

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES
Of the
COMMITTEE ON TRANSPORTATION

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November 29, 2017
Start: 2:46 p.m.
Recess: 3:01 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)

2 [sound check, background comments, pause]
3 [gavel]

4 CHAIRPERSON RODRIGUEZ: Good afternoon
5 everyone and welcome to today's hearing of the City
6 Council Transportation Committee. I'm Ydanis
7 Rodriguez, the Chair of this committee. First, let
8 me recognize my colleagues who are here with us
9 today, Council Member Maisel, Richards, Vacca, Rose,
10 Reynoso, Miller, Menchaca and Chin and Garodnick.
11 Today we will be voting on the—on three important
12 pieces of legislation related to maintaining our
13 city's streets and sidewalks in a state of good
14 repair.

15 Proposed Intro 231-A as sponsored as
16 sponsored by Council Member Vacca, will require that
17 when—when owners apply for the sidewalk repair permit
18 that they be directed to check the Parks Department's
19 new online tree planting schedule and map so that
20 they can see if any tree plantings are planted on
21 their sidewalks. Too often there have been
22 situations where a homeowner fixes the sidewalk at
23 significant cost only to have the Parks Department
24 come in and rip up part of the new sidewalk to plant
25 a tree. This bill is aimed at improving the lack of

2 coordination and communication among city agencies
3 that often proves very frustrating that--for
4 homeowners simply trying to do the right things.

5 Proposed Intro 955-A as sponsored by
6 Council Member Garodnick, will raise the maximum
7 civil penalties for the parity of violations related
8 to improper opening and restoration of our streets.
9 Much of the work that requires opening a street is
10 absolutely vital for repairing the leaks, too, or
11 gradings of our infrastructure. But when contractors
12 do not follow the rules, particularly when they do
13 not restore the streets properly, it often leads to
14 deterioration of street conditions creating cost and
15 inconvenience for everyone else. This higher penalty
16 will hopefully push these companies to do the right
17 things and help make our--make sure our streets remain
18 in good conditions.

19 Finally, Proposed Intro 1251-A as
20 sponsored by Council Member Maisel will require DOT
21 to prioritize fixings--fixing conditions that lead to
22 ponding conditions on roadways. Few situations are
23 more frustrating to us residents than locations on
24 our streets where water just never seems to be go
25 away. This is not--this is not only in an

2 inconvenience, and an eyesore, but the standing water
3 can also allow health threatening mosquitoes to
4 breed. If homeowners are held accountable for
5 standing water on their property, the city itself
6 must be, too. I now invite the sponsors of these
7 bills to deliver opening statements if they—if they
8 decide to do. Here we have Council Member Garodnick
9 and Council Member Maisel who have indicated they
10 would like to read their opening statements.

11 COUNCIL MEMBER GARODNICK: Thank you very
12 much, Mr. Chairman for holding a vote today on Intro
13 955, and I'll be brief, but this is a bill that would
14 raise the maximum fines for companies that fail to
15 repave and repair streets properly after they dig
16 them up. As we all know, there's always a lot of
17 activity on New York City streets. They are a hugely
18 important shared resource, and it's critical that
19 they are maintained in the best condition possible so
20 that buses, trucks, emergency vehicles and other
21 vehicles essential to the running of our city can get
22 around as easily as possible. Big companies like
23 Verizon, Con-Ed and Time Warner often dig up our
24 streets to lay wires, fix cables and check on pipes.
25 That is important work, but once it's done, they have

2 an obligation to the public to repair the streets
3 according to the standards and specifications set by
4 the Department of Transportation. These standards
5 exist to protect public safety and when companies
6 fail to meet those standards, they must be held
7 accountable. We can't have shoddy street repairs
8 slowing our traffic and causing damage to our buses
9 and cars. We need to make clear that cutting streets
10 cannot include cutting corners. Private use of
11 public streets is a privilege not a right, and it
12 should be treated that way. [coughing] That's why
13 failure to meet the DOT's standards carries fines,
14 but some companies see these fines just as the cost
15 of doing business. Some of the fines haven't been
16 raised since 1993. That's why this bill doubles
17 fines on certain violations raising them from \$5,000
18 to \$10,000 for things like digging up a street
19 without a permit, repaving a street improperly or
20 blocking a fire hydrant or bus stop. Other fines
21 were jumped from \$1,000 to \$5,000 for improperly
22 installing curbs, failing to remove debris and
23 similar violations. Our streets are a precious
24 resource, and we must make sure that companies who
25 cut into them treat them accordingly. I encourage my

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2 colleagues to join me in voting to pass this bill.

3 Again, Mr. Chairman, thank you for the opportunity.

4 CHAIRPERSON RODRIGUEZ: Thank you,
5 Council Member. Council Member Maisel.

6 COUNCIL MEMBER MAISEL: [pause] Thank
7 you, Mr. Chairman. This legislation, which has to do
8 with ponding on city streets basically is a
9 condition, which allows for water to settle in
10 pockets and depressions, which generally speaking are
11 not attended to by the city. Sometimes can be in a
12 bad condition for years, and there is no way to force
13 the city into fixing these situations, which are
14 dangerous because they are dangerous for pedestrians.
15 They accumulate with water, which means that the
16 mosquitoes can breathe in them, and in the winter
17 they ice up. So, this legislation I think will go a
18 long way towards fixing the problem. No legislation
19 is ever perfect, but I'm very, very happy and pleased
20 that the Transportation Committee is bringing this
21 up, and I thank the Speaker and all the staff that
22 were involved. Thank you.

23 CHAIRPERSON RODRIGUEZ: Council Member.
24 Council Member Vacca.

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2 COUNCIL MEMBER VACCA: Thank you, Mr.

3 Chair and, you know, we have an age-old problem that
4 people in the City of New York put sidewalks in at
5 their own expense or because they get violations and
6 they're never told that the city of New York is going
7 to be planting a tree there, and I want people
8 directed to the appropriate sites to make sure that
9 they look before they go ahead and put trees in—
10 before they go ahead and do their sidewalks because
11 if the city is only going to come and plant a tree
12 there, and then dig it up all over again, that does
13 not make sense. So, we have to look at tree policy
14 in our city. Up until maybe seven years ago if you
15 owned a one or two-family house, and you did not want
16 a tree, you did not get the tree, but then we had a
17 city policy that we wanted to have one million trees.
18 So, trees were planted everywhere. If the homeowner
19 did not want the tree, they got the tree.
20 Unfortunately, that continues to this day, and many
21 of our homeowners do not want trees. They cannot—if
22 there's—if they're in their 80s and 90s, they cannot
23 go out and sweep leaves from where—from the trees.
24 They cannot—they should not be victimized with
25 summonses. They're concerned about roots of trees

2 going into their sewer system. So, we have to look
3 at tree policy I hope in the next Council because
4 unfortunately, we have not been successful in
5 changing city policy, and perhaps we should have a
6 speaker forum solely on [laughter] tree removal
7 policies in our city and Mr. Richards and Mr. Ydanis
8 Rodriguez, I would suggest that we have separate
9 forum on trees.

10 COUNCIL MEMBER RICHARDS: I agree.

11 COUNCIL MEMBER VACCA: Thank you very
12 much.

13 CHAIRPERSON RODRIGUEZ: Thank you.
14 Everyone is invited for tonight's forum hold by--
15 organized Una Vision, and the Art of Paint (sic) and
16 Make the Road New York. With that, before we get
17 into the vote, I also would like to invite everyone
18 for our next hearing, which is going to be on
19 December 14. It's going to be about the closing of
20 the L-Train. So, expect to hear from the MTA and DOT
21 what is the plan that they have to be sure that we
22 will continue providing the best transportation
23 option for those 100,000 New Yorkers that use the L-
24 Trains. With that, I would like to thank-to
25 acknowledge Council Member Constantinides, Council

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2 Member Greenfield who are here, and would like to
3 thank the Speaker Melissa Mark-Viverito as well as
4 the Administration for all their work on these
5 important bills. I now call for the vote on Proposed
6 Intros 231-A, 955-A, Intro 51-A. I recommend a yes
7 vote, and I ask the Committee Clerk to call the roll,
8 and if I am not in any of those bills, I would like
9 to add my name there.

10 CLERK: Committee Clerk Matthew
11 DiStefano, Committee on Transportation. Roll Call
12 Vote on Proposed Intro Nos. 231-A, 955-A and 1251-A.
13 Chair Rodriguez.

14 CHAIRPERSON RODRIGUEZ: Aye.

15 CLERK: Garodnick.

16 COUNCIL MEMBER GARODNICK: Aye.

17 CLERK: Vacca.

18 COUNCIL MEMBER VACCA: [off mic] I get to
19 vote. [laughs] I vote yes.

20 CLERK: Chin.

21 COUNCIL MEMBER CHIN: Aye.

22 CLERK: Rose.

23 COUNCIL MEMBER ROSE: Aye and could you
24 add me to both of these very important pieces of
25 legislation. Thank you.

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2 CLERK: Greenfield.

3 COUNCIL MEMBER GREENFIELD: I vote aye
4 and I'd ask that my name be added to all these pieces
5 of legislation as well. Congratulations to the
6 sponsors.

7 CLERK: Richards.

8 COUNCIL MEMBER RICHARDS: I proudly
9 accept Council Member Vacca's terms and doing another
10 tree forum, and I proudly vote aye.

11 CLERK: Constantinides.

12 COUNCIL MEMBER CONSTANTINIDES: I vote
13 aye and please add me as a co-sponsor to Intro 231-A.
14 Thank you.

15 CLERK: Menchaca.

16 COUNCIL MEMBER MENCHACA: I vote aye, and
17 add me please to 955-A.

18 CLERK: Miller.

19 COUNCIL MEMBER MILLER: I vote aye on
20 all, and would like to be added to all this very
21 thoughtful legislation.

22 CLERK: Van Bramer.

23 COUNCIL MEMBER VAN BRAMER: I vote aye.

24 CLERK: By a vote of 11 in the
25 affirmative, 0 in the negative and no abstentions,

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2 the items have been adopted. [background comments,
3 pause]

4 CLERK: Continuation of roll call.
5 Council Member Levin.

6 COUNCIL MEMBER LEVIN: Aye on all.

7 CHAIRPERSON RODRIGUEZ: We're waiting for
8 Council Member Reynoso to vote. [background comments,
9 pause]

10 CLERK: Council Member Reynoso.

11 COUNCIL MEMBER REYNOSO: I vote aye.

12 Thank you.

13 CLERK: By a vote of 13 in the
14 affirmative, 0 in the negative and no abstentions,
15 the items have been adopted. Thank you.

16 CHAIRPERSON RODRIGUEZ: Thank you,
17 colleagues. With this [mic cut out] [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 December 15, 2017