUNCIL MEMBER MILLER: [interposing]
15 We'll get you that information as well.

16 DEPUTY COMMISSIONER HAYWOOD: Alright.

17 COUNCIL MEMBER MILLER: Thank you. Thank
18 you so much, Mr. Chair.

19 CHAIRPERSON RODRIGUEZ: Thank you. I
20 have a few more questions. Going back to the
21 bollards, which are the most dangerous corridors in
22 the city measured by DOT crash totals in designated
23 priority corridors?

24 MICHELLE CRAVEN: You're asking for crash
25 totals as part of our Vision Zero?

2 CHAIRPERSON RODRIGUEZ: The most
3 dangerous corridors that we have in the city?

4 MICHELLE CRAVEN: We have our Vision Zero
5 priority corridors. Is that what you're referring
6 to?

7 CHAIRPERSON RODRIGUEZ: Yeah, any-what
8 are the priority let's say in Midtown, which have
9 those locations? [background comments, pause]

10 MICHELLE CRAVEN: I mean historically
11 Queens Boulevard obviously is a problem, Atlantic
12 Avenue. We can send you a list if you'd like one.

13 CHAIRPERSON RODRIGUEZ: Well, I expect
14 you to know that information today because there's a
15 lot of safety of pedestrians. Like I would like to
16 know if to Time Square and what happened, which are
17 the two or three congested pedestrian areas that we
18 have in the city that we know that they don't have
19 enough protection?

20 MICHELLE CRAVEN: Well, I think we want
21 to make sure not to confuse areas that are potential
22 targets for terrorist activity with areas that are
23 dangerous traffic corridors because--

24 CHAIRPERSON RODRIGUEZ: [interposing] The
25 focus of--the focus of this bill is to address

2 intersections where we have a high volume of
3 pedestrians walking on the sidewalk that they can be
4 targets for terrorist attacks using vehicles as
5 weapons of mass destruction. The second priority is
6 areas around the schools in plazas not only Times
7 Square, but there's not any pedestrian bollards
8 installed. And trying to put together a policy where
9 every year we revise the level of protection in those
10 areas. Not subject to whoever the mayor is going to
11 be four years from now, but something that we install
12 as a city. So that we can keep everyday collected the
13 data and having a plan. Like what is like--do we--
14 does--and again I realize DOT is a great commission, a
15 great team working together, but those are areas that
16 we hope that we can keep improving. Like besides the
17 pedestrian bollards--

18 MICHELLE CRAVEN: Uh-huh.

19 CHAIRPERSON RODRIGUEZ: --can we agree
20 that pedestrian bollards as today is the only
21 mechanism that we have to stop cars from getting onto
22 sidewalks?

23 MICHELLE CRAVEN: I would not agree that--
24 with that. I think we have a larger toolkit of items

2 that we can use to prevent cars from accessing
3 sidewalks.

4 CHAIRPERSON RODRIGUEZ: What are the
5 tools that we have that are stopping cars to get into
6 sidewalk beside bollards, cement and middle?

7 MICHELLE CRAVEN: Well, there are a
8 number of their city rate (sic) items that we can
9 use, and then—and those are particularly used for
10 intentional terrorist attacks. But we also through
11 our Vision Zero program we've implemented a number of
12 tools to make sure that cars don't accidentally jump
13 upon curbs. You know, just ensure safer driving less
14 reckless driving to keep people from driving onto
15 curbs and injuring pedestrians. But we would not use
16 bollards as a Vision Zero safety tactic. They are
17 particularly for intentional attack.

18 CHAIRPERSON RODRIGUEZ: I—I think that
19 we—I just hope that we can continue the conversation.
20 I wish that from the committee, and—and the staff of
21 DOT.

22 MICHELLE CRAVEN: [interposing] Yes, we
23 have--

24 CHAIRPERSON RODRIGUEZ: [interposing]
25 Because as you know, Vision Zero is a priority for

2 both. We're making a lot of good progress. We have
3 passed more than 40 bills at the Council supported
4 all by the administration, and another Vision Zero
5 attack we can celebrate that we got the speed cameras--
6 -

7 MICHELLE CRAVEN: Uh-huh.

8 CHAIRPERSON RODRIGUEZ: --bill in Albany
9 too--

10 MICHELLE CRAVEN: [interposing] Yes, they
11 have it.

12 CHAIRPERSON RODRIGUEZ: --which is a big
13 one for us, and as we have a plan to have a number of
14 speed cameras installed and we went to Albany to ask.
15 What the Council is saying is let's also have a plan
16 so that we can say how many plaza, how many schools
17 can we say that they are protect us of our vehicle.
18 They should not jump into the sidewalk so that we
19 know that they're sitting there safe.

20 MICHELLE CRAVEN: Well, we would be happy
21 to discuss this bill further with the Council and to
22 work with. I would like to note that I think it's
23 important rather than having a prescriptive plan
24 upfront we need to make sure that we have flexibility
25 to address changing terrorist attacks over time

2 because right now cars driving into public spaces is
3 a big concern but there are going to be additional
4 concerns and things may change over time, and we want
5 to make sure we're able to adapt to them quickly.

6 CHAIRPERSON RODRIGUEZ: And we can agree
7 with that. We agree on, you know, moving forward and
8 just having the conversation. I believe in the
9 importance of putting a policy in place for a future
10 administration four years from now, for a future
11 commissioner for years from now. But also to give
12 the agency the flexibility also to with the
13 designers. So, I'm fine with that. When it comes to
14 TLC, and the tipping bill, I know heard-saw that the
15 commissioner had to leave, I want to go back into
16 what I said at the beginning. We do agree that if on
17 the bill let's say first of all we agree that we can
18 work together, right?

19 DEPUTY COMMISSIONER HAYWOOD: Absolutely.

20 CHAIRPERSON RODRIGUEZ: That we can get
21 the things by rule and we can-you do it by rule and
22 we can work together by legislation codifying this
23 for again to leave it permanent knowing that there is
24 concern coming from TLC also that we are open to
25 discuss with you on this bill.

2 DEPUTY COMMISSIONER HAYWOOD: Absolutely
3 and our staff would absolutely be willing work with
4 you as well.

5 CHAIRPERSON RODRIGUEZ: What is the
6 reality as today livery bases and Uber, do we have a
7 number of Uber drivers that they are also affiliated
8 with bases.

9 MALE SPEAKER: Uber currently has one
10 livery base. I'm not sure off the top of my head
11 what the number of affiliated vehicles they have or
12 how many drivers they dispatch. Those are certainly
13 numbers we could provide your office.

14 CHAIRPERSON RODRIGUEZ: Right, is that a
15 case that also may livery bases they also have Uber
16 drivers working for them?

17 MICHELLE CRAVEN: Uber has a black car--
18 owns several black car bases and--and livery bases.
19 They have access to a--a wide range of drivers
20 affiliated with both back car bases and livery bases.

21 CHAIRPERSON RODRIGUEZ: Yes, Uber have a
22 few livery bases, but is--are we serving cases today
23 where livery drivers or Uber drivers--

24 MALE SPEAKER: Yes.

2 CHAIRPERSON RODRIGUEZ: -the are also
3 affiliated with livery, but they are not Uber livery?

4 MALE SPEAKER: Yes, we-we-we've seen in
5 our records that Uber's dispatched drivers are
6 affiliated with other livery bases from their livery
7 base.

8 CHAIRPERSON RODRIGUEZ: And this is
9 something that we should also talk because like the
10 law as it is right now, it doesn't allow.

11 MALE SPEAKER: The-the rules as it exists
12 right now allows Uber to dispatch other livery
13 drivers from their livery base.

14 CHAIRPERSON RODRIGUEZ: But not-not an
15 Uber driver so they get a, you know, another livery
16 base?

17 MALE SPEAKER: No, they are currently
18 allowed to do that. So long as the dispatch comes
19 from Uber's livery base, they are allowed to dispatch
20 another driver affiliated with a different livery
21 base. What they're prohibiting from doing is
22 dispatching a livery driver from any of their black
23 bases.

24 CHAIRPERSON RODRIGUEZ: Okay. How much
25 is-are those bases who-where a passenger is allowed

2 to tip the drivers--able or mandated to share that
3 information with TLC?

4 MALE SPEAKER: I-I-bases that are allowed
5 to--?

6 CHAIRPERSON RODRIGUEZ: Does the tip-we
7 have a number of bases.

8 MALE SPEAKER: Yes.

9 CHAIRPERSON RODRIGUEZ: The livery and-
10 and-and up to now it has been a general policy that
11 pass-a-a-a passenger has the option to tip a driver
12 in-in the livery bases. Does TLC also collect a
13 report? Are those bases mandated to report that
14 information or not?

15 MALE SPEAKER: We-we don't currently
16 routinely collect any fare information including any
17 tipping information. So, we don't-we don't have any
18 data right now on the number of bases that accept the
19 tips via cash, app, credit card or anything like
20 that. Okay, Council Member Menchaca

21 COUNCIL MEMBER MENCHACA: Thank you,
22 Chair and thank you for being here I think most of
23 the questions that I wanted to ask were asked, and-
24 and so I'm really thankful that we're going to be
25 working together to really shape a bill that has

2 uniform understanding across the board so that
3 everyone has the opportunity for—for tipping. We are
4 in a city where I think there's culture around
5 tipping our—our sever—our service folks, and so I
6 want to make sure that—that we—we get there as
7 quickly as possible. I do have some specific about
8 some of the data and analyze—analyzing the taxi
9 trips, and how frequently do you estimate that
10 drivers actually do tip where they're able to?

11 MALE SPEAKER: We don't currently collect
12 any fare information in the FHV side. So, it's—we
13 don't have that data available right now.

14 COUNCIL MEMBER MENCHACA: You're not
15 collecting it?

16 MALE SPEAKER: We—we don't—we don't
17 collect it right now.

18 COUNCIL MEMBER MENCHACA: Right now?

19 MALE SPEAKER: Yeah, we do collect it for
20 the taxis. We do have some data about the percentage
21 of tips and what the tips are on taxi trips.

22 COUNCIL MEMBER MENCHACA: What—what does
23 that look like?

24

25

2 MALE SPEAKER: I—I don't know that off
3 the top of my head. I'd be happy to provide your
4 office with those numbers.

5 COUNCIL MEMBER MENCHACA: Okay, that
6 would be helpful to have that information. Okay,
7 well that kind of renders the rest of the questions
8 for a later time.

9 MALE SPEAKER: Yes.

10 COUNCIL MEMBER MENCHACA: So, then the
11 last—the next question I want to have is really
12 thinking about how—how—how you understand the current
13 market and if there are any other for-hire vehicle
14 services out there that don't do this tipping. Do
15 you have a sense about who's—who's not doing it right
16 now?

17 MALE SPEAKER: I mean obviously the big
18 player right now wasn't allowing an app tipping was
19 Uber. The other major app companies that we're aware
20 allow an app tipping. Anecdotally I think Via is
21 another major app player that doesn't allow an app
22 tipping currently. So, this does apply to a handful
23 of bases.

24 COUNCIL MEMBER MENCHACA: Got it. So,
25 what I'm hearing from you is—is a lot of anecdotal

2 information. So it sounds like we're—we're both
3 looking at this at the same way without any—any kind
4 of city—a city effort, a priority and—and so I think
5 the message here is that TLC needs to really take
6 this seriously. This bill is her for that reason,
7 and we're hoping that you can come back to us with a
8 real sense of—of—of review and data around what's
9 happening in our—in our—in our app based for-hire
10 vehicle services.

11 MALE SPEAKER: Absolutely and as the
12 Chair mentioned earlier the rule package that we have
13 proposed right now it's up for hearing on July 13.
14 It furthers the City Council bill's goal of ensuring
15 that all bases allow drivers to receive tips in an
16 easy and seamless fashion from passengers. So, to
17 the extent that we can work with the Council on that,
18 we'd be happy to further that goal.

19 COUNCIL MEMBER MENCHACA: Okay, thank
20 you.

21 CHAIRPERSON RODRIGUEZ: Thank you. If
22 there's no more questions from my colleagues, I'd
23 like to thank everyone representing DOT and TLC for
24 being here, and now we're calling the—Christopher
25

2 Decicco representing the Staten Island Borough
3 President for my colleague James Oddo. [pause]

4 CHRISTOPHER DECICCO: Good afternoon, Mr.
5 Chairman and members of the committee. My name is
6 Christopher DeCicco. I'm counselor to Borough
7 President James Oddo. I'm going to be reading his
8 testimony. He regrets he couldn't be here, but he has
9 three of our Staten Island winning baseball and
10 softball teams at Borough Hall today that he's
11 honoring. You may be familiar with the term, Pave,
12 baby, pave. It is a rallying cry via the borough-
13 Staten Island Borough Hall, and eventually all of
14 Staten Island took up in our efforts to convince the
15 administration to reverse the course set by the
16 previous administration and finally invest in our
17 crumbling roads. The numbers tell the story. From
18 Fiscal Year 2000 to Fiscal Year 2014 we only hit the
19 1,000 lane mile mark, which is considered the minimum
20 necessary to maintain our roads in a state of good
21 repair four times. In a December 2014 op-ed, Borough
22 President Oddo asked the new administration to create
23 a martial plan for our roads, and commit sufficient
24 resources to not only meet the 1,000 lane mile mark,
25 but to exceed it in a significant way. Within months

2 of that op-ed, the Mayor announced a \$242.1 million
3 in fusion to do just that, and to their credit the
4 administration has extended this initiative each year
5 since then. The fact is that as the unprecedented
6 investment in our roads kicked into full gear, it
7 became clear that we had a problem. Staten Islanders
8 began noticing utilities or contractors being to make
9 cuts into those freshly paved roads, and we get those
10 calls, emails and social media requests all the time.
11 This is like a collective slap in the face for
12 residents and a horrific waste of resources for city
13 taxpayers, and as we know, restoring a trench with
14 asphalt means the trench will soon fail, and our
15 freshly paved roads will be filled with multiple
16 divots. Intro 1375 is a simple notification bill.
17 As elected officials that have been vocal on this
18 issue, we get messages on social media almost a
19 daily—on almost a daily basis from residents who are
20 irate that their freshly paved road is being dug
21 into, and they want answers. They want to know why,
22 and we don't have the information to give them
23 usually. So, we have to go the local DOT to ask for
24 the information, and they give it to us. This
25 legislation would simply require DOT to provide us

2 and the local council member and the local community
3 boards with that notification ten days, at least ten
4 days before approving a permit for cutting into a
5 protected street in a non-emergency situation. We're
6 partners in government, and we're supposed to be, and
7 there's no reason we shouldn't have this information.
8 This would also give us a chance to do our jobs, and
9 truly vet request in wide bureaucratic institution we
10 sometimes fail to do. Recognizing that true
11 emergency situations the endanger public safety or
12 will likely cause imminent interruption of utility
13 service or different, the legislation requires to see
14 notification no less than 24 hours after issuing such
15 an emergency permit. This will also allow us to have
16 the information we need at our fingertips to respond
17 to the inevitable constituent queries that will soon
18 come once the jackhammers start on the newly paved
19 street. Council Member Matteo mentioned and I mean
20 it's just good. It will help get us get the message
21 out to Staten Islands who want to understand why this
22 is happening, if we have the information at our
23 fingertips.

24 While Intro 1375 deals with the time the
25 four street cut (sic) has been made, Intro 1397 seeks

2 to improve the quality restorations after a cut has
3 been made on a newly paved street. It's just common
4 sense that those who make a cut to restore it as
5 closely as possible to its condition after it was
6 resurfaced, and this is the best way to protect the
7 city's resurfacing investment. The legislation will
8 require those who cut into protected streets to
9 restore the pavement from curb to curb and 20 feet in
10 each direction of the cut. This would eliminate much
11 of the ambiguity or discretion that currently exists,
12 and would mean the end of the narrow utility strips
13 that soon lead to divots, which continue to plague so
14 many of our roads and they always fail. While we are
15 open to discussing whether 20 feet on both sides of
16 the cut is ideal and whether curb-to-curb is the
17 right standard, the premise is the same. The status
18 quo is no longer acceptable, and utilities and
19 contractors must respect the city's investment by
20 restoring the road as best as possible, as closely as
21 possible to the condition it was in. (sic)

22 Intro 1397 would be wakeup call for all
23 who cut into our streets and a reminder that they
24 must be a full partner in protecting the investment
25 made by city taxpayers and our roads. The status quo

2 isn't working. It's time for us to find a new way.
3 Curb-to-curb and 20 feet on each side or a similar
4 would eliminate failed trenches and help us improve
5 our roads. Thank you for the opportunity to discuss
6 this important issue, and we look forward to working
7 with Council and the Administration on reforming this
8 process that's been broken for far too long. Thank
9 you.

10 CHAIRPERSON RODRIGUEZ: Thank you for
11 your testimony, and—and you bringing important, you
12 know, suggestion on how we can work going around the
13 Staten Island as well as through the whole city.
14 Thank you. [pause]

15 LEGAL COUNSEL: Marla Losenna (sp?), Ryan
16 Price, Jose Morera, Alex Icobay (sp?), Steven Sowater
17 (sic) and Michelle Dutton. [pause]

18 CHAIRPERSON RODRIGUEZ: Right. Are you
19 ready to testify, sir?

20 RYAN PRICE: [off mic] Yes.

21 CHAIRPERSON RODRIGUEZ: Sir?

22 CHAIRPERSON RODRIGUEZ: Okay. [pause]

23 You may start. [pause]

24 RYAN PRICE: [off mic] I am Ryan--

2 CHAIRPERSON RODRIGUEZ: Please speak into
3 the microphone. Touch that bottom—that red light.

4 RYAN PRICE: Got it.

5 CHAIRPERSON RODRIGUEZ: Okay.

6 RYAN PRICE: Uh-huh. So, good morning
7 Chairman Rodriguez and members of the committee. My
8 name is Ryan Price. I'm the Executive Director of
9 the Independent Drivers Guild testifying on Intro
10 1646. The IDG is a non-profit affiliate of the
11 International Association of Machinists and Aerospace
12 Workers or IAMAW, that represents 50,000 working
13 drivers throughout the for-hire vehicle industry.
14 The machinist union have been only the union to
15 successfully organize black workers in New York City
16 and have been doing so for about 20 years. The IDG
17 started in May of 2016, and we're focusing on
18 organizing workers of the at-base for-hire vehicle
19 industry to win a more fair for-hire vehicle
20 industry. On our—I'm sorry—on behalf of our
21 membership first and foremost we thank you, Mr.
22 Chairman for your leadership and support on this very
23 important issue that will have a significant and
24 meaningful impact on the lives of thousands of
25 drivers of the—and their families. We also want to

2 thank the Taxi and Limousine Commission for accepting
3 our petition to mandate a tipping option across the
4 for-hire vehicle industry as well as Council Member
5 Espinal, Chin, Lander, Menchaca, Public Advocate Tish
6 James and Comptroller Scott Stringer, and many other
7 city and state officials who are supporting our long
8 run campaign, which, you know, we've been pushing for
9 a tipping option for about a year. So, we support
10 Intro 1646, which mandates a gratuity option for
11 black cars and luxury limousine services. This
12 legislation would provide a desperately needed raise
13 to thousands of New York families who are struggling
14 to make ends meet after years of pickups. We also
15 urge the adoption of four essential amendments to
16 either this bill or with the TLC through the economic
17 wellbeing of our members, 91% of whom are U.S.
18 immigrants from more than 150 different countries,
19 50%--56% of whom care for a dependent and 27% of whom
20 lack and are seeking health insurance [coughs] and
21 stress how vital it is [coughs] and stress how vital
22 it is that workers and regulators continue to work
23 hand-in-hand to protect New Yorkers by implementing
24 pay regulation. Labor platform companies like Uber,
25 Lyft, Gett, Genovia (sp?) all know how important it

2 is to their laborers to have a tipping option, but
3 those companies seem incapable of developing a policy
4 that workers area actually asking for. Those
5 companies know that Americans are struggling to pay
6 their debts and often feel fortunate just to have a
7 job. So, when companies slash pay [background
8 comments]-when they slash pay, the workers are
9 pressured to [bell] perform. The point of this is
10 avoid the bell. (sic) We have a few amendments that
11 we have in the written comment, which we can discuss
12 if you'd like.

13 CHAIRPERSON RODRIGUEZ: Thank you.

14 RYAN PRICE: Yeah.

15 MICHELLE DUTTON: Hi. I'm Michelle and
16 I'm a driver for Uber. I've been doing it for--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 Please say your--yes, talk into the microphone and say
19 your name.

20 MICHELLE DUTTON: Hi, I'm Michelle
21 Dutton. I'm a driver for Uber. I've been dong that
22 for about 16 months, and I feel that the tipping
23 option that they've put onto the system and we're
24 asking for it, it's nothing difficult. It's just
25 simple. I don't see why there's a big discussion.

2 Uber understands it doesn't hurt them. If the
3 customer is willing to pay a tip, why not have it
4 there for them to have the option to do it? I thank
5 for pushing for it for this, but and also thank—thank
6 Chair for also recognizing that it' no different than
7 us being—of being a yellow cab. Why would they have
8 it, and we not? We're not saying—and it's also
9 uncomfortable to have a passenger say, oh, the—you
10 know, we don't know if we should tip or not. That
11 shouldn't in discussion. It should be just there.
12 If they want to do it, they can do it. We don't want
13 to have to answer a question about why tipping is—is
14 not there or should be there. It's—it's courtesy.
15 It's gratuity, it's a thank you for a good job well
16 done. It costs us a lot to maintain our car, to have
17 it nice for our customer to ride in. For them to
18 feel it's a ride each and every day, and so getting a
19 tipping option will help us to maintain, to have a
20 better outlook on our—on the passenger's ride and our
21 ride as well. It's just courtesy. That's all we're
22 asking for.

23 STEVEN SOWATER: Hello. My name is
24 Steven Sowater.(sic) Thank you for letting me be
25 here, everybody here. I've been driving for about

2 two years, and even though it's a short amount of
3 time, I can say it has changed in that two little
4 years. I'm a part-time not a full-time driver, but I
5 can still speak on behalf of a lot of drivers and
6 only rates that go down from multiple compensations
7 (sic) is a race to the bottom. With this I propose
8 that IAG supports us into tipping, it's very
9 important for us because you tip you waiters, you tip
10 your bartenders, you tip—it's a service. We're—we're
11 a public service. It's still public service for
12 hire, a taxi. It doesn't matter what you do. It's
13 very important to have it. It doesn't get to the
14 part where the—Uber is currently only putting one,
15 two and five, which is not enough. It should be 20,
16 25 and 30% and other. So, what it was currently
17 doing is still an insult. So, hopefully with this
18 rare proposal it could be stronger with the pea cut
19 system, if I understood it correctly. It is what I
20 would hope it to be based on how far you go, how much
21 you've earned because costs only go up not down, and
22 considering the fact that it also may go up, the
23 rate—the rates are going lower and lower and lower,
24 we need some sort of boost in our earnings, and
25 tipping is something that is simple to be done

2 especially if you can provide a good service. We're
3 driving 10 hours, 12 hours on the road consistently
4 trying to make an earning. We should be able to work
5 less than hours like a normal person and make an
6 honest living. It shouldn't have to be that way, and
7 there's hundreds of thousands of drivers on the road
8 right now, and there's been studies shown they're
9 clogging the streets. We-it's-it's got to like a car
10 on every street and every block, so tipping will help
11 us get off the road so we can get to sleep and spend
12 time with our families. TLC proposed for a T group
13 (sic) well tipping could help us get of the street.
14 Thank you so much for having me here.

15 CHAIRPERSON RODRIGUEZ: First of all,
16 welcome to the visitors that we have here. I see
17 many of you from other states and from other
18 countries, and today we're having a hearing. This is
19 the Committee of Transportation, and we are holding a
20 hearing about a bill that will allow passengers to
21 give the tips to the Uber drivers and the other 74
22 app companies in the black car industry and
23 limousine. Something that is not happening right now
24 in New York City. So, when you go to a restaurant
25 you give the tips, but the drivers, the passenger use

2 Uber here. In the apps you don't have a choice. So,
3 this is something that we are working in the city. A
4 question. How much do you make per average in a
5 week?

6 STEVEN SOWATER: It varies. It could be
7 as low—under minimum wage. It can be as high as \$200
8 in six hours. It varies. It's too fluctuating and
9 that's before expenses. So, I can work 12 hours and
10 make 60 bucks if I'm lucky. I can work 12 hours and
11 make \$500. It's—it's just too all over the place,
12 you know.

13 MICHELLE DUTTON: Well, I've got a goal
14 per day. So, I try to do at least \$250 a day, but in
15 our—that also doesn't include what costs if I—you
16 guys were talking about the roads earlier, which is
17 also a huge problem because we hit potholes, we end
18 up getting new tires. A day could wipe out our
19 earnings if we hit some of the issues like you were
20 discussing earlier, the issues on the road that
21 really should be addressed for the drivers as well.
22 But if—if something happens in that day, it can wipe
23 out their earnings. So, we—we are—we're never sure,
24 but I try to at least do let's say \$1,500 for the
25 week because that would sort of make me able to

2 survive, but in that—to do that I work almost 14
3 hours a day, and sometimes seven days a week.

4 CHAIRPERSON RODRIGUEZ: [off mic] That
5 answer--[on mic] The information that you've been
6 able to collect with drivers on?

7 STEVEN SOWATER: It's important to note
8 that like if your goal was \$250 in a day, many
9 workers have that—that goal that they have to make in
10 order to be able to get by, and they know that—that
11 goal about half of that is going to go to expenses.
12 So, if you're making \$250 a day, about half of that
13 is just gone.

14 CHAIRPERSON RODRIGUEZ: Okay. So, I—I
15 always say that I hope the best for investors that
16 are putting their dollars in the billion dollar
17 corporation of Uber, livery and others, and—and I
18 believe that our society always welcome new ideas,
19 and that allows for the consumers who have the best
20 services. However, I think that it was—it was not to
21 hear that Uber also made the decision that now they
22 will make the change in the apps for the consumers to
23 also be able to tip the drivers. However, and I know
24 that there is representatives from Uber sitting here,
25 even though they—they are now in the table to

2 testify, do you expect that after the announcement
3 Uber will change their policy, which allow the 30%
4 that drivers make because they were cut—they were
5 also get—putting together the tipping as part of
6 whatever money they make? Have there been any
7 conversation with Uber, or do you expect that after—
8 with the change that Uber announced that now
9 consumers are able to tip the drivers that the driver
10 will continue making the same percentage that they
11 doing right now?

12 STEVEN SOWATER: Are you asking if
13 they'll lower their commission?

14 CHAIRPERSON RODRIGUEZ: What's that?

15 STEVEN SOWATER: Are you asking if they—
16 they'll lower their commission?

17 CHAIRPERSON RODRIGUEZ: Yes.

18 STEVEN SOWATER: I don't think they're
19 going to change that. Based on the conversations
20 that we've had with them, they'll take—take the same.
21 The tips from what they've said tips won't be—or
22 commission won't be taken from the tips, but I don't
23 think their commission is going to change in any way.

24 CHAIRPERSON RODRIGUEZ: Okay. If my
25 colleagues don't have any questions—thank you.

2 STEVEN SOWATER: I do have an answer for
3 Council Member Menchaca. We went through the—the TLC
4 data and it was 97% of taxi passengers who paid by
5 credit card tipped and most tipped around 20%, which
6 is where—how we got to the \$300 million number.

7 CHAIRPERSON RODRIGUEZ: Okay, thank you.
8 The next panel.

9 LEGAL COUNSEL: Patrick Las Penas (sic)
10 from Verizon David Gmach from Con Edison, Henry Dong
11 from Con-Edison, Frank Prost from National Grid and
12 Keith Rooney from National Grid. [pause, background
13 comments] [coughing]

14 PATRICK LAS PENAS: My name is Patrick
15 Las Penas. I'm with Verizon.

16 FRANK PROST: Good afternoon, Frank
17 Prost, National Grid.

18 KEITH ROONEY: Good afternoon. Keith
19 Rooney from National Grid.

20 HENRY DONG: Good afternoon. Henry Dong,
21 Con Edison.

22 DAVID GMACH: And David Gmach with Con
23 Edison.

24 PATRICK LAS PENAS: Dear Chairman
25 Rodriguez and members of the Transportation

2 Committee. Thank you for the opportunity to allow
3 Verizon New York to submit testimony in regards to
4 Intro 1375 of 2016 and Intro 1397 of 2016. Simply
5 stated, these introductions will separately and
6 collective will lead to delaying vital and necessary
7 services to the citizens of New York City.
8 Additionally, these introductions will lead to
9 increased cost to customers and further disruption
10 and congestion of the streets of the city. Intro
11 1375 would require DOT to delay approval work of
12 permits for ten days. A notice requirement prior to
13 the approval of permits by DOT will inevitably lead
14 to a de facto review period, the intent of which is
15 to clearly create an additional approval process.
16 These delays and potential denials of permits for
17 important work are short sighted and pose additional
18 burdens on customers seeking vital services.
19 Currently, once a permit is approved by DOT, the
20 agency posts these active permits online on their
21 website. Community members and elected officials can
22 access this information at any time. In our dealings
23 with community members many do not know that this
24 information exists. If it were properly utilized,
25 they would have the same information that this

2 introduction proposes to provide. To add another
3 layer of review prior to approval of our permits
4 would not only delay planned infrastructure projects,
5 but also impact customers who are experiencing out-
6 of-service issues thus lengthening the time it would
7 take us to get these customers back up and running.
8 Briefly, Introduction 1397 would require any
9 restoration of payment made—pavement made subsequent
10 to opening a protected street to extend the curb line
11 and to be surrounded by [bell] 20 feet of pavement on
12 each side of such restoration. Verizon works
13 collaborative with DOT's HIQA Division to determine
14 the best course of action. If the agency determines
15 that Verizon or any utility has not met its
16 obligations, there are remedies in place.
17 Preliminarily, the agency issues the utility and
18 corrective action request, which—which requires that
19 utility to remediate the particular issue. In
20 conclusion, this legislation will increase the time
21 it take us to complete a job and also increase our
22 costs. Thank you for your time.

23 CHAIRPERSON RODRIGUEZ: [off mic] Thank
24 you.

2 FRANK PROST: Good afternoon Chairman
3 Rodriguez, Council Member Matteo, members of the City
4 Council, distinguished colleagues from the utility
5 industry, local elected representatives and other in
6 attendance. Thank you for the opportunity to appear
7 today, and discuss these important issues. My
8 purpose today is to provide National Grid's
9 perspective on the proposed amendments to the
10 Administrative Code of the City of New York Intro
11 1375 and 1397. As a utility company that regularly
12 engages in excavation activities in the city of New
13 York, National Grid supports efforts to maintain the
14 integrity of city streets and more generally promote
15 safe and efficient construction practices within the
16 city. The Council must consider however the extent
17 to which the proposed amendments will encumber
18 efforts to perform necessary maintenance activities,
19 and deliver needed infrastructure investments in that
20 will maintain the safety and reliability of the
21 critical energy networks in the city of New York.
22 National Grid's gas distribution network serves more
23 than 1.8 million customers in Downstate New York
24 including Brooklyn, Staten Island and most of Queens.
25 We operate and maintain more than 9,000 miles of

2 infrastructure throughout our service territory. Our
3 primary focus is safety. Because National Grid's gas
4 request (sic) network is largely located underground,
5 our construction, maintenance and emergency repair
6 work requires regular-regular excavations on streets
7 to access these facilities. National Grid applies
8 for approximately 45,000 excavation permits per year.
9 National Grid crews work every day to ensure safe
10 operations by repairing gas leaks, upgrading mains,
11 expanding the gas network, and installing safety
12 valves on gas services in accordance with New York
13 City law. As we ramp up investments to enhance our
14 network and meet the growing demand for national gas-
15 for natural gas, the number of street openings will
16 only increase. Over the next 20 years National Grid
17 [bell] will place more than 10 million feet of aging
18 infrastructure within the city. To reduce the impact
19 of construction activities, National Grid works
20 closely with DOT, DEP and DDC and other city agencies
21 to leverage opportunities to coordinate its
22 construction with city infrastructure replacement
23 projects and road resurfacing programs. National
24 Grid also employs a number of technologies and best
25 practices designed to avoid street excavations

2 altogether. While National Grid understands the good
3 intentions of the bill that supports the overarching
4 goal of improved communications related construction
5 activities in the city of New York, and preserving
6 protected streets, the proposed legislation presents
7 potential cost challenges and logistical concerns
8 with regards to national visibility to effectively
9 serve customers in the city. As a provider of
10 essential gas services, National Grid has an
11 obligation to our customers, regulators, communities
12 and to manage its gas safety and efficiently, and
13 this legislation could encumber its ability to meet
14 that obligation. Our primary concern with the
15 proposed legislation is the potential for
16 construction delays resulting from the extended
17 evaluation period by various constituencies for each
18 new permit as well as increased costs resulting from
19 the proposed paving requirements. These construction
20 delays could negatively affect system performance,
21 cost increase to the company, and delays for new
22 connections, for new services, and jeopardize
23 National Grid's ability to complete mandated work.
24 National Grid's construction activities in the—in the
25 city of New York are already overseen by DOT, DEP and

2 other city agencies and our work is comprehensively
3 regulated by the New York State Public Service
4 Commission. Therefore, National Grid does not
5 believe that additional oversight or approvals are
6 required with regard to each individual street
7 opening permit. Nor do we believe that the
8 additional pavement requirements are necessary given
9 the current extensive requirements and will only
10 serve to increase costs to utilities and the
11 customers. Going forward, National Grid welcomes the
12 opportunity to work collaboratively with the City and
13 other stakeholders to deliver infrastructure
14 investments as efficiently and cost-effectively as
15 possible. Thank you for the opportunity to address
16 the Council.

17 Good afternoon. Before I read my
18 prepared comments, I would like to state that Con
19 Edison is willing to--

20 CHAIRPERSON RODRIGUEZ: [off mic] Can you
21 get closer to you mic, please. (sic)

22 HENRY DONG: Okay. Good afternoon.
23 Before I read my prepared comments, Con Ed—I'd like
24 to say Con Edison is willing to participate in any
25 discussion between the City Council and the DOT.

2 Good afternoon Chairman Rodriguez and members of the
3 committee. I am Henry Dong, Director of Con Edison's
4 Construction Business Services, and I'm pleased to
5 appear before you today. I'm testifying in reference
6 to Intros 1375 and 1397. My testimony will give an
7 overview of Con Edison's work maintaining and
8 expanding the critical energy of the structure that
9 serves our city. I'll describe how Intros 1375 and
10 1397 would add unnecessary costs, impact parking,
11 increase noise and traffic and delay service to
12 customers. We understand the concerns about cutting
13 into streets that were paved in the past five years
14 and street restorations that are not done properly.
15 For Con Edison proper street restorations are
16 critical because the electric, gas and steam
17 infrastructures beneath the roadways must be reliably
18 and safely protected, but this legislation will not
19 lead to improved street legis-restorations. Curb-to-
20 curb restoration will not prevent street depressions
21 where backfilling and compactions are improperly
22 performed. Proper backfill, compaction and
23 restoration are more ineffective (sic) for
24 safeguarding the street long term viability. A new
25 mandatory requirement for curb-to-curb restoration

2 instead create delays and unnecessary costly
3 construction. This legislation will force repaving
4 from one side of the street to the other regardless
5 of need creating more traffic and night work. I
6 would like to speak about our energy loop-delivery
7 system and the-and the work we need to do on them
8 everyday. Our underground electric delivery system
9 serving New York City includes more than 255,000
10 manholes and service boxes, [bell] 33,000
11 transformers and 88,000 miles of cable. We also
12 maintain a gas delivery system with more 2,200 miles
13 of gas mains in the city, and our district steam
14 system in Manhattan with 105 miles of pipe is the
15 largest in the world serving iconic buildings like
16 the Empire State Building. On any given day, Con
17 Edison deals with emergencies that require immediate
18 work on these systems and the roadways, or there
19 might be a street light that require repair or
20 installation, or there are new customer projects such
21 as business expansions or a new school or an
22 apartment necessitating new service or a service
23 upgrade. Con Edison has the responsibility to
24 accommodate these customers to meet their energy
25 needs. If that building is ready for service within

2 the five-year window of the protected street, we'll
3 have excavate that street to connect the electric,
4 gas and/or steam service. We don't have an option to
5 tell the customer of the school that they have to
6 wait for the five-year period to be over. Intro 1397
7 will require the restoration of payment after opening
8 a protected street to extend to the curb line and 20
9 feet on either side of the restoration. Let's take a
10 look at the impact of this legislation in an
11 emergency situation where there's a gas leak that
12 needs to be repaired. Today-today, the cost that we
13 will following the repair of a small gas leak in a 6
14 foot by six foot area is approximately \$400 and it
15 would take a few hours to complete. On the Intro
16 1397 the area footprint needing restoration on a
17 four-lane street would require minimum paving of 180
18 square yards. The cost alone to pave that area would
19 be more than 40 times the current cost of \$17,000.
20 Depending on the current stipulation this work could
21 take several days to complete. A wide street like
22 First Avenue costs much more. Spread that new
23 requirement over jobs and it's dramatically increased
24 costs and these costs will be born by the Con Edison
25 customers. Again, this work would cause more

2 disruption to the residents and businesses with days
3 of reduced on-street parking, land closures and
4 possible night work. For a new building whether it's
5 a school an apartment building, we have to be able to
6 provide service and meet the customer's schedule.
7 Each situation is unique. Getting service to the
8 customer would depend on the building's energy needs,
9 and what's currently available on our systems.
10 Pricing these costly and cumbersome street
11 restoration requirements on all protected streets
12 regardless of the work needed and when the street was
13 last paved would be overly burdensome and cause
14 delays. Intro 1375 would require that the DOT notify
15 borough presidents, local council members and local
16 community boards ten days prior to issuing a permit
17 for planned work on a protected street. At a minimum
18 this would extend the current time it takes to get a
19 permit issued by ten days. If objections are raised,
20 it is likely to even be longer. We often have a
21 short timeframe to perform our work and meet customer
22 schedules or to coordinate with other New York City
23 construction projects. We work closely with the DOT
24 to expedite the turnaround time on permits. The
25 additional review time would delay our ability to get

2 service to our customers and add uncertainty to their
3 schedules. This bill would cause delays in other
4 ways. The larger jobs that cover several streets
5 could require permits for both protected and
6 unprotected streets. If the permit process for
7 protected streets require a lengthy review, it could
8 delay the entire job. There is more uncertainty for
9 the work. We work closely with the City to manage
10 all of our activities in the streets. We regularly
11 coordinate with the city and state agencies including
12 New York City Department of Transportation, the
13 Department of Design and Construction and the
14 Department of Environmental Protection. We have
15 internal organizations dedicated to working with them
16 on street reconstructions, paving schedules and
17 street depressions. We're in constant communication
18 and ongoing coordination. We do our best to avoid
19 working the streets that were recently paved.
20 Additionally, we are collaborating with DBC on
21 further invitation of joint bidding so that utility
22 work is embedded in street construction projects.
23 Despite theses best efforts, it's inevitable that we
24 will need to work on streets paved within five—the
25 past five years. DOT already has rules that direct

2 us to meet additional requirements for backfilling
3 and roadway restoration of protected streets. We
4 also recognize the importance of letting elected
5 officials and the public know when we are working in
6 their communities. Con Edison regularly sends out
7 notice to elected officials and customers—sorry—to
8 elected officials and customers know when we will be
9 working in the area for extended times. We have seen
10 many elected use this information and Tweet it out to
11 their constituents. We appreciate their support in
12 getting the message out. Thank you for the
13 opportunity to appear before you today, and I'd be
14 happy to answer any questions you may have.

15 CHAIRPERSON RODRIGUEZ: So thank you and—
16 and—first of all, we at the Council value the
17 contribution of the private sector, and we know how
18 important it is for not only those of us who live in—
19 in the residential buildings, but also for our
20 schools, and—and—and—and other entities in the city
21 to get the gas, to get the cable that we need. At
22 the same time we are also—you know, we are the ones
23 who get all the complaints in our community, and—and
24 we are like the middle person there. And any time
25 that when a street is open or there's a plan to do

2 some underground work, you know, we also get those
3 phone calls, and I think that the concern of my
4 colleagues and the—and the Staten Island Borough
5 President and other leaders throughout the city is
6 like, you know, to share as much information. To be
7 sure, also that the quality of the work to be done
8 also is important for everyone. So, Council Member
9 Matteo, yes.

10 COUNCIL MEMBER MATTEO: Yes, thank you
11 and thank you all for testifying. I—I—I just will
12 join in—in—in making a few comments. One, the
13 intention of the bill is not to stop a bunch of (sic)
14 work. It's not to prohibit permits. . We keep
15 talking about this today. It's not —that is not the
16 intent of these bills. The intent of these bills is
17 to plan better. It's to make sure-- See, which it—
18 sometimes they don't understand, and where it can be
19 very helpful to you when you are doing the work, and
20 our constituents have no idea what you're doing. And
21 we are able to tell them, and we are able to stop the
22 anger and the frustration because it's needed work.
23 This is not to stop work. I've very good
24 relationships with a lot of your offices, but quite
25 frankly, over the years utility cuts—utilities have

2 led to this problem by making bad cuts, and we want
3 to make that better, and we could be partners
4 together, or we—we can't. To see with due respect to
5 Verizon's comments (sic) this—this is short-sighted
6 and it—these aren't short-sighted bills. To take
7 extreme—to see where it's short-sighted in—in a
8 testimony telling us that we're short-sighted because
9 we're trying to make the process better from a
10 utility that has caused part of this problem is
11 disrespectful, and we're trying to be respectful and
12 work together. That does not—that does not help the
13 situation at all. Okay, so with all due respect to
14 Verizon, your testimony is off, and to—to think that
15 the borough president and I and my—and my colleagues
16 and Margaret Chine who's a sponsor are short-sighted
17 in trying to fix a process that isn't working, it's
18 just wrong. So, I'm not going to ask any questions.
19 You guys heard all of my questions to DOT. We're
20 trying to make this better. That's—it's as simple as
21 it is. We're not trying to add costs to our
22 constituents. We're not trying to delay. We're
23 trying to make sure the information is out there, and
24 then when the—the cuts are made to the street that
25 they're made better. We could be a willing partner

2 together and make this better together, or we can do
3 it separately, but either way we're not going to let
4 up on this issue, and all the jargon is not going to
5 get me to change my mind that we have an issue, and
6 we need to address it. So, with that, I'm going to
7 leave it as is, and we will be moving forward with
8 making sure that these cuts are restored better
9 whether we do it legislatively, whether we do it
10 collectively through policy, we will make this better
11 for our constituents. Thank you. [pause]

12 COUNCIL MEMBER CHIN: Just a comment. I
13 mean we know that the work that you do are important
14 and necessary, and I know that we work very well
15 together with Con Ed, but we definitely can improve
16 on notification because often times especially in my
17 district it's-it's growing to be a residential
18 neighborhood, and there are more kids, and they need
19 to go to sleep, and if there's an emergency I think
20 people understand, but a lot of times there are not
21 emergencies, and you have contractors. Sometimes,
22 you know, when people see the Con Ed truck lets say
23 or the Verizon truck they know it's you. But, there
24 are other times it might be your subcontractor, and
25 they go beyond the time that the permit, and it

2 shouldn't be my responsibility or my neighbors to
3 have to run downstairs and ask them for their permit.
4 So, if there's more notification to us, to the
5 community it's better for everyone, and we want to
6 make sure that once the work gets done the street is
7 put back correctly, and often times—sometimes they're
8 not. And so, it's really we want to work together
9 with you, and to make—we're not—we're not asking to
10 hold back the process. We just want to get
11 improvements and to build better working
12 relationships. Thank you.

13 CHAIRPERSON RODRIGUEZ: [off mic] Thank
14 you—[on mic] I hope that, you know, the conversation
15 continues, and hopefully there can be some compromise
16 that's later done, and you heard from my colleague
17 this is very important for everyone. Thank you.

18 HENRY DONG: Thank you.

19 LEGAL COUNSEL: Alec Slatky from Triple A
20 Northeast and—and that's going to be it. [pause]

21 ALEC SLATKY: Good afternoon. My name is
22 Alec Slatky. I'm here representing Triple A
23 Northeast, which serves a membership of over 570,000
24 drivers in the five boroughs. I want to thank the—
25 the Chairman for holding this hearing and for the—the

2 council members for—for attending and for sponsoring
3 the bills certainly. And just to echo some of the
4 comments before, I think the Administration, DOT and
5 the Council all deserve credit for increasing
6 investment in rotary paving by really historic
7 amounts, 1,300 lane miles in In think Fiscal Year 17
8 and 18, and those are numbers that we haven't seen
9 for I think in my lifetime actually and, you know, we
10 are—we applaud everyone that—that worked together to
11 make that happen, but we don't want to undermine that
12 investments with some of these poor street cuts are
13 taking place. And I think, you know, this is a—a
14 good dialogue today to start that conversation and
15 the we—I'm just going to summarize the testimony but,
16 you know, we support Intro 1397 and—and certainly it
17 seems like, you know, we'll need to have further
18 dialogue to figure out just exactly how this can be
19 resolved legislatively. But it's—it's a real—it's a
20 real pain for people to—to see the work being done,
21 and then a couple weeks or a couple months later to
22 see it really be undermined with utility work to what
23 is it actually an emergency, to what extent is it
24 something could have been foreseen. I—I think what
25 the Borough President's testimony said is exactly

2 right. The status quo is not working, and we have—
3 we'll have to figure out a—a solution to make it
4 better, and—and that's—that's pretty much it. I mean
5 construction is good. It's good to get the work
6 done. Obviously, if there's emergencies we got to
7 take care of it, but let's figure out a way. Maybe
8 the —the curb cuts curb-to-curb is not perfect, but
9 I—we definitely support bill, we support the goals of
10 the bill, and—and we're happy to work to better
11 resolve this situation anyway possible. [bell] Got
12 in under the time.

13 CHAIRPERSON RODRIGUEZ: [off mic] Thank
14 you [on mic] and thank you to my colleagues for stain
15 here Council Member Matteo and Margaret Chin, and
16 with that this hearing is adjourned. [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 22, 2017