

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON TRANSPORTATION

1

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

----- X

April 10, 2018
Start: 10:15 a.m.
Recess: 12:59 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E:

COUNCIL MEMBERS: Ydanis A. Rodriguez
Fernando Cabrera
Costa G. Constantinides
Chaim M. Deutsch
Ruben Diaz, Sr.
Rafael L. Espinal, Jr.
Peter A. Koo
Stephen T. Levin
Mark Levine
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards
Deborah L. Rose
Rafael Salamanca, Jr.
Steven Matteo
Keith Powers
Jimmy Van Bramer

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

2 Polly Trottenberg, Commissioner of the
3 New York City Department of
4 Transportation (DOT)

4 Kessia De Leo, Senior Project Manager
5 for Transportation, Planning and
6 Management

7 Rebecca Zac, Assisting Commissioner for
8 Intergovernmental and Community Affairs

8 Dennis Fulton, NYPD Transportation
9 Bureau Inspector

10 Scott Hanover, NYPD Transportation
11 Bureau Inspector

12 Leon Hayward, Sidewalk Management
13 Program

14 Nelson Eusebio, Director of Governmental
15 Affairs for the National Supermarket
16 Association

16 Axel Carrion, Director of State Affairs
17 at United Parcel Service (UPS)

18 Patrick Hyland, Metropolitan Truck
19 Association

20 Alex Slacky (SP?), AAA Northeast

21 Bruce Krupke, Executive Vice President
22 for Northeast Dairy Foods Association

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

24 Rocco Lacertosa, Chief Executive Officer
25 New York Oil Heating Association

2 Shane McMorrow, Assistant Vice President
3 at Mechanical Contractors Association

4 Matthew Sapienza, Senior Vice Chancellor
5 and Chief Financial Officer at CUNY

6 Vita Rabinowitz, Executive Vice
7 Chancellor University Provost at the City
8 University of New York

9 Arthur Jerry Kramer (SP?), Hunts Point
10 Market and the Plumbing Foundation

11 Jay Peltz, General Counsel and Vice
12 President of Governmental Relations for
13 the Food Industry Alliance of New York

14 Eric McClure, Executive Director of
15 StreetPAC

16 Barry Panacoula (SP?) , Metro Region
17 Vice Chairman of Trucking Association of
18 New York

19 Leon Blank, Advocacy Manager of Tri-
20 State Transportation Company

21 Jack Davies, Campaign Manager at
22 Transportation Alternatives

23
24
25

2 (This is a microphone check. Today's
3 date is April 10th, 2018. Committee on
4 transportation being recorded by John Biando (SP?))

5 CHAIR YDANIS RODRIGUEZ: Good morning
6 everyone and welcome to today's hearing of the City
7 Council Transportation Committee. I am Ydanis
8 Rodriguez, the chairman of this committee. Before we
9 proceed I would like to remind you all of the Car
10 Free Day on Saturday a great nation. Mayor de
11 Blasio, DOT Commissioner Polly Trottenberg and
12 everyone that has us so on April 21st we will be
13 opening Broadway to pedestrians and cyclists from
14 14th Street to 47th Street and St. Nicholas' Avenue
15 from 181st to 190th Street in Washington Heights. We
16 officially announced the programming yesterday with
17 Commissioner Trottenberg at Times Square on Monday,
18 April 16th at 8:30 a.m. the University Transportation
19 Research Center at City College will hold an Academic
20 Panel on going Car Free New York at the New York
21 Institute of Technology. For this hearing, I am
22 joined by my colleagues, Council Member Matteo, Diaz,
23 Koo, Menchaca and Powers. Today we will examine
24 traffic congestion in New York City and in particular
25 the Mayor's Congestion Action Plan that is not out.

2 That congestion has gotten dramatically worse in our
3 city in recent years, traffic is speeding, Midtown
4 has dropped 27% since 2010 and things are not much
5 better outside Midtown. We know there are many
6 causes for increased deliveries, especially with the
7 rise of electronic commerce to increase construction
8 population, economic growth, struggling subway system
9 and of course the rise of updates for higher vehicles
10 such as Uber and Lyft and we also know that the
11 affect of these increased congestions are far
12 reaching and dire. Both ridership is falling
13 particularly in Manhattan where we see some of the
14 worst congestion. Businesses and consumers pay the
15 cost when goods cannot get delivered in time and our
16 air quality suffers when more and more vehicles are
17 stuck in traffic. There are of course many proposed
18 solutions to the congestion problem most prominently,
19 congestion pricing. This Committee has been
20 continuously examining all the issues related to
21 traffic congestion including at a comprehensive and
22 informative hearing last June. Today we will focus in
23 particular on how management of our curb space
24 affects traffic congestion. The Administration has
25 begun implementing a Congestion Action Plan with five

2 components, clear lanes, clear curbs, clear
3 intersections, clear zones and clear highways. The
4 most consequential aspect of this change is the
5 removal of parking in loading zones along certain
6 streets in Midtown, Brooklyn and Queens with new non-
7 standing regulations intended to create an additional
8 travel lane and keep traffic moving. This of course,
9 has implications for businesses in this area in terms
10 of the impact on both customers and deliverers,
11 although an important element of address congestion
12 is encouraging of our deliveries something DOT at
13 bedtime been working on and I also support, there are
14 also types of deliveries in other business activity
15 that simply has to get done during the day. Today we
16 are interested in finding out more about how the
17 balance between getting traffic moving and the need
18 of residents and businesses is being achieved in the
19 context of this new policies. We need to understand
20 how these programs will be measured, what metrics
21 will be used and how they will be evaluated and we
22 need to hear commitment from the Administration
23 regarding transparency and communication. Residents
24 and businesses in the affected communities need to
25 have a seat at the table. The traffic congestion

2 problem in our City is complicated and needs in some
3 ways as a consequence of our City, vibrant economic
4 and lack of urban planning for many decades. There
5 is not going to be one magic solution. The Mayor's
6 Congestion Action plan is one approach to one element
7 of the problem. We need to work together to ensure
8 that it is effective while limiting any negative
9 impact on residents, businesses, activity and
10 communities, after all our local businesses have just
11 as much interest in addressing congestions as
12 everyone else as it affects them directly too. So we
13 all need to work together on solutions that as much
14 as possible work for everyone. Today we are also
15 hearing proposed Intro 210-A, sponsored by Council
16 Member Matteo which will give property owners more
17 time to make repairs when they receive sidewalk
18 violations from DOT. While maintaining the sidewalk
19 is an important responsibility of being a homeowner
20 in New York City it is also a costly and time
21 consuming responsibility; giving homeowners more time
22 to comply with others from DOT to repair their
23 sidewalks is a common sense change that will benefit
24 New Yorkers throughout the City. I now invite

2 Council Member Matteo to deliver and opening
3 statement on this legislation.

4 STEVEN MATTEO: Thank you Chair
5 Rodriguez, I am here speaking about Introduction 210-
6 A which will double the amount of time that property
7 owners have to fix their sidewalks after receiving a
8 violation. Currently if a property is cited for
9 damaged sidewalks a lien will be placed on the
10 property and the owner has 45 days to complete
11 repairs. Even under the best of circumstances, 45
12 days is not always a sufficient amount of time to
13 seek out quotes from contractors, compare prices and
14 get work scheduled and completed on time. During
15 some parts of the year that is outright impossible
16 because the cold weather prevents any work of this
17 kind from being done for months. If a property owner
18 receives a violation in the late fall, during the
19 winter then they have little choice but to wait until
20 repair work becomes feasible and end up getting stuck
21 with a lien in the interim. This is now fair to
22 property owners who in good faith actually want to
23 fix their sidewalks on their own. This is especially
24 true when you consider that it is much more cost
25 effective than waiting on DOT to come and do the

2 work. That is why I believe that 90 days is a
3 reasonable amount of time to give homeowners to fix
4 the cracks and breaks on their sidewalks before we
5 slap a lien on their home. I welcome the
6 Administration comments on this Legislation.

7 CHAIR YDANIS RODRIGUEZ: Uhm I will focus
8 first on the first few minutes on allowing the
9 Council Members to ask questions of this Legislation
10 so that then we will just focus for the rest of the
11 time on the major Congestion Council. It is your
12 time to. Okay. So I would like to, I want to
13 welcome Commissioner Polly Trottenberg on
14 representation of the Administration who is here
15 today with her team. Thank you for being here. I
16 know has a Committee Counsel to administer the
17 affirmation and then invite you to deliver your, your
18 statements.

19 COUNSEL: Good morning please raise your
20 right hand, do you affirm to tell the truth, the
21 whole truth and nothing but the truth in your
22 testimony before this Committee and to respond
23 honestly to Council Member questions? Thank you.

24 POLLY TROTTEBERG: Thank you Mr.
25 Chairman. Good morning Chairman Rodriguez and

2 members of the Transportation Committee, I am Polly
3 Trottenberg, Commissioner of the New York City
4 Department of Transportation. With me today are
5 Assisting Commissioner for Intergovernmental and
6 Community Affairs Rebecca Zack and Senior Project
7 Manager for Transportation, Planning and Management,
8 Kessia De Leo. I am also joined by my colleagues
9 from NYPDs Transportation Bureau Inspector Dennis
10 Fulton and Inspector Scott Hanover. Thank you for
11 inviting us here today on behalf of Mayor de Blasio
12 to testify on the Mayor's Congestion Action Plan.
13 Separately I will also speak on an unrelated bill
14 before the Committee today Intro 210-A. As you said
15 Mr. Chairman facing greater congestion than ever
16 before, New York City is a victim of its own success
17 with its thriving economy, a record 8.6 million
18 residents and 62 million tourists last year, the City
19 is experiencing a period of remarkable growth that
20 strains our transportation system daily. At the same
21 time, the booming economy has fueled a surge in
22 construction resulting in travel lane closures to
23 both put up new buildings and upgrade aging
24 underground infrastructure. The rapid growth of the
25 For Hire vehicle industry has also contributed to

2 congestion, particularly in the Manhattan core. In
3 two just two years, from 2015 to 2017 TLC Data show
4 that active For Hire vehicle trips have quadrupled to
5 over 400,000 per day, growth that is both
6 extraordinary and arguably unsustainable and from
7 2010 to 2016 vehicle registrations in New York City
8 rose from 1.7 million to 1.9 million. New
9 registrations outpace the rate of population growth
10 in every part of the City except Manhattan. When I
11 sat before you at a Council hearing on Congestion
12 nearly a year ago, I gave an overview of all the City
13 was doing to combat congestion with a focus on
14 creating alternatives to driving and today I will
15 simply reiterate that our commitment remains just as
16 strong in the Mayor's second term, from working with
17 the MTA to speed up bus service to creating more bike
18 lanes to promoting shared mobility options like bike
19 share and car share. We expect dramatic changes in
20 the year ahead that you have heard about at other
21 hearings including the L-train tunnel shut down. We
22 have solutions on the table of course EDC will
23 introduce their 5th and 6th new Ferry routes this
24 summer from Soundview in the Bronx to the upper east
25 side and down to Wall Street and from Long Island

2 City to 34th Street down to the lower east side and
3 also ending at Wall Street. As you all know, the
4 Governor and state elected officials have begun
5 addressing congestion by enacting a For Hire Vehicle
6 Fee in the recent State Budget. But as the Governor
7 said, it is only the first step. The City plans to
8 work in partnership with the State and the MTA and
9 our delegation up in the State Legislature as the
10 debate on congestion pricing continues. But in the
11 meantime, the City is moving forward with the tools
12 at our disposal. As the Mayor said when he announced
13 the City's Congestion Action Plan in October 2017
14 congestion affects quality of life, economic
15 efficiency and our environment and it impacts both
16 New Yorkers in personal and For Hire Vehicles and
17 those who ride buses with 2.5 million trips each day
18 as well. And as you all remember and as the Chairman
19 just reiterated the Mayor's plan included five key
20 points, clear intersections, clear curbs, clear
21 lanes, clear zones and clear highways and I will
22 speak about them in greater detail. Since the Mayor
23 announced his plan, City Hall Staff, DOT, NYPD and
24 other city partners together have been actively
25 meeting with elected officials and stakeholders to

2 answer questions and invite feedback. We hosted a
3 City Hall Open House Session, 12 separate meetings
4 with dozens of industry groups and individual
5 businesses who both make and receive deliveries and
6 held briefings for elected officials and community
7 stakeholders in each borough and those meetings are
8 ongoing. I will now go through the plan in order of
9 implementation but I want to stress that we are
10 literally in the first days and weeks of many of the
11 plans elements so it is too early to draw firm
12 conclusions. I will start with clear intersections.
13 On March 5, NYPD, Chief of Transportation Thomas Chan
14 and I stood together at Brim Street and Broadway on
15 Lower Manhattan to announce that we had completed
16 Don't Block the Box Street Marking and Signage at 50
17 locations in all five boroughs. The NYPD is
18 increasing enforcement at these locations to keep
19 traffic moving and the NYPD will ultimately have 50
20 officers dedicated to this enforcement. Second
21 element, clear curbs, is a six month pilot in three
22 highly congested areas where we are restricting
23 parking and loading on both sides of the street
24 during the weekday peak hours of 7-10 a.m. and 4-7
25 p.m. while allowing expeditious passenger pick up and

2 drop off. New clear curb regulations which you can
3 see illustrated behind me went into effect on
4 Flatbush Avenue from Grand Army Plaza to Tillery
5 Street on March 19, on Roosevelt Avenue from Broadway
6 to 90th Street on March 20th and in a zone from 6th
7 Ave. to Maddison Avenue and from 45th to 50th Streets
8 on a rolling basis beginning on March 31 and
9 completed on April 6th. Before the signs went up in
10 each clear curbs pilot area we sent our street
11 ambassadors to visit local businesses throughout
12 these zones and distribute information materials
13 about the pilot. To enforce these regulations, NYPD
14 has assigned additional officers to these areas. NYPD
15 is also observing a five day grace period between the
16 time the new regulations are posted and when they
17 started showing violations. As the polite has been
18 gearing up, DOT team members, myself included have
19 been on the ground in all these locations to share
20 information and answer questions and we continue to
21 stand ready to work with local businesses and
22 stakeholders. We also invite stakeholders to visit
23 our website, NYC.gov/MCP or call our borough
24 Commissioner offices to share their feedback with us.
25 We will continue to seek feedback throughout the six

2 months clear curbs pilot and I encourage all of you
3 to reach out to me or my NYPD counterparts at any
4 time with your questions or concerns. DOT and NYPD
5 will be closely monitoring the impact of this pilot
6 with on-site observations, traffic cameras, regular
7 travel speed measurements, assessment of curb side
8 activity and specific feedback from stakeholders
9 including an on-line survey of businesses. The third
10 element of the plan, clear lanes, in addition to the
11 three clear curb zones I discussed we have added an
12 additional layer of treatments in Midtown, clear
13 lanes where our congestion problems are the most
14 severe. As we install the clear curb regulations,
15 clear lanes regulations also went in to affect on 11
16 key cross town streets from 36th Street up to 60th
17 Street. DOT has streamline and extended regulations
18 on one side of the street to create a continuous
19 curbside travel lane from 7 a.m. to 7 p.m. while
20 permitting deliveries on the opposite curb. These
21 regulations already exist on some lengths of these
22 corridors and from 7 p.m. on these lanes revert to
23 metered parking. We are extending them further west
24 and working with NYPD to enforce them in a revival
25 and expansion of the 15-year old Thorough Streets

2 Program. The regulations in Midtown are complex and
3 we want to explain that where existing regulations
4 are more restrictive than the 7 a.m. to 7 p.m. those
5 have remained in place and in regulations where
6 metered parking begins at 6 p.m. which actually turns
7 out to be quite a few places, we are keeping those
8 regulations. Part of the complexity we are dealing
9 with in Midtown in particular is the many competing
10 uses, intense commercial activity, diplomatic
11 parking, press parking, ambulance waiting areas, the
12 theatre district and the diamond district just to
13 name a few. To help enforce clear lanes, NYPD has
14 doubled the Midtown Manhattan Traffic Enforcement
15 Task Force from 40 to 80 traffic enforcement agents
16 and is in the process of deploying 110 patrol
17 officers to focus on moving and parking violations,
18 double parking and off route trucks in this area.
19 Through our Off Hours Delivery Program, DOT offers
20 technical assistance on an ongoing basis to
21 businesses that opt to shift deliveries to less busy
22 times. We offer how to guides, assistance with curb
23 access where needed and recognition for program
24 participation and we hope as many businesses as
25 possible will take advantage of it and the move we

2 hope will be popular with cab drivers. We have
3 lifted restrictions at turns at 29 Midtown
4 intersections that we thought were actually
5 contributing to congestion. We are installing new
6 turn lanes at these locations where feasible and
7 studying them for signal timing changes. The fourth
8 element of the plan is clear zones. DOT is examining
9 solutions for particular areas outside the Manhattan
10 core that face severe congestion, working with other
11 city and state agencies and local elected officials
12 and stakeholders. Key areas include Downtown
13 Flushing, North Shore of Staton Island, Huntspoint
14 and Downtown Jamaica. Final element of the plan is
15 clear highways and we have begun engaging with our
16 partners at New York State DOT to address congestion
17 on the major highways they control. We will work
18 with state and local elected officials to bring
19 everyone to the table. We are starting with areas
20 that New York City commuters know well, the Staton
21 Island, Gowanus and Cross Bronx Expressways. As we
22 proceed with each part of this five point plan, we
23 will be continuing to learn, see how the clear curb
24 pilot and other parts of the plan are going and take
25 feedback. All told, we expect the elements of this

2 plan to cost \$5 million annually on average but we
3 are still working through many aspects of the cost
4 estimations with OMB. NYPD will also have personnel
5 costs. We know some of the things that we are doing
6 in this plan represent big changes on the street. We
7 recognize that they pose challenges and stand ready to
8 problem solve as we continue to implement this
9 important mayoral priority. I now want to turn to
10 Intro 210-A also before the Committee today which
11 deals with the amount of time provided to property
12 owners to correct adjacent sidewalk violations.
13 While DOT plans to repair up to 2 million square feet
14 of sidewalk per year, this amounts to less than 1% of
15 the city's total sidewalk. With 12,750 miles of
16 sidewalks which if lined up end to end would stretch
17 more than halfway around the world, the city must rely
18 on property owners to do their part on maintaining
19 the rest as they are required to do under the Charter
20 and the Administrative Code. All New Yorkers should
21 be able to travel safely and comfortably on sidewalks
22 throughout our City including those using
23 wheelchairs, mobility agents, strollers or simply
24 pushing a shopping cart. If every property owner
25 does his or her part we can make a safer more

2 accessible city for everyone. So owners should
3 address defects before a complaint results in a
4 violation however once owners have received a
5 violation they are responsible for making prompt
6 repairs. Section 19-152 of the Administrative Code
7 establishes a minimum amount of time for the adjacent
8 property owner to correct a sidewalk violation before
9 the City may initiate repairs at the owner's expense.
10 Intro 210-A seeks to amend this from 45 days to 90
11 days from the date they receive the violation. I
12 want to explain that once a violation is issued
13 within a day or two a non-monetary lien is placed
14 on the property until that violation is corrected but
15 there is no monetary penalty. The 45 day period is
16 the time after which the City can perform repairs at
17 the owner's expense if it chooses and bill the owner.
18 Those property owners who did wish to correct the
19 violation on their own can do so, about 1/3 of
20 repairs are done by property owners, in many cases
21 because they wish to sell the property. In these
22 cases, the average time from violation to repair is
23 3-1/2 years. If the City does the repair, there is
24 no additional penalty just the requirement to pay the
25 repair bill and at an average of give or take \$18 per

2 square foot New Yorkers might be surprised to learn
3 that City completed work may be less expensive than
4 hiring their own contractor. DOT Sidewalk Repair
5 Program is active in each borough and usually covers
6 about 9 Community Boards per construction season
7 which typically runs from mid March to mid December.
8 Therefore with 59 Community Boards citywide once we
9 finish addressing as many sidewalks defects in an
10 area as possible it may take our Sidewalks and
11 Inspection Management Division (SIM) up to five years
12 before it returns to that Community Board, so ideally
13 the statute would strike a balance between allowing
14 minimal sufficient time for adjacent property owners
15 to make their own prompt repairs where they wish to
16 without creating a undue delay on DOTs ability to
17 correct substandard sidewalks and charge responsible
18 property owners. To give an example, in the next 9
19 Community Boards for which SIM Plans work 7,282
20 properties have active violations for us to repair at
21 this snapshot in time. Of these 177 or just 2.4%
22 have not reached the expiration of the currently
23 required 45 day period. Violations are continually
24 reaching the 45 day mark and other new violations are
25 always being added but at any given moment, a small

2 but appreciable violations will be less than 45 days
3 from receipt of a notice of violation. What this
4 means for these cases is even though we might be
5 right there in the Community Board doing work we are
6 not able to include those properties which for the
7 reasons that I explained can mean up to five years
8 before we are able to return to the area again and
9 perform the repair and any increase to the required
10 period would incrementally increase the number of
11 such cases. Therefore the change in the amended
12 version of this bill to make this period 90 days is
13 welcomed compared to the 120 originally proposed. We
14 look forward to working with Council Member Matteo on
15 the final legislation should the Council move forward
16 and we thank the Committee for the opportunity to
17 offer our views on this bill. We also want to thank
18 you for inviting us here to testify on the Mayor's
19 effort to help ease congestion and improve quality of
20 life. My NYPD colleagues and I will now be happy to
21 answer any questions.

22 CHAIR YDANIS RODRIGUEZ: Thank you
23 Commissioner. I have a question and of course this
24 is something that working together Council Member
25 Matteo we definitely would like for you to continue

2 and the Administration with a plan to you know move
3 forward on his Bill. How many notice of violation
4 for sidewalk defect did DOT issue to homeowners in
5 2017 and 2016.

6 POLLY TROTTEBERG: Hang on I've got that
7 number, we will dig it up for you. Oops, 2017 14,495
8 citywide.

9 CHAIR YDANIS RODRIGUEZ: 14,000? Can
10 you repeat that?

11 POLLY TROTTEBERG: 14,495.

12 CHAIR YDANIS RODRIGUEZ: And '16?

13 POLLY TROTTEBERG: 12,739.

14 CHAIR YDANIS RODRIGUEZ: So we saw it
15 increasing?

16 POLLY TROTTEBERG: And remember most,
17 most of our violations are complaint driven. They
18 are, they come from 3-1-1.

19 CHAIR YDANIS RODRIGUEZ: Uh-huh, so what,
20 why, why do you think they increased from 17 to 16?

21 POLLY TROTTEBERG: I'm not, I'm lucky
22 here I actually have Leon Hayward who runs our
23 Sidewalk Management Program and maybe he has an
24 answer to that question.

2 LEON HAYWARD: So uhm. So the name is
3 Leon Hayward, I'm the Deputy Commissioner for
4 Sidewalk and Inspection Management. Okay so one of
5 the things that happened from 16 to 17 is that we
6 increased our resources in the sidewalk area, we
7 hired more inspection, more inspectors and we were
8 able to go out and have more inspections in the
9 street and issue more Notice of Violations. So we
10 had more resources to address the 3-1-1 complaints
11 that came in that allowed us to issue more
12 violations.

13 CHAIR YDANIS RODRIGUEZ: What type of
14 violation does your inspector looking at when they go
15 and do inspections?

16 LEON HAYWARD: Primarily trip hazards so
17 they are looking for sidewalks that are cracked,
18 broken, lifted, those are the type of things that we
19 are looking for to prevent pedestrians for tripping
20 on the sidewalk.

21 CHAIR YDANIS RODRIGUEZ: Okay I'm going
22 to pass it to Council Member Matteo who asks all the
23 questions.

24 STEVEN MATTEO: Thank you Chair
25 Rodriguez. Uhm Commissioner and just, just pushing

2 the point that Chair Rodriguez made about uhm the
3 complaints. The complaints obviously are driven
4 mainly through 3-1-1 so there are other ways that you
5 may get them local.

6 POLLY TROTTEBERG: We get them from
7 elected officials.

8 LEON HAYWARD: Elected officials, the
9 letters.

10 POLLY TROTTEBERG: Community Boards and
11 sometimes just citizens will reach out to various of
12 us but.

13 STEVEN MATTEO: So uhm you know I'm
14 concerned about the number going up uhm because you
15 know we have spoke this about this a few times, uhm
16 DOT will go out if they get a complaint and they will
17 look at 15 Victory Boulevard but you will look at the
18 whole street, why is that? Instead of why are you
19 going to the adjacent property owners when there was
20 no complaint?

21 POLLY TROTTEBERG: You know, in a large
22 city like this one the thing that we are constantly
23 striving to do with our Sidewalk Program is make the
24 efficient use of both the inspectors and the folks
25 who go and do the repairs and so when they come on a

2 street for one complaint, while the inspector is
3 there, we think it is a logical efficient use of
4 their time to investigate the whole block, because
5 you know one of the challenges we have, particularly
6 in our Sidewalk Program, as I mentioned, we have over
7 12,000 miles of sidewalks, just sending them here and
8 there to answer only one complaint at a time is not
9 the most efficient use. I mean as I said in my
10 testimony our goal here is to keep our sidewalks safe
11 and accessible, particularly for people who are
12 wheelchair users and particularly also to avoid
13 something which is a liability for the city and for
14 homeowners which is obviously when people trip and
15 injure themselves on damaged sidewalks.

16 STEVEN MATTEO: Uhm so, listen I
17 understand, I don't, I don't agree with it, I think
18 we are unfairly going after a whole block that, that
19 didn't have complaints but with that said my concern
20 is that if you, it's December 1st and your DOT just
21 went down the entire block and issued violations and
22 then issued a violation that says you have 45, 45
23 days to repair it or the city is going to do it
24 themselves. One, in my, I've been in government
25 since 2004, my, my experience is that DOT is not

2 repairing them right away. And two you can't repair
3 sidewalks in the winter under 50 degrees the sidewalk
4 can't be set, uh private contractors have told, told
5 us that uhm so we are telling them to repair the 45
6 days uhm but where, in reality that can't happen, so
7 why wouldn't we want to give them, especially that
8 homeowner who wants to repair it themselves and
9 may... and I know said that it's \$18 per square foot
10 on average, uhm you know, I have, I have estimates
11 from Staton Island contractors who will do it for \$10
12 to \$12 or \$14 to \$17 based on the driveway slab, so
13 why wouldn't we want to give them more time to, to
14 repair it themselves.

15 POLLY TROTTEBERG: It's, it's really a
16 balancing act. The challenging for us, for better
17 for worse, most homeowners don't repair their
18 sidewalks in a timely way, as I said their average is
19 only about 1/3 of them do it in the average time it
20 takes is 3-1/2 year so just again, getting that
21 efficiency challenge for us. Since we are cycling
22 through all 59 Community Boards we are only going to
23 get to a given neighborhood of about once every five
24 years and its just the larger and inventory of
25 properties that are still in this, be it a 45 day

2 period or whatever the period is, we skip them and
3 then potentially many years go by before those
4 sidewalks get fixed if neither the homeowner does it
5 or the city doesn't do it and so again the unrepaired
6 sidewalks are trip hazards so look I think obviously,
7 its a sort of a compromised solution uhm and we will
8 certainly work with you on it but that's the creative
9 tension for us to the extent that those properties
10 haven't hit that 45 day mark, we skip them and they
11 just may not be repaired for many years which is a
12 pity because we are right in the neighborhood so do
13 you have or can you get us some of the numbers that
14 you know if is Victory Boulevard was hit and you
15 think that they get in that contract, is that really
16 happening, has that really happened in the past that
17 we have actually got them in the next contract and
18 the second part of that question is when are you
19 letting out sidewalk contracts.

20 POLLY TROTTENBERG: I mean, we, we as I
21 said our construction season for the contracts is mid
22 March to mid December so just at the time period when
23 the homeowner can't fix the sidewalk we won't be
24 fixing it either. Nobody is pouring concrete when
25 the weather is cold so they are not going to lose,

2 they are not losing any time in the winter so to
3 speak and you know we do talk to the homeowners, if
4 they are keen to make the repair themselves we are
5 happy to try and work with them it is just for
6 efficiency sake, I hate to skip properties when I'm
7 in the neighborhood if I'm not going to be back for
8 five years if then that property also isn't going to
9 be fixed promptly by the homeowner.

10 STEVEN MATTEO: Okay. And listen, I, I,
11 understand that with trying to strike that right
12 balance to, to give that homeowner that time. I mean
13 I have, my, my office gets a lot of complaints as
14 your borough Commissioner will know about a lot of
15 DOT issues but they do complain when they are getting
16 a lien on their property uhm when they want and
17 especially senior citizens. Senior citizens are the
18 ones who are calling my office saying we want, we
19 want to repair it, we don't want the City to do it,
20 we have someone do it, I can't do it now why are they
21 going to put a lien and in your testimony I believe
22 that you said that a lien is put on after two days?

23 POLLY TROTTEBERG: Right, the, the lien
24 is filed right away so it is unrelated, just, you
25 know something the City Sidewalk Program is quite

2 complicated, I am the first to admit it. So the lien
3 doesn't happen after the 45 days or if you made this
4 90 days, after the 90 days?

5 STEVE MATTEO: And so why not? Why
6 wouldn't the 45 day grace.

7 POLLY TROTTEBERG: That's, that's the
8 Admin Code. I mean if we.

9 STEVE MATTEO: It's in the Admin Code?

10 POLLY TROTTEBERG: If we would like to
11 work with you all to make changes to the program,
12 that is always your prerogative, but again the lien
13 is not a monetary lien.

14 STEVE MATTEO: Oh I understand.

15 POLLY TROTTEBERG: And there's no,
16 there's no penalty, there is no financial penalty for
17 anyone.

18 STEVE MATTEO: I understand, it still,
19 it, it gives my constituents consternation when they,
20 when they are trying to do the right thing uhm and
21 trying to repair it themselves. Uhm on the, on the
22 violation itself, does it say that a lien is going to
23 be placed on the property?

24 POLLY TROTTEBERG: Oh yeah, it, it says
25 it. I have a copy of the letter right here, it says

2 it pretty clearly but it also explains how you can
3 contact our office, how you can appeal the
4 inspection, etc. so you know we give people the
5 opportunity to communicate with us and work with us
6 and you know if you have a lot of constituents who
7 are really ready to do the work and then we went
8 ahead and did it obviously let's talk about that, if
9 we have homeowners that are really anxious to do the
10 work quickly, you know we are happy to work with
11 them.

12 STEVE MATTEO: Well in all fairness to
13 Tom Cocula (SP?) who does a great job. We talk about
14 sidewalk relations with him all the time and we do
15 the reinspections and we understand what's, what's
16 the result of a City tree that the homeowner is not
17 responsible so we walk our constituents through it,
18 we bring them in because we have been dealing with
19 Sidewalk Violations since my predecessor was the
20 Council Member, Jimmy Otto. So uhm, listen I still,
21 with all that I still think there is a fair balance
22 that we can come to an agreement with, give the
23 property owners a little bit more time to repair
24 their sidewalks. Thank you.

2 CHAIR YDANIS RODRIGUEZ: Thank you
3 Council Member and we will continue working with you
4 on this Legislation. I would also like now to
5 acknowledge Council Members Cabrera, Reynoso and Van
6 Bramer and now a few questions related to the Major
7 Congestion Plan and my colleagues also have
8 questions. As I said before, I do believe that we
9 need to create the cordial and the program in our
10 City to see most of the labor happening at night but
11 I believe that as the City Hall being conversation
12 especially with the Truck Association and the Food
13 Distributors and many other stakeholders in that area
14 on how to switch to get more delivered during the
15 nighttime it, I hoped to see more, more focus being
16 on building that partnership than anything else and
17 with that one of my question is what I heard after
18 meeting with many of those stakeholders who are the
19 one doing the delivery is that it took them by
20 surprised when the Plan was announced and it was
21 shock to them was that they were holding meeting with
22 DCAS, and DOT and the whole college in four years
23 trying to come out with a plan. Of course, I also
24 understand that sometimes we need to put a plan of
25 action but what I hear from them is they were

2 surprised that they were not engaged in the process
3 to discuss this plan. So can you share with us why
4 that experience and what you think can still do
5 better to bring them back to this conversation and
6 for them to part of evaluating the whole...

7 POLLY TROTTEBERG: We... I mean we
8 certain and I'm looking over obviously a lot of the
9 representative of various industries who we have had
10 a chance to meet with on several occasions as well as
11 we've held meetings with elected officials here at
12 City Hall, in the boroughs and we have done to door
13 and done our best. I understand that this is
14 obviously a Mayoral priority and I know the industry
15 wishes we had had more time for dialog ahead of time,
16 you know, always an area we can do better and we
17 certainly hope going forward that we will have close
18 lines of communication. I will reiterate again, this
19 is a pilot so we really want to be on the ground
20 helping to troubleshoot when there are particular
21 issues. I think you are right that we have been
22 talking to the industry for a long time about doing
23 more to shift deliveries to the overnight and I think
24 we have discovered there are a lot of challenges to
25 it. I mean a lot of things we need to work through.

2 The City at one time had a program that actually was
3 funded federally to provide incentives, businesses to
4 do that, we don't have those federal funds anymore
5 and businesses have to work through the issues of for
6 the receiving stores and restaurants and buildings,
7 will there be someone there to receive the goods or
8 can they have what some facilities have now which is
9 basically they trust the shipper, they give the
10 shipper a key and the shipper can come in and bring
11 the goods. In some residential areas, people don't
12 always want the deliveries at night but we totally
13 agree that we need to certainly do more of that. You
14 know another area that we are seeing for example for,
15 you know as you have seen the growth of Amazon and
16 all of these delivery companies, we have seen now for
17 example local drug stores are taking a room and
18 making it a delivery room and a truck can come and
19 bring you know 500 packages to one location and then
20 residents can go and get those packages at their
21 leisure instead of having the truck drive all around
22 the neighborhood for hours on end. So I think there
23 are some creative logistical solutions that can come
24 and I think that we are hoping that this pilot for
25 better or worse, and I know you know certainly our

2 industry partners are acclimatizing to it as are we
3 but I am hoping it will help us spur you know some
4 new creative thinking, you know on how we can shift
5 more deliveries to off hour periods.

6 CHAIR YDANIS RODRIGUEZ: It has been the
7 experience in the last few days but that since you
8 have already saw officers enforcing how are things
9 going the last few days especially in those areas?

10 DENNIS FULTON: What we found is that
11 first let me just say that we did perform some
12 outreach ourselves, we visited the businesses in
13 Roosevelt on Flatbush and also in Midtown. Our
14 Transportation Outreach Unit also had a sound van and
15 in English and Spanish they rode up and announced
16 the, some of the changes that would be happening.
17 Uhm the experience that we had so far has been
18 positive. Uhm you know we saw that traffic was
19 moving a little bit better on Roosevelt so to answer
20 your question it has been relatively positive, it has
21 only been a week and so and it was, really not
22 indicative of like the usual week because school was
23 out last week and I think our enforcement began on
24 March 28th so in the coming weeks we will learn more.

2 CHAIR YDANIS RODRIGUEZ: Introduce a
3 language in which I have reintroduced calling for the
4 City to put together a plan that working with the
5 private with the, with the industry we should aim to
6 say in 20 year this is how much we would like to
7 switch you know change the deliver from day to night.
8 IS believe that incentive is critical and IS believes
9 that there is some member of the industry that people
10 that provide their service and things related to
11 health, medicines, things related to the uhm the
12 diamond district. Those areas, like what is the
13 approach that we have in this plan to that particular
14 area where the delivery would not allow for truck to
15 be allowed to park during the morning and evening
16 hours.

17 POLLY TROTTEBERG: I will answer that I
18 think NYPD will want to answer, oops, I'm getting
19 some feedback here. Look we recognize and obviously
20 we have been talking to the industry, oil deliveries,
21 diamond district, a lot of pretty unique challenges
22 particularly in the Midtown area and I think our goal
23 here is to try and see how we can integrate this
24 pilot project while also working through obviously
25 some of the very real and complicated street uses and

2 I think NYPD has been granted the discretion they
3 need to handle these situations in a, in a useful
4 fashion.

5 DENNIS FULTON: We're not, our first is
6 not to issue a summons or if the person is around the
7 vehicle, you know we want the initiative to work.
8 So, we have discretion, each officer, if there is a
9 need, if there is an emergency of course our offices
10 are saying that we want to work with the Community.
11 We want to move traffic safely so when a traffic
12 agent is assigned, their main responsibility is to
13 issue summons but they don't do it haphazardly, they
14 will come to the car, they will look and then if
15 there is a person in the vehicle, their first option
16 is to let the person know to move the vehicle.
17 That's not to say that we won't summons. We will be
18 and that's we are trying to get this to work but
19 that's when someone there are all people who are
20 inconsiderate who will park their car there and as a
21 deterrent we will issue the summons. But our first
22 choice, we would still have the discretion if there
23 is someone in the vehicle we will ask them to move
24 and I think the general indication like we have
25 brought up before has been positive, people want to

2 improve traffic conditions and so they've been so far
3 it has only been a week but it has been positive.

4 CHAIR YDANIS RODRIGUEZ: Can you, can you
5 please describe the outreach to stakeholders that
6 City Hall under your responsibility has conducted
7 during the development and planning and planning of
8 the Congestion Action Plan with the industry where
9 local businesses, delivery companies, residents,
10 elected official and Community Board consulted and in
11 which way were you able to gather feedback.

12 POLLY TROTTEBERG: Right so just to
13 review the timetable, the Mayor announced this
14 initiative uhm in November and just and looking at
15 sort of different industry stakeholder groups we
16 conducted meetings with starting in early November
17 going through the most recent meeting we did at the
18 end of the last month with Deputy Mayor Anglin and
19 looking over many of the people, we met with heating
20 oil industry, New York City Partnership convened a
21 meeting with a whole group of industry leaders, we
22 have met with the big shipping companies, FedEx, UPS,
23 the Trucking Association, CNS Wholesale Grocers,
24 Empire Commercial Service, Logistic Exchange, Sysco
25 and the New York State Restaurant Association. We

2 conducted a big meeting in our offices with Fresh
3 Direct, Verizon, FedEx, Connective Strategies, New
4 York Heating and Oil, Walgreens, ConEd, Sysco, Coca-
5 Cola and the Trucking Association. We also met with
6 the beer distributors and then industry came in here
7 to City Hall to meeting with Deputy Mayor Laura
8 Anglin and some of her team. On the elected official
9 side and some of you may remember this because pretty
10 soon after the Mayor made his announcement we had a
11 session here at City Hall, invited all elected
12 officials to attend. We then did individual elected
13 briefings in Queens, particularly focusing on
14 Roosevelt and Brooklyn, focusing on Flatbush and in
15 Manhattan, focusing on the Midtown area. We did
16 presentations to local Community Boards and then have
17 followed up with some calls and meetings since then
18 and then on the DOT side we sent our Street
19 Ambassadors out to do door to door and do flyering.
20 Flatbush the second week in March, Roosevelt the
21 second week in March, Midtown the end of March and
22 then I know PD, expected Fulton Junction.

23 DENNIS FULTON: Like I said, like I said
24 our Transportation Outreach Team visited all the
25 business up and down so they were out a full day.

2 They went to different days in March before they
3 actually went to the stores, they talked to the
4 business owners on Roosevelt one day, Flatbush the
5 next and then in Midtown they walked up the, the
6 streets that had been designed as clear lane streets
7 and they did all the businesses and basically handed
8 out the flyer to every business that was open at the
9 time when they were uhm when they were in the
10 neighborhood.

11 CHAIR YDANIS RODRIGUEZ: And you know for
12 disclosure you know I've been there. I was there
13 when the Mayor and the Commissioner they made the
14 announcement. I was like after being in the
15 announcement meeting with some of the members of the
16 industry I do believe that they are also are making
17 important points when it comes to listening to the
18 concern, listening to the feedback and I think
19 bringing back, coming back to the table for years,
20 conversation been going on between the industry DOT,
21 DCAS and other members of City Hall to talk about how
22 the focus should be on more creating the incentive
23 even though I do also believe in recognizing that
24 everyone had to do their part, congestion is real in
25 our City, we had to address it but I think that this

2 announcement like took them by surprise and I and I
3 hope again that you will re-engage in conversation
4 with them.

5 POLLY TROTTEBERG: We certain will and
6 look we know obviously it was a Mayoral priority and
7 a fast implementation. We didn't want to catch
8 anyone by surprise, we did our best to do through
9 outreach, obviously we did not reach everybody as
10 much as we would have wished to but again we will
11 continue during this pilot period to have that
12 engagement to try and problem solve and I would just
13 say on the incentive question, Mr. Chairman I think
14 traditionally the City has not gave private
15 businesses incentives in a situation like that. We
16 did have the federal grant but obviously something we
17 could explore with the Council.

18 CHAIR YDANIS RODRIGUEZ: Thank you
19 Commissioner. Can what is the City the largest
20 receiver of deliveries is doing to take nighttime
21 deliveries?

22 POLLY TROTTEBERG: Well I think you are
23 going to have actually some of your ind... of the
24 industry folks here to testify on this and look I
25 think different you know different major parts of the

2 industry are looking to stagger hours but we have
3 certainly talked to the major shipping companies, to
4 Coca-Cola, to Anheuser Bush to a lot of the places to
5 Fresh Direct to a lot of the places that deliver door
6 and door and I you know I don't think we have sort of
7 gotten Wholesale Ability to transition to nighttime
8 delivery hours, that is going to take more work with
9 the industry.

10 CHAIR YDANIS RODRIGUEZ: I, I think that
11 the question is focused on how the City also makes
12 the changes to be sure as a receiver that also you
13 are working with those private sector who are
14 delivering to schools, to hospitals, like have the
15 City doing their part?

16 POLLY TROTTENBERG: Oh yes, is the City
17 taking deliveries at night? Well it's a good
18 question actually and one I think industry has fairly
19 put to us and you know City Building run the gamut
20 just like they do in the private sector, buildings
21 owned by the City with their own sets of uses and,
22 and you know personnel and union restrictions and
23 then we for example, DOT we are in a private building
24 that has its own set of restrictions about when
25 freight etc. but it is a fair question and something

2 that we have brought back to the DCAS fair enough
3 that the City itself needs to do its part.

4 CHAIR YDANIS RODRIGUEZ: Has the City,
5 did the City plan it before the announcement or is
6 the City working right now as also the.

7 POLLY TROTTEBERG: I mean we are taking
8 a look at it. I'm not going to tell you, we don't
9 have a fully flush plan yet because of the variety of
10 City facilities is you know enormous.

11 CHAIR YDANIS RODRIGUEZ: Okay. So my
12 colleague has a question and also I have been joined
13 by Council Member Levine, Council Member Diaz, Powers
14 and Koo. Council Member Diaz first and we will have
15 five minutes time.

16 RUBEN DIAZ: Thank you Mr. Chairman, good
17 morning Commissioner. Let me re, uhm read a
18 paragraph from the statement on page one where I said
19 Congestion Action Plan you wrote. Facing greater
20 congestion than ever before New York City is a victim
21 of its own success with its thriving economy, a
22 record 8.6 million residents and 62 million tourists
23 last year, the City experiencing a period of
24 remarkable growth that strained our transportation
25 system daily. That's what you wrote. They, come to

2 my attention that you created the mess in where we
3 are because if you, if you are a system that if I see
4 something growing more people, more traffic, then I
5 should plan to, to open more streets, to expand
6 streets but you have been shrinking the streets and
7 you are making, you have been making lines. You see
8 more people coming and more cars, why you shrinking
9 the streets?

10 POLLY TROTTEBERG: So there's no
11 question right now as the City has grown there are a
12 lot of competing demands on our streets and I think
13 you know Inspector Fulton mentioned one that
14 certainly high on the Mayor's list which is Vision
15 Zero which is designing the streets to be as safe as
16 possible. So in some cases that is true,
17 particularly in parts of the City where you have
18 streets that were built very wide and you don't have
19 that much traffic, we see that those are often some
20 of the streets where we see the most crashes and the
21 most fatalities and injuries. So there is not a one
22 size, obviously a one size fits all prescription in
23 the City and I know some, certainly there are some
24 people who feel the City should not be in the
25 business of bus lanes and bike lanes but I think from

2 the de Blasio Administration's point of view we are
3 trying to do our best to accommodate all the modes
4 that we can on a City Street network that is, you
5 know, we are not building new roads at the moment and
6 certainly I think at this point there has never been
7 a fiercer competition for roadway space.

8 RUBEN DIAZ: I'm not saying new road, you
9 are shrinking the road that we are having.

10 POLLY TROTTENBERG: Well again.

11 RUBEN DIAZ: You are making this so
12 impossible that you are, so you start doing the
13 congestion start growing in the City. Now let's say
14 for example the bus lines, the bus lines, especially
15 for buses, so the private citizen we cannot go into
16 those lines but those, the buses don't stay in those
17 line, they come to our lines so not only they have
18 the specific line designed for the, for the buses
19 they are taking our lines and then that's a big
20 example in the Bronx, right in front of the Criminal
21 Court 161st, you got a bus line, you got a line, look
22 at your generous you designed this, you got a bus
23 line but then the bus stop is not in the bus line.
24 The bus stop is in the regular traffic line so you
25 got a bus line and instead of putting the bus stop

2 right there in the bus line so the, the traffic could
3 be flowing no you put the bus stop right in the
4 traffic so I'm saying whose designing this and what,
5 what is the purpose you are creating the mess.

6 POLLY TROTTEBERG: So it's interesting
7 so I would say bus lanes right now have certainly
8 become Council Member Diaz one of the most, the most
9 fiercely contested things that we are doing in the
10 city and ...

11 RUBEN DIAZ: I, I advise you to come to
12 the Bronx to.

13 POLLY TROTTEBERG: I'm, I'm looking at
14 many of your, many of your colleagues here lead by
15 the Chairman recently wrote me a letter and
16 complained that the City was not doing enough to keep
17 buses moving that we should be installing the
18 dedicated bus lane like the kind you are referring to
19 on 161st Street in 10 places a year. So I think in
20 this one there is a real lively tension between as
21 the City has seen bus ridership decline and bus
22 speeds slow a desire to do what we can to speed up
23 buses because they carry a lot more people than
24 vehicles and then obviously people who feel like we

2 have dedicated too much street space to buses, so we
3 are trying to strike that balance. I'm sorry.

4 RUBEN DIAZ: My last question, what is,
5 what do you think that Uber has to do all of this.

6 POLLY TROTTEBERG: I, as I said in my
7 testimony I think they are clearly a big factor now.
8 We have seen in the past couple of years that the For
9 Hire Vehicles, the outbased vehicles, the Ubers, the
10 Lyfts that their growth is tremendous and that
11 furthermore if you look at the.

12 RUBEN DIAZ: Are you feel that Uber
13 should be regulated?

14 POLLY TROTTEBERG: Well yes, the Mayor
15 has, as you probably know the Mayor in his first year
16 in office came to the Council with a, with a proposal
17 to potentially cap the number of outbased vehicles,
18 at that time the Council wasn't interested in it, he
19 has recently said that he would really be interested
20 in re-visiting that issue with the Council.

21 RUBEN DIAZ: I am looking forward to
22 support and we try to regulate Uber and cut of those
23 traffic in the City?

24

25

2 POLLY TROTTEBERG: Well I think that is
3 something that he is interested in working with you
4 on.

5 RUBEN DIAZ: Thank you.

6 CHAIR YDANIS RODRIGUEZ: Thank you
7 Council Member. Council Member Powers.

8 KEITH POWERS: Yes. Thank you, nice to
9 see you. I actually am a supportive of bikes and bus
10 lanes and I think I signed that letter so count me as
11 a supportive, uhm but it is coming to my District. I
12 am one of the three Districts that is receiving the,
13 well some, some of the regulations around Parking and
14 Delivery so I had a few follow up questions I know
15 that I sent a letter and I know that you guys
16 responded. Uhm the first one is just generally, when
17 you get to the end of the six month period, what is
18 the definition of success? And what, how are, how
19 are we measuring that and how will we as the
20 representatives, Council Members be able to work with
21 you on the DOT to say it worked, it didn't work,
22 parts of it worked and how, how is the DOT measuring
23 that?

24 POLLY TROTTEBERG: It's a good question
25 and I want to make sure, I want us to be in good

2 communication during the six months so you all, you
3 know whatever frustrations you may have with our
4 prior communication I don't want anyone to feel
5 suddenly the end of the pilot comes and you, and you
6 don't know what's to come. I think, I mean even what
7 we are saying and I think as we have said it, we
8 don't, we don't to judge the results on the ground
9 quite yet but it has been very early but I think the,
10 what we all extensionally know is when NYPD puts a
11 lot of resources into a, into a corridor they can
12 really make a difference. I mean I've been out on
13 Flatbush and Roosevelt and just staring to see what
14 is happening in Midtown. When they are there and
15 their expert traffic agents are on the ground it
16 definitely speeds traffic speeds, but that said, we
17 also know there are the local businesses, the
18 buildings, the curb side uses so I think we are going
19 to need to look at all three pieces of the equation.
20 Are we seeing significant improvements in traffic
21 movement for vehicles? For taxis? For For Hire
22 Vehicle? For buses? What are the impacts on local
23 businesses and buildings? Have we worked through
24 those? Is it a sustainable model for the PD in terms
25 of enforcement?

2 KEITH POWERS: So I would just ask that
3 we maybe before we go into the Midtown one, I know
4 you are already up and running on the other ones
5 maybe put some criteria in place and I, I am happy
6 to, you know share some ideas on that too but maybe a
7 what is, what is traffic flow look like? And
8 defining that, because mainly my concern is that we
9 are jumping into this with some expectation that it
10 might work and then we will not be able to in six
11 months say it worked because well did get more
12 tickets? Or did we actually improve speeds in the,
13 in the Midtown corridor? So that's not to say, this
14 is not a statement of opposition to it, it is a
15 statement actually of how do you fine whether it
16 worked or not at the, at the end of six months?

17 POLLY TROTTEBERG: Understood the Mayor
18 had, I mean he had sort of set the bar for us, could
19 we improve traffic speeds by 10% in the, in the pilot
20 period, and I, you know I think we will see one if
21 that is achievable and then two again at what cost in
22 terms of resources and how it is affecting
23 businesses. So that at least is something of a
24 benchmark we have to shoot for.

2 KEITH POWERS: Thank you and I, I, I
3 won't go back to communications. We communicated and
4 I know that you have done outreach to the elected
5 officials and corrected me on the record of that but
6 I will note that uhm Midtown, I think you guys
7 mentioned doing Midtown outreach in March, that was
8 at the last hearing of the Budget, what I, I think I
9 did express concern of it and I feel justified in
10 saying that while I think you did do early
11 stakeholder engagement, you named them, I, I can't
12 refute that and you did engage with both my office
13 and offices before that uhm, the businesses getting
14 the outreach in late March with a few weeks to go
15 does to me strike me as, as being late in the game,
16 uhm in terms of when they get notified and then does
17 it potentially some groups got early stakeholder
18 engagement but many of the businesses in that area
19 would be getting it in late March so I, I just remain
20 uhm I just want to recommunicate that I think from
21 what I've heard in both hearings, it started late, in
22 late March for mid April does strike me as being
23 late.

24 POLLY TROTTEBERG: I will admit,
25 obviously the territory that we are trying to cover

2 in Midtown is large and, you know I'm not, I'm not
3 saying that we could not have done better, we will
4 continue to try and communicate with all the affected
5 businesses, buildings, etc and obviously we always
6 welcome the help of elected officials offices,
7 Community Boards, the BIDS, etc.

8 KEITH POWERS: Thank you and I, I have
9 just a couple of more questions and then I'll, I'll
10 have to run next door but I, you know, there is
11 presumably some category of vehicles that cannot
12 abide by the delivery time restrictions I'm not
13 stating who or what just presumably some that maybe
14 do deliveries to a businesses, I don't think there is
15 any schools in this District but like a school
16 delivery for food is an example or other types of
17 businesses that would not be able to comply and would
18 have to just take a ticket, so have you guys
19 identified any sector so far that could not, could
20 not do, simply are just going to be revenue streams
21 or simply just going to be taking the enforcement
22 action because they either believe or they truly
23 cannot live uhm under the, under the proposal.

24 POLLY TROTTEBERG: I will give an answer
25 to that and I think PD will want to speak on that as

2 well. I think to re-emphasize we are not trying to
3 do this as a revenue raising exercise and we do
4 recogn.. for example we have talked to the heating
5 oil industry and we recognize obviously if a building
6 needs heating oil we don't want people to go cold,
7 special considerations in the diamond district so I
8 think there are certainly areas where you know PD is
9 going to use their discretion in enforcement and I
10 will let them speak. This is not the goal, just, you
11 know the goal is try and get the traffic flowing not
12 to write 1000 tickets.

13 DENNIS FULTON: Right, we are not revenue
14 producing agency. The NYPD is not in the business of
15 making money but issuing summons. A case in point
16 would be that by law we need to wait five days to
17 issue summons once the signs are in place, we are
18 going to give it five business days. We are going to
19 wait until I believe we are going to begin Monday
20 issuing summons. We really could begin this week but
21 we are going to give people extra time to get
22 acclimated to the signs because we are not in the
23 business of we want to get you. We want to, we want
24 to make sure that the rules are followed and
25 sometimes we have to issue a summons because there

2 are people who are inconsiderate of the rules but to
3 answer your question whether is vehicle and we
4 haven't identified anybody like we absolutely need to
5 be here but if there is, then the traffic agents and
6 the police officers have discretion and they won't
7 issue a summons where the person needs to be there,
8 if it. And I will give an example, of course an
9 ambulance would never get a, but if there is an oil
10 delivery and they need it to, it is the dead of
11 winter and they need the oil delivery, we are not
12 going to issue a summons if the oil delivery and they
13 explain to the traffic agent, the traffic agent will
14 move on. Okay so basically we have a discretion and
15 we are going to issue it when we need to and we will
16 be afforded discretion and we are going to work with
17 the Community. We are all about neighborhood
18 policing and working with the Community to best serve
19 it and this plan I think was put in place to improve
20 the quality of life of people and to improve traffic
21 conditions but not at the expense of some emergency
22 situation where someone needs to make a delivery or
23 there is an ambulance out front or if someone is you
24 know parked there because there is an emergency of
25 some kind that we can.

2 KEITH POWERS: I hear ya. I have two
3 more questions and I want to be respectful of my
4 colleagues time but sorry to, sorry to cut you short
5 uhm on the topic and I would actually mention I
6 appreciate the heat and oil example that if there are
7 other industries, I know everybody is going to raise
8 their hand on this but if there are industries that
9 feel uniquely like they cannot comply with this or
10 will have difficulty complying that perhaps the
11 outset, we have some ways to flag them and ways to
12 review you know tickets afterwards on those
13 particular industries and one of them that strikes me
14 you mentioned is the Diamond District which is in my
15 District and has unique challenges always around
16 security, obviously the Diamond District just by name
17 presents the challenge. Are there specific, you
18 don't have to outline exactly what is going on
19 because of security but can you tell me in terms of
20 any specific examples like that like the Diamond
21 District in terms of how those are going to be
22 addressed in sort of the unique circumstances that
23 exist?

24 DENNIS FULTON: I mean like I said it is
25 going to be a case by case basis. The traffic agents

2 are deployed in the different areas where they are
3 going to have this plan in effect and so the traffic
4 agent will walk down the street. Now you are in the
5 Diamond District, are the vehicles identifiable?
6 Because we will work with the business if you know
7 they contact us and say that we have a vehicle that
8 looks like a Diamond District vehicle, I don't know
9 if that's true. If there is no one in the vehicle
10 and the traffic agent comes they have a
11 responsibility to issue a summons, not, you know
12 sometimes there will be people getting summons that
13 are parked there, if there is something that you can
14 rely to me that is identifiable like they have to be
15 there at a certain location we certainly will work
16 with you but.

17 KEITH POWERS: So on that particular
18 example I would ask that we can have a chat
19 afterwards because I think that does present unique
20 circumstances that outside of the perview of your
21 normal proposal for what it is worth.

22 POLLY TROTTEBERG: And I would say I was
23 actually there yesterday on the block, saw one of
24 your constituents Steven Grower and we did talk
25 through some the complexities on that block so we are

2 sensitive. That is probably one of the most
3 challenging blocks in this whole exercise.

4 KEITH POWER: Yeah, thank you I
5 appreciate it. Thank you and can I just ask one more
6 question? Uhm, I'm just going to ask because we are
7 on the topic is the Administrative have, what is
8 sorted updated Administrations viewpoint on
9 Congestion Pricing as a solution to a number of the
10 problems that we are talking about?

11 POLLY TROTTEBERG: I mean I think what
12 the Mayor has said is the debate unfolded up in
13 Albany was when the, when the Fix NYC Panel laid out
14 their proposal, excuse me, the Mayor expressed his
15 openness to it. He thought it was an improvement
16 over previous Congestion Pricing Proposals. He was a
17 strong supporter of what the Legislature has passed
18 which is the fee on the FHV and the Mayor has
19 signaled a willingness to keep working with the local
20 officials here and the state officials and the MTA on
21 other potential solutions.

22 KEITH POWERS: Thank you, thank you for
23 that position and I will I am going next door and I'm
24 coming back. Thank you Mr. Chair.

2 CHAIR YDANIS RODRIGUEZ: Thank you
3 member. Before calling on Council Member Koo.
4 Commissioner can we go back to the, to the incentive
5 plan that the City had funded from the federal, how
6 did the plan work on a specific, for how long did the
7 plan work? And what was the experience that you can
8 share with us with that Plan? What changes happened
9 under that plan?

10 POLLY TROTTEBERG: I mean what we found
11 and this was, this was some years, this was some
12 years back it was in the previous administration, we
13 did find there is no question that monetary
14 incentives brought a bunch of you know building
15 owners, store owners, etc. to the table because part
16 of, you know one of the barriers that they often talk
17 about is not having that extra personnel on hand
18 either early in the morning or later in the evening
19 to receive the shipment so I think for a lot of them
20 that incentive helped them to fray those potential
21 costs.

22 CHAIR YDANIS RODRIGUEZ: And of course my
23 suggestion is, more than a question because I know
24 that you are open to that, it's all about the money,
25 we have limited resources, I hope that you know that

2 through incentive, through EBC and any other agency
3 that we should definitely explore on how to create
4 our own local municipality incentive to continue
5 working because regardless on the changes that you
6 will see on the Mayor's plan. Definitely in order to
7 change the cortro, is not only about those members of
8 the industry who do the job delivering, it's about
9 the receivers and also we need to address what
10 incentive to do we provide to them. How can they be
11 additional workers that they need to receive those
12 deliveries, so I just hope again that we will
13 continue being open, definitely as there were
14 meetings in the past and I would like, I would like
15 for a meeting I will be calling for a meeting to the
16 industry to hopefully this is something with DOT we
17 can do it together.

18 POLLY TROTTEBERG: With DOT and you say
19 maybe EDC and, and, and maybe SBS too. Maybe we can
20 bring.

21 CHAIR YDANIS RODRIGUEZ: Okay, so I, I
22 definitely will be you know working with you.

23 POLLY TROTTEBERG: Okay, working with
24 the industry to have a meeting with those additional
25 agency also that you are mentioning and try to bring

2 everyone together. This plan you know is there. Uhm
3 this is something that is happening, you know as a,
4 as you already said that there is some level of
5 flexibility but I thought that that communication was
6 there between NYPD and the stakeholder to talk about
7 you know and that's between you, what is, what is the
8 flexibility mean? But that is not for me you know
9 to, I don't want to put you on the spot right now.
10 On the non-standing area, what can either, any
11 possibility that the industry say can we leave with
12 no standing in the morning or in the afternoon that
13 City Hall will be open to, you know to keep the plan
14 only in one of those, evening or morning?

15 POLLY TROTTEBERG: Let me look, I think
16 as we move through the pilot project and again I want
17 to stress, I don't want to wait until the end of the
18 pilot to make these decisions, you know, that is part
19 of the feedback we obviously want to get, I mean is
20 there some potential compromises that can you know
21 work for all sides here, so again let's just say we
22 are open to looking at any potential proposals and
23 solutions that that people want to put on the table.

24 CHAIR YDANIS RODRIGUEZ: Okay thank you.
25 Council Member Cabrera and Council Member Reynoso, I

2 also would like to acknowledge Council Member
3 Salamanca and Constantinides. Council Member
4 Cabrera.

5 FERNANDO CABRERA: Thank you so much and
6 thank you so much so much Council Member Koo for
7 allowing me to go uhm before you, I really
8 appreciate. I mention a work up, thank you for the
9 hard work that you have performed for the City. I do
10 want to share, I do echo Council Member Diaz
11 frustration in certain places in the Bronx uhm so for
12 example in Pellham Parkway there has never been a
13 time then when I drive in Pellham Parkway that the
14 bus is not in the bus lane and I sympathize with the
15 bus driver because in that lane you have, you have a
16 design there for drainage so you having the a catch
17 base in there that creates you know that bouncing
18 affect and so for them to avoid that but it destroys
19 the whole purpose of what we did in the first place.
20 So if you got that discussion with NTA in forum row I
21 seen it happen in forum here so I see it happen and I
22 see the frustration with NTA just yesterday, a big
23 Mack truck decided to park to make deliveries right
24 there in front of, I was there and there was a
25 transit police officer giving a ticket and he was

2 just taking it like, I'm taking my time and again the
3 one who ends up paying for that is the consumer
4 because that that is defray so I am just sharing that
5 bit of frustration but the one, there are two things
6 that I would hope that you could address, #1 is my
7 deep frustration with the lack of the repair of the
8 potholes in my District. That is slowing down
9 traffic. I, I don't know what else to do but to ask
10 you to personally address this because I see it done
11 here in Manhattan so it's not a weather thing and it
12 is slowing down traffic in places and in other places
13 there there hasn't been no repairs for years,
14 especially in those areas where they are made out of
15 concrete and and it just costs these are things that
16 we can actually control. There are things that I
17 sympathize that we can't control here in the City it
18 is beyond our control but that we could certainly
19 control and the second thing is if you could address,
20 is one of my pet peeves in driving in the FDR. It is
21 predictable every single day where traffic begins,
22 it's in those exits at the United Nations, 72nd
23 Street, is there any way to remediate that? Is there
24 any way to remediate that? Is there any way that we
25 know what the problem is to expand that exit? Are

2 there creative ways that we could go about it because
3 that just creates a chain reaction, the traffic, the
4 Little League, I see it happen throughout the City
5 and also are you working with the state for example
6 at the Major Degan where now we get in like use
7 traffic that I have never seen, I never seen this
8 traffic and now it just goes all the way back to
9 Yankee Stadium and way before that because it's pass,
10 it's no longer the bridge, now we are looking beyond
11 that and it just, I see it just getting worse and
12 worse by the day.

13 POLLY TROTTEBERG: Let me.

14 FERNANDO CABRERA: I just gave you a
15 mouthful but.

16 POLLY TROTTEBERG: Let me try and tackle
17 all of your questions and I will say about the buses
18 not being in the bus lane. It is a complaint that I
19 hear and it is actually something that I have talked
20 to now the new President of New York City Transit,
21 Andy Byford. He is mindful and you are right look on
22 Pellham Parkway if now the catch basins are becoming
23 a real barrier we should with DEP we should go take a
24 look at that.

25 FERNANDO CABRERA: Thank you.

2 POLLY TROTTEBERG: I know he is, he is
3 trying to remind the, the drivers to stay in lanes,
4 but you are right sometimes there are vehicles
5 blocking them and so they go around them but that is
6 certainly he is mindful of. On the potholes, I hear
7 it, this is as everyone knows, this is, April is the
8 pothole month as the City comes out of winter and we
9 have had a particularly challenging pothole season
10 because we have had weird cycle of freezing and then
11 warming up. The concrete roadways to present a real
12 problem for us. The problem as you probably know is
13 it is very hard to patch concrete with either asphalt
14 or concrete, it tends not to stick and you can't
15 resurface a concrete road like you can just
16 traditional asphalt road, you have to really go back,
17 take off the concrete and rebuild it and it is quite
18 expensive and difficult to do. But if there, if
19 there are places in your District that you think we
20 are not getting, giving good attention to, obviously
21 I would like to get that list from you and we will, I
22 will make sure that we get to them. I will just say
23 that April is always, it is our worst pothole month.

24

25

2 FERNANDO CABRERA: I welcome you to come
3 and see the craters. It feels like the moon uhm
4 driving through the area and it just.

5 POLLY TROTTEBERG: I will, I will be
6 happy to come and look and then on your, the last
7 point about traffic FDR, Major Degamen (SP?) some of
8 those FDR exits are also the state and again as part
9 of this initiative as I mentioned in my testimony, I
10 have talked to my counterpart at the state,
11 Commissioner Karas and we are going to sit down
12 together and take a look at some of the pinch points
13 on the city-state network and see what we can do so
14 obviously we will take feedback on where we, you
15 think we should look.

16 FERNANDO CABRERA: Fabulous. Thank you
17 so much. Thank you so much uhm Mr. Chair and thank
18 you so much Council Member Koo.

19 CHAIR YDANIS RODRIGUEZ: Thank you
20 Council Member, Council Member Koo followed by
21 Council Member Reynoso and Levine.

22 PETER KOO: Thank you Chair and thank you
23 Commissioner Trottenberg and your staff for, for
24 letting co-lead the Chair out City in Transportation.
25 You know actually I think congestion is part of the

2 sign of prosperity you know, so it is good that we
3 have congestion. We have to resolve it. Just like
4 we have, we need too much weight on, find some ways
5 to exercise and decrease our cholesterol you know.
6 This is traffic, yeah. In my part of the District
7 you know downtown Flushing is very busy, you know and
8 a lot of complaints is about the bus lanes because
9 they don't see the buses there all the time. You
10 know they only see buses every once in a while, every
11 15 minutes, 30 minutes there is a bus and then the
12 time is not uniform because sometime it is 7 to 7
13 p.m., sometimes it is 7 to 12 and it doesn't say what
14 time the other drivers can use it because it's like a
15 waste of a lane there because one hour we have a bus
16 lane and then we have an everyday lane and all of the
17 regular car drivers and the regular lane and then
18 make a turn or the traffic stop, meanwhile the bus
19 lane is empty most of the time. So the complaint is
20 why don't we, how do we utilize the bus lane more?

21 POLLY TROTTEBERG: So I mean and
22 obviously.

23 PETER KOO: And then especially the off
24 hours.

2 POLLY TROTTEBERG: We, we've, I've spent
3 some time in your District with you and there is no
4 question downtime Flushing, I mean if we are having a
5 hearing on congestion it is one of the, it is as we
6 have said before it's got congestion like Times
7 Square. I mean the one thing as you know because
8 we've worked with you on the Select Bus Service
9 there. You have some of the highest volumes of bus
10 ridership in the whole city there so I mean I have to
11 say usually when I'm in the neighborhood I'm amazed
12 at the number of buses that I do see. I'm happy to
13 come out again and see you know if we want to take a
14 look at the hours or the signage but I do think in
15 that neighborhood you have tremendous, tremendous bus
16 ridership and you know one of our goals of the the
17 Flushing to Jamaica line was to try and improve that
18 trip for those tens of thousands of people using
19 buses in that neighborhood.

20 PETER KOO: And another question I have
21 is that on the deliveries, a lot of small business
22 owners, they don't use like, like, they are not like
23 Costa or to a Walgreen, they don't trust delivery,
24 sometimes they go to buy stuff themselves, they go to
25 Costa, they go to cash and carry places to buy sodas

2 in cases of milk and they carry to their stores but
3 now hard time for them to park because once they park
4 in wherever, even a few minutes they get a ticket so
5 it is not fair for the small business owners. They
6 are not officially hiring a delivery truck, they are
7 doing it themselves, so how do we alleviate a problem
8 and help the small, the mom and pop stores who buy
9 stuff themselves.

10 POLLY TROTTEBERG: Well I'm I'm going to
11 take a crack at that and my and my PD colleagues may
12 want to answer too, I mean look, it's, it's part of
13 the the experiment here with this pilot is to see if
14 we can find a way to strike that balance and I, I
15 can't claim that it's easy, you know I will see I
16 think on the busiest corridors in this City during
17 the busiest hours of the day I think we have all
18 observed this, one car pulls over and stops and sits
19 there and hundreds of vehicles back up. So I
20 certainly know that is one of the things the Mayor
21 felt the frustration about and what he was hoping
22 this, this pilot might help us see if we could
23 reduce. I don't know if PD wants to speak to that as
24 well.

2 DENNIS FULTON: Just uhm quickly so the
3 traffic agents I think do a terrific job uhm they got
4 out and they enforce these summons and sometimes the
5 summons is the double park, the double park is the
6 parking in the bus lanes, parking in the bike lane,
7 these summons are not only uhm are the violator is
8 putting the pedestrians at risk. Sometimes the
9 pedestrian will walk between the double cars, there
10 is decreased visibility so we went them to issue
11 summons. As far as you know as I said, I'm going
12 back to the discretion, they are afforded us a
13 discretion and they don't want to issue to people who
14 are just sitting in their car so they will ask them
15 to move but some people like I would think it is
16 better for the business if there is, if they are
17 sitting on a metered parking, they leave their car
18 there for a certain because you can pay with the
19 meter and put the meter there the turnover is better
20 for business and stuff and so the, the traffic agents
21 serve a very valuable function so you know, we can
22 always work if there is som, something that we can
23 do. We are in, you know we want to be helpful but
24 the summons do have value when they do write them.

2 PETER KOO: So the last question is how
3 are they getting increased turn over on the metered
4 parking because I see a lot of cars parked there all
5 day long, especially insurance cars and some of the
6 other trucks they use it as their own warehouse
7 there, this is not fair. If you are doing business
8 on the streets and denudes, they just park their
9 trucks on the meters, they park there all day long
10 and the insurance cars. They sell the insurance,
11 they park there wherever the whole day they are
12 there.

13 DENNIS FULTON: If you will give me the
14 locations I will take it back and we will send out an
15 agent to make sure that people aren't violating.

16 PETER KOO: We are to find some ways to
17 increase the turnover. On the metered parking so
18 other people can park.

19 DENNIS FULTON: Right.

20 CHAIR YDANIS RODRIGUEZ: Sorry, Council
21 Member Reynoso. I made a mistake... second one was
22 followed by Salamanca and Levine. If that's okay.
23 Whatever you ...

24 ANTONIO REYNOSO: Alright, good morning,
25 good morning Commissioner. So just a couple of

2 things, I have to start with the, the state's
3 Congestion Pricing Plan and I know that they, they
4 had to cut it up in phases because of politics but
5 the overall plan for a lot of us that have been
6 fighting for congestion pricing for quite some time.
7 It is a breath of fresh air to see some of the
8 concepts that are important to the plan related to
9 mitigation, revenue generation and actual, decrease
10 in, in congestion, you know again, it's a breath of
11 fresh air. When I see this, it is so underwhelming.
12 I think you are suppose to increase like movement by
13 0.5 miles an hour overall through this. It's a 10%
14 increase. I think I saw this exact map last time two
15 years ago, I think I showed it to us, this one that's
16 that's clear curbs and clear lanes.

17 POLLY TROTTEBERG: We showed it to you
18 in November of last year.

19 ANTONIO REYNOSO: So a year ago, uhm
20 November of last year and it's just underwhelming. I
21 see you specifically as like one of the foremost
22 experts and like you know dart intellectuals when it
23 comes to transportation policy and I feel like this,
24 this Administration is falling so short from from
25 what I think even your legacy would speak to, could

2 speak to and I just want you to like, this is, this
3 is nonsense. This hearing is nonsense, it's a waste
4 of time when we are talking about actually dealing
5 with a problem that's related to true congestion.
6 Uhm clearing the box, what is it, the box for
7 example. That happens because a car has a green
8 light moves, and the cars in front of him don't him
9 don't move or in front of that person is stuck in the
10 middle, he is going to get a ticket or she is going
11 to get a ticket, right like those type of things is
12 what gets, you know commuters and car drivers and
13 just New Yorkers so upset so that when we do
14 something like congestion pricing or want to push
15 something that is real they don't even buy in because
16 we are giving them tickets for blocking the box,
17 right because that's what we think is going to make
18 us happy. This doesn't make me happy, I think it is
19 underwhelming. I don't think it is a real congestion
20 plan. I think enforcement is weak across the board
21 when it comes to bike lanes, when it comes to
22 placards all over the place, deliveries, taxis, I see
23 these signs all the time and you have to drive, all
24 these, all the cars end up having to drive around
25 these that one car that is parked on the block or

2 those two cars that are parked on the block and they
3 hold everything up. Just again, I think this hearing
4 for me is, is underwhelming and a waste of time when
5 it comes to actually dealing with congestion and I'm,
6 and I feel, I'm concerned about the fact that you
7 even have to be up here presenting what I think is
8 inconsequential suggestions to a problem that is so
9 grave and it's a crisis and we treat it. We are
10 talking about 0.5 miles an hour. It's a crisis.

11 POLLY TROTTEBERG: Well I'll take just a
12 second to respond to that just to remember when we,
13 when the Mayor put the plan out he said at the time
14 this isn't congestion pricing which has to be done at
15 the state level, this is basically experimenting with
16 the tools that the City has and I don't think that he
17 in any way claimed that this was a the grand solution
18 to congestion. I certainly wouldn't claim that
19 either. I think it is to sort of experiment with
20 enforcement and see again if we can move the needle
21 balancing business needs, balancing NYPD resources.
22 I don't want to in any way pretend this is the
23 definitive answer but I think we as we have said
24 obviously the debate has advanced in Albany as you
25 point out. The Governor had his Fix NYC Panel. They

2 have put a phased approach on the table. The Mayor I
3 think has evolved in his views, expressed certainly
4 openness to that plan, thought it was an improvement
5 over prior plans. We are enthusiastic about step 1
6 which is the FHV fees and ready to work on upcoming
7 phases so I don't, I think we have had this
8 discussion but I don't think these are mutually
9 exclusive tracks. This one is certainly smaller than
10 a big Congestion Pricing Plan would be but since that
11 is happening at the state level, you know this is
12 some of our you know basically pilots at the City
13 level.

14 ANTONIO REYNOSO: We should let the, we
15 should let the Governor be the one that is petty
16 about this situation. I'm not a, I'm not a huge plan
17 of the Governor but he is right, he is doing a good
18 job on the Congestion Pricing Plan that they put
19 forward in the Fix NYC was a good plan. The Mayor
20 supporting that and endorsing it would be a step in
21 the right direction to show New Yorkers that they
22 care more about the City of New York and actually
23 moving than about the petty politics. This Plan is
24 the right Plan, there should be an endorsement and
25 modification as you see fit. You should make

2 recommendations as to how that would be modified to
3 make it work and a Millionaire's Tax is not the
4 answer. Congestion Pricing is something that they
5 are bought in to, let's, let's support it and start
6 seeing how we can move forward. This is, this is
7 again, so inconsequential to the greater plan of
8 congestion when it comes to the City of New York and
9 it will, you know there will be headlines but we, we
10 have accomplished very little today.

11 CHAIR YDANIS RODRIGUEZ: Thank you
12 Coun... followed by Council Member Salamanca.

13 MARK LEVINE: Thank you Mr. Chair,
14 Commissioner and members of the Department, great to
15 see all of you. Uhm, the For Hire Vehicle fees are
16 commonly described as a first step toward Congestion
17 Pricing. I truly welcome the revenue that is going to
18 be created from Mass Transit thanks to those fees.
19 I, I do wish we had gone a little bit easier on the
20 yellows in that equation because of the burden that
21 they are carrying on other fronts but I just don't
22 think it is correct to call that an empty Congestion
23 Plan. Uhm I don't see fewer taxi rides because of
24 this and I wonder if you could comment on, on your

2 prediction of the extent that this will reduce cong,
3 congestion in the central core.

4 POLLY TROTTEBERG: Right, I think and I
5 think Council Member and I think you are largely
6 right about that and again I had mentioned before
7 referring to the research, I think a lot of people
8 have seen by Bruce Shaller (SP?) that points out that
9 the, the demand right now for FHV's is pretty
10 inelastic. People are not that price sensitive and
11 that the congestion behavior is not so much them
12 driving our a coordinate at 60th Street or coming
13 over the FDR Drive, it's, the congestion is mainly
14 being caused by them cruising around the Midtown area
15 and I don't think this fee really gets at that
16 behavior but I don't want to say that it will have no
17 effect. You know any pricing will on the margin have
18 some effect and it will certainly generate revenue
19 for the MTA which I think is a goal that everybody
20 shares at this point.

21 MARK LEVINE: The revenue piece is huge,
22 absolutely so. How many cars enter the Central
23 Business District every day? How many vehicles of
24 all types? Commercial? Private?

2 POLLY TROTTEBERG: Maybe someone will
3 dig up for me as we are sitting here.

4 MARK LEVINE: I believe the number is a
5 million into Manhattan.

6 POLLY TROTTEBERG: I think it is a
7 million and something and I think what's interesting
8 is that number has actually stayed pretty steady,
9 even declining a little bit. I think a lot of the
10 congestion we are seeing in Manhattan has been caused
11 by all the other things we are talking about, the
12 congestion, the pedestrians, the, now the growth of
13 the FHV, the construction, the pedestrians, now the
14 growth of the FHV's who are cruising on the local
15 streets. It has not been caused that much as you are
16 pointing out by people crossing into Manhattan and we
17 will get those numbers but it has been pretty steady.

18 MARK LEVINE: Right there may, it may be
19 that cars are spending more time on the street but at
20 the end of the day we are not going to have clear
21 streets if a million vehicles are coming in which is,
22 the geometry and the laws of Physics.

23 POLLY TROTTEBERG: Well that that is
24 true.

2 MARK LEVINE: Don't allow that. So we
3 need to reduce the number of vehicles entering the
4 core and there are various ways to do that but there
5 is no better way than a strategy which also generates
6 funding for mass transit so that people have an
7 alternative. Am I, am I correct in my assessment and
8 is there any other strategy other than Congestion
9 Pricing that's could effectively reduce the entrance
10 of a million vehicles into the Core District?

11 POLLY TROTTEBERG: I mean, I will be a
12 little cautious in what I say and obviously
13 Congestion Pricing is something that is being debated
14 up at the state level and I think as you've looked
15 for example at the Fix NYC panel and the different
16 suggestions they made. Uhm you have to do a certain
17 amount of adjusting to have a real affect on traffic
18 and the example I will refer to is in London where
19 they charge fairly high one time fees to come into
20 the cordon area but over time people just
21 internalized those fees and the reduction, the
22 congestion benefits starting reducing so I think you
23 know, certainly Congestion Pricing can have an effect
24 on congestion but the contours of what that looks
25 like and what it's effects are is not something that

2 you can speak to easily and obviously I think
3 requires a lot of discussion and debate up in Albany.

4 MARK LEVINE: Right I understand that but
5 in this case if, if, if you did nothing more than
6 generate hundreds of millions for mass transit it
7 would be a victory in itself. And there is
8 innovative pricing that particularly for For Hires as
9 a cost per for mile travel, for minutes spent, we
10 have that technology now and I think some of the
11 Economist have suggested that as as better than
12 simply a fee for crossing the cordon. To me, the
13 solution here is obviously, there is only solution
14 that will both get cars off the street, that will
15 generate the revenue that we needed and that, that is
16 congestion pricing, what was improved in Albany
17 cannot accurately be called Congestion Pricing it is
18 a welcome revenue generation measure for mass transit
19 but it probably won't be more than that so this fight
20 continues and we, we would welcome the administration
21 as an ally in that fight and you yourself as a leader
22 of our Transit Agency and it is one that I and many
23 of my colleagues are a continued advocate for in the
24 days ahead. Thank you, thank you Mr. Chair.

2 CHAIR YDANIS RODRIGUEZ: Thank you
3 Council Member, Council Member Salamanca.

4 RAFAEL SALAMANCA: Thank you uhm Chair,
5 how are you Commissioner? Uhm Commissioner, two
6 questions. I want to talk about sidewalks. Uhm my
7 first question in terms of SBS Services uhm recently
8 a few months ago they added SBS Services, Select Bus
9 Services in my District uhm which I can say uhm
10 residents in my Community are extremely happy with.
11 Uhm I know that in our discussions there were concern
12 about a certain intersection that is extremely busy,
13 overcrowded, congested and the DOT have put some
14 traffic control agents there, certain hours of the
15 day to ease the traffic and I can say that their
16 presence there makes a big difference.

17 POLLY TROTTEBERG: I'm glad to hear
18 that.

19 RAFAEL SALAMANCA: And I really hope that
20 we can continue having conversations on how to keep,
21 how to keep them there permanently. Uhm.

22 POLLY TROTTEBERG: I will look to my PD
23 colleagues on that one as well.

24 RAFAEL SALAMANCA: Yeah and so, I can use
25 your help on that. Uhm so uhm now my question is in

2 terms of SBS Services, so there is lanes, the main
3 concern of the community were the lanes that were
4 taken over for the SBS Services, for the buses uhm
5 and they are 24 hour lanes. But in Manhattan and in
6 the City of New York, in Manhattan and I know that
7 there are certain lanes that are 7 to 7. Am I
8 correct?

9 POLLY TROTTEMBERG: Yes.

10 RAFAEL SALAMANCA: Uhm, how can we relook
11 at the lanes in my District uhm to have them similar
12 to the lanes, the hours that they are, that they are
13 in Manhattan in terms of 7 to 7.

14 POLLY TROTTEMBERG: Yeah, this, this,
15 this and just one thing sir, have to remind Council
16 Members, the SBS Program has been, uhm we've been
17 rolling out routes now over a 10 year period and so
18 admittedly to, things have evolved over time and you
19 know we are happy to go and take a look at hours,
20 sometimes we put in the 24 hours because the SBS, and
21 I got to refresh my member about the particulars of
22 your route. In some places, we've done it because we
23 are not only trying to improve bus service but we are
24 also trying to make the streets safer and often we
25 find at night, taking that lane and keeping it as a

2 dedicated bus lane means that you are in fact,
3 narrowing the street and reducing speeds and reducing
4 crashes and fatalities so that can sometimes be the
5 reason for the 24 hours but again happy to take a
6 look at segments of the road, if you would like us to
7 come back?

8 RAFAEL SALAMANCA: I would really like to
9 have to continue having that conversation with the
10 agency to see if that is something that is feasible.

11 POLLY TROTTEMBERG: Okay.

12 RAFAEL SALAMANCA: Again I do not want to
13 delay the buses but if there are certain hours of the
14 day in which there would not be a delay and we can
15 open up these lanes it would be helpful.

16 POLLY TROTTEMBERG: Right again, usually
17 the determination has been a safety related one.

18 RAFAEL SALAMANCA: Yeah uhm the lastly in
19 terms of sidewalks, uhm, I do work with Parks
20 Department constantly reaching out to them where the
21 sidewalks are lifted because of trees, the roots.
22 The majority of these sidewalks for some reason in my
23 District are in front of homes, homeowners, uhm two
24 or three family homeowners uhm and recently I called
25 in DOT, had a complaint, there was a particular

2 homeowner, no tree in front of her home but her
3 sidewalk was in very bad condition where individuals
4 with wheelchairs or even baby carriages cannot walk
5 through there. There there was a hazard there and so
6 DOT came to do an inspection but they ended up doing
7 an inspection in about a 3 block radius throughout
8 all home, all homeowners and because of this
9 particular complaint, I got flooded by other
10 homeowners who got something in the mail saying hey
11 you need to fix your sidewalk and it could be very
12 minor cracks, uhm some of the homeowners are seniors
13 and so they got a letter stating that if they don't
14 fix it, DOT will send someone out, fix it for them
15 and there will be a cost attached to this. What,
16 what programs does DOT have for those homeowners who
17 may not have the means uhm to fix these sidewalks?

18 POLLY TROTTENBERG: Right, at, at the
19 moment, we discussed this earlier in the testimony.
20 At the moment the city does not have a program to you
21 know basically help homeowners pay to fix their
22 sidewalks, so again if that is something that the
23 Council is interested in exploring, we can talk to
24 you about that. It is true, one of your colleagues
25 asked about this earlier, it is true that the, the

2 Sidewalk Violation Program is very complaint driven
3 and as a matter of efficiency, if I am sending in,
4 and you know it's a big City I've got over 12,000
5 miles in sidewalks, if I send an inspector to a
6 particular location to look at one complaint, while
7 they are in the neighborhood, they are going to look
8 at adjoining areas, because it is just not efficient
9 for me to have them just go look at one complaint in
10 all five boroughs so you know, I will sometimes have
11 Council Members complain to me about a particular
12 location and we do try and be upfront about the fact
13 if we come to your neighborhood to look at that
14 location, we will be looking at other nearby
15 sidewalks and I actually have the head of my Sidewalk
16 Program, maybe he wants to add something, Leon
17 Hayward.

18 LEON HAYWARD: Yeah the one thing that I
19 add is that there was a time when we went simply to
20 the property that lodged the complaint but what we
21 found out is that we get called back to the block two
22 and three more times right after so therefore it
23 became efficient for us to look at the entire block
24 face when we go and that's what we do, we look an
25 entire block face when we come to that one complaint

2 because we know that if we just look at that property
3 we will get calls to come back to the block again.

4 RAFAEL SALAMANCA: And once the
5 homeowners get the notice, uhm how many, how many
6 days go by until the City comes of, turns around and
7 says we are going to do this work ourselves?

8 POLLY TROTTEBERG: It, it, it depends of
9 course, complicated answer, so the City goes to about
10 nine Community Boards a year to do sidewalk work. So
11 59 Community Boards, so we come through every
12 Community Board about once every five years. So it
13 really depends when we get the complaint about
14 whether, you know, where that particular Community
15 Board is in our schedule. On average, it's taking us
16 a number of years to get to a particular complaint
17 and we have also found that when the homeowner
18 themselves does the repair, that on average takes
19 about 3-1/2 years so it's, it's not all that frequent
20 that particular sidewalks complaints get fixed in a
21 timely way unless they happen to be in the Community
22 Boards we will be visiting in that construction
23 season.

24 RAFAEL SALAMANCA: Alright and then my
25 last question is, uhm, the sidewalks that are

2 uplifted because of the tree routes, uhm the tree
3 roots, I mean, uhm what's your relationship with
4 Parks? Is it solely on Parks to get these sidewalks
5 repaired or is there a joint venture with DOT and
6 Parks Department to get them done?

7 POLLY TROTTEBERG: It is a joint venture
8 uhm and Parks has recently been given more funds
9 thanks to the Mayor and the Council to do more of
10 this repair of damaged sidewalks because of tree
11 roots. Our two systems are kind of different so of
12 course it makes it a little complicated, again, we
13 are going Community Board by Community Board, so
14 anytime that we are in a Community Board if there uhm
15 defects caused by tree roots which are City
16 responsibility we will fix them. Parks uses a
17 different system, they go where, they prioritize and
18 they go to the places where they see the most about
19 of damage but I am also going to say neither agency
20 has the resources at the moment to get to all of
21 those complaints in a, in a given year.

22 RAFAEL SALAMANCA: Thank you, thank you
23 Commissioner and thank you Mr. Chair.

24 CHAIR YDANIS RODRIGUEZ: Thank you.
25 Council Member Rose.

2 DEBORAH ROSE: Thank you. Hi
3 Commissioner. I like what you have read on today for
4 agenda equity pay, yes?

5 POLLY TROTTEBERG: Yes ma'am. I'm all
6 for it.

7 DEBORAH ROSE: Alright uhm I just have
8 two questions, could you provide us with more
9 information about the Clear Zones and what types of
10 congestion mitigation measures are being taken and
11 the targeted areas but specifically the North Shores,
12 Staton Island?

13 POLLY TROTTEBERG: Right, and and look
14 as, as you know well and you have been very much a
15 part of this and a leader in what is going on that we
16 have very big challenges on the, on the North Shore
17 of Staton Island and we have obviously growing
18 development and density and congestion there. We now
19 do I think finally have the Outlet Mall scheduled to
20 come in this year and as you know this has been part
21 of a very long process with EDC, DOT, NYPD to do a
22 number of mitigations. Things we are doing on the
23 Ferry side, enhancing Ferry service, going to lower
24 level boarding. Uhm we are making, we have done some
25 markings and other improvements on Bay Street, on

2 Victory Boulevard, putting bike lanes in on Vanduser
3 (SP?) and putting bike lanes connecting to the Ferry
4 and then working with EDC as you know potentially on
5 some, on some bigger capital projects. We are also
6 as the outlets start to come in and we start to see
7 what the traffic pattern look like and one concern
8 that we do have is we did think with the Wheel coming
9 in there would be a lot of people who would come over
10 on the Ferry, visit the Wheel and then go to the
11 Outlets. It looks the situation with the Wheel, you
12 probably know more than I but a little uncertain at
13 the moment and so I do think now we are potentially
14 seeing more of a vehicle driven potential pattern so
15 as soon as we start to see that early traffic we will
16 have our engineers on the ground, looking at signals
17 and what are some of the other improvements we are
18 going... but obviously working closely with you and
19 the Borough President, you know, we know it is a big
20 challenge on the North Shore right now.

21 DEBORAH ROSE: So uhm you are looking to
22 sort of mitigate the traffic, or are you trying to
23 generate, are you trying to discourage people from
24 using their cars?

2 POLLY TROTTEBERG: I would, I mean I
3 would put it differently. We are certainly trying to
4 encourage people to use other modes, obviously we
5 particularly want people to use the Ferry. We very
6 much as you know, increased and improved Ferry
7 Service in recent years and obviously that's such a
8 great way to travel, it is free, you can leave your
9 car behind, come see the sites of Staton Island but
10 we are also again working with local PD Precincts on
11 the ground to try and do the best we can to
12 accommodate traffic as it comes but also as you know
13 build up some of the bike network too in hopes that
14 maybe some folks will, will chose to ride a bike or
15 walk.

16 DEBORAH ROSE: And uhm, what is the
17 status of the Cross Bronx Expressway and the Staton
18 Island Expressways, Verrazano-Narrows Bridge, Gowanus
19 Expressway Corridor, clear highway task force?

20 POLLY TROTTEBERG: That's a good
21 question and we are at the early stages of that. I
22 have talked to my counterpart at the State level,
23 Commissioner Karas and we have agreed and obviously
24 we will want Local Elected Officials and State
25 Elected Officials to be a part of it. We are going

2 to convene soon to talk about are there potential
3 things we can do to improve it and the City and the
4 State have worked together uhm on the Grand Central
5 but there are, there are certain State owned routes
6 where we have been able to work together to improve
7 exits, to add lanes, to improve clearances so there
8 are some things that we can potentially do on those
9 routes and we are going to get together very soon
10 with elected and stakeholders to talk through some of
11 those potential solutions. I am not going to promise
12 miracles, those are, those are obviously all
13 challenging roadways but I think we can brain storm
14 and potentially come up with some improvements.

15 DEBORAH ROSE: Is the Canta-Leva (SP?)
16 Project the part of those discussions.

17 POLLY TROTTEBERG: Well that's really
18 its own, on its on separate track and and as some of
19 you may be aware we were very fortunate to get the
20 ability to do Design Build for that project in this,
21 this latest session up in Albany and we are starting
22 the planning on that in earnest uhm and obviously we
23 are going to have a lot of outreach on that, as you
24 correctly see my status traffic impacts backing up
25 all the way to Staton Island, all the way up into

2 Queens and you know that will be a big all hands on
3 deck project in its own right but at least now with
4 the Design Build Authority we are hoping that we can
5 at least maybe shave it as much as two years off but
6 that project which will yeah I think be of you know
7 tremendous benefit for Staton Island, Brooklyn and
8 Queens.

9 DEBORAH ROSE: And uhm who will the
10 stakeholders be that will be on the Task Force?

11 POLLY TROTTEBERG: Well again I think
12 largely Elected Officials but you know I certainly
13 uhm I think we want to talk to major business and
14 civic groups that might have an interest in some of
15 this, so but I think we would like to get with you
16 all and get your ideas on who we should have at the
17 table.

18 DEBORAH ROSE: Okay and do you have an
19 idea of when you might convene this henceforth?

20 POLLY TROTTEBERG: Say there, there is
21 many things up in the air but I'm going, I'm going to
22 say within the next couple of months we will try and
23 convene it.

24 DEBORAH ROSE: Okay, thank you.

2 CHAIR YDANIS RODRIGUEZ: I am not going
3 to be giving the opportunity to Council Member Powers
4 who has lots of questions.

5 KEITH POWERS: I had an off topic
6 questions and thank you again for being here and uhm
7 answering our questions. And uhm, uhm, just off
8 topic for a second, L-train when is, when the new
9 proposal coming out around the L-train, I think you
10 said maybe it is this month?

11 POLLY TROTTEBERG: The L, well we are
12 going to be doing Town Halls this month. I'm sure
13 many of your constituents will want to attend and
14 then shortly thereafter, I think the end of this
15 month into early May. Because we want to make sure,
16 again we heard loud and clear that we wanted to do
17 more robust Town Halls, East Village, West Village,
18 Williamsburg. We are going to also be doing uhm with
19 the MTA uhm and open house out in Ridgewood to make
20 sure that we are hearing, you know from folks in
21 Queens who I think are particularly focused on the
22 subway service element. We want to make sure that we
23 get all of the feedback and incorporate it into our
24 final plan but we know that we got to get out quickly

2 with what we want to put on the table as the final
3 proposal.

4 KEITH POWERS: Thank you and now going on
5 topic because I had a question earlier that I didn't,
6 I didn't get to. Uhm, we did talk a lot about the
7 off hours deliveries and I know you mentioned a
8 federal grant that allowed you to do a program around
9 that, and, and you know, I think everybody's fa...
10 you know everybody's favorite thing here would be to
11 get, where possible, because they did mention, there
12 are some that will have a tougher time to do the off
13 hours and I, I may have missed some part of the
14 conversation on this, but is there further thoughts
15 or consideration on more voluntary programs, either
16 based on what happens now or after the six month
17 period around off hours uhm and how does one, eng.. I
18 mean what will, some people are going to have to
19 choose, to opt in to do that if it a voluntary
20 program, but can you give us just any more
21 information on, on that ideas might exist around
22 trying to shift incentives. You mentioned maybe not
23 trying to give incentives but maybe there are other
24 ways to shift and and where the agencies are on
25 looking at that?

2 POLLY TROTTEBERG: Yeah we do have an
3 existing off hour delivery voluntary program and we
4 do go out and work with businesses in the industry.
5 I think look frankly there is more do on that score,
6 I won't deny it and I see we have a lot of industry
7 representatives in the room and we want to continue
8 that discussion with them. I do think that, I'm not
9 going to lie, I think the incentives helped and it is
10 really a policy question and I, I think in part of
11 policy questions for Council Members uhm about
12 whether that is something the City wants to invest its
13 own funds in and it was an easier decision when it
14 was a federal grant. You know it's not a decision
15 the City has made yet to you know reimburse local
16 businesses if they want to hire extra staff but we,
17 we, look one thing we certainly recognize that this,
18 this pilot has done for better or worse is really
19 bring that conversation to the floor and you know we
20 certainly, we certainly know our agency and I think
21 small business services uhm should step up and do
22 more to try and make that, that program a robust one.

23 KEITH POWERS: And what was, what was the
24 source of the grant? Just I don't know anything

2 about it. The source of the money that came from the
3 Federal Government, why wasn't it renewed and we.

4 POLLY TROTTEBERG: I mean it was a USDOT
5 Program, so the USDOT at one time had a bunch of sort
6 of interesting grants that they were giving out to
7 Cities to tackle these kind of things, you know,
8 these, these federal grant programs come and go.
9 This was, one that didn't survive in the out years,
10 unfortunately.

11 KEITH POWERS: And it was a grant program
12 to businesses to do offers?

13 POLLY TROTTEBERG: It was, yeah it was a
14 Grants Program that came to the City and then maybe
15 someone will refresh my memory if I have this one an
16 then we dispersed a local businesses.

17 KEITH POWERS: And how much was the total
18 grant.

19 POLLY TROTTEBERG: It was not a lot of
20 money. I don't know, someone can fin... I mean I
21 think it was in the single digits of the millions but
22 we can get you that number.

23 KEITH POWERS: And sorry, one last
24 question. I don't know if I'm on the clock or not
25 but what businesses adopted off hours as a result,

2 have businesses adopted the off hours and if so,
3 maybe any insight in why.

4 POLLY TROTTEBERG: And they some have
5 and I think not surprisingly the businesses that have
6 been most able to do it are the bigger chains. A CVS
7 or you know Whole Foods, you know chains where they
8 are, they are getting so many deliveries that it
9 really makes sense for them to do some of that work
10 at night but you know we do face the challenge here
11 in New York of you know even some of the largest
12 businesses, supermarkets, etc. are in residential
13 areas and so that's always a challenge uhm in terms
14 of local residents not wanting a lot of truck traffic
15 at night, something we also need to work through.

16 KEITH POWERS: Yeah I wasn't, I wasn't
17 leading here but then that reminds me that
18 potentially the smallest businesses are the ones who
19 get more hurt or have more stress on them so smaller
20 supermarket versus a chain, a smaller business that
21 relies on deliveries rather than do what the chains
22 can go it and God Bless them, they have a huge
23 footprint in the City uhm that it leaves some that
24 can and will have to have a harder stress in this
25 moment, so I don't know. I don't know where I am

2 going with that point but it makes me recognize that
3 in the, in this short of moment but I would restate
4 uhm being willing to work with the Administration on
5 things like Congestion Pricing which while have their
6 own stresses on businesses and deliveries it then
7 creates a different, a clearer playing field and a
8 clearer set of rules, but, anything thank you.

9 POLLY TROTTEBERG: Thank you.

10 KEITH POWERS: Thank you.

11 CHAIR YDANIS RODRIGUEZ: Thank you and I
12 have a question off topic which is for Leon uhm
13 related to the sidewalk. And again, this is not for
14 the homeowner, this is about, and I don't know if
15 this is under your responsibility. This big problem
16 that we have and I and I brought to the Commissioners
17 you know on how we need to also look at sidewalk
18 because right now they are different agencies, that
19 they have different responsibility when it comes to
20 sidewalk and this is not again. This is about
21 sidewalk related to the homeowner but this is about
22 in the commercial area. This business owner that I
23 have. St. Nicholas Avenue between 180 and 181st,
24 local inspector Mundo (SP?) has been trying to do the
25 best he can but the business improvement, the issue

2 has been trying to do the best they can. Now
3 businesses owner is not using any of the three feet
4 that they have the right too. They pave their whole
5 area, and it is like a very congested area. These
6 are the exits of the 1 trains St. Nicholas Avenue.
7 So not only that business owner take and I even have
8 a photo, I will show you later on. The last one last
9 week. Normally should take most of the space of the
10 sidewalk, park a big truck in that area too and even
11 in the other side of the street and this is very uhm
12 inspector business improvement district and this is
13 about, they just on you now Pinacke (SP?) three days
14 after you go back to the same reality. So I hope
15 that we can work on the particular case because again
16 this is not about you know allowing the business
17 owners to used the area of the sidewalk that they had
18 the right to. This is about using 90% of the
19 sidewalk in a very congested, pedestrian congested
20 area, is taken by that particular person and he is
21 like what they do is like putting the face of
22 everyone. There is no Law Enforcement. There is no
23 business accommodations. There is not an elected
24 official, there is no complaint to fix that program,
25 so again off the topic for the homeowner sidewalk but

2 I would like to see how we put a solution to that
3 problem. It brings a lot of complaints involving
4 many sectors and I hope that I need help in that
5 particular case. And with that, uhm, Commissioner as
6 I said before, DOT been leading together with those
7 car free day which will take Saturday 21st, crossing
8 Broad, way from 47th to Fortress Streets and Nicholas
9 Avenue. Many other private or public are a part of
10 this and thank you to you. I would like you to
11 encourage you if it is possible that the next panel
12 is going to be. We have three panels but the first
13 one is going to be, the first two they are the
14 industry so if by any chance you only will be the
15 first five, three minutes each. If you can hear,
16 then it will be very important for me. Thank you.
17 So with that, let's call the first panel. Nelson
18 Eusebio from the National Supermarket Association,
19 Alex, Axel Carrion from UPS, Patrick Hyland from the
20 Metro Truck Association, Jessica Walker, President of
21 Manhattan Chamber of Commerce and Alex Slacky (SP?)
22 from the uhm AAA. So each of you will have three
23 minutes, please summarize and and thank you
24 Commissioner again for a staying for at least for the
25 first panel.

2 JESSICA WALKER: Hi Councilmen, I'm
3 Jessica Walker the President of the Manhattan Chamber
4 of Commerce. As you know we represent businesses
5 here in the City and we really consider ourselves a
6 guardian of small businesses and start ups in
7 particular. I will speak briefly today. I just
8 wanted to uhm acknowledge that we actually uhm we are
9 very supportive of the Congestion Pricing Plan, Fix
10 NYC. So we understand that this is a big issue. And
11 in fact we do support the stepped up enforcement of
12 Blocking the Box that was talked about earlier today,
13 uhm but specifically I want to talk about concerns
14 with the clear curbs program. We did a courtesy
15 survey, our office is actually in the, uhm in the
16 zone, the pilot zone that is happening in Manhattan.
17 So we did a courtesy survey of affected businesses,
18 it supposedly took affect a week from yesterday,
19 April 2nd but there was a big snow storm so we
20 actually went out yesterday. Uhm we were able to
21 speak with 19 businesses in the affected zone and I
22 will just report on sort of what we learned. 14 of
23 the 19 said that they receive deliveries within the
24 two windows that are now disallowed under the pilot
25 so this is just giving you sort of uhm you know

2 background on what they have been doing. Two of the
3 remaining 5 said that their items are being delivered
4 by UPS and FedEx so the time usually varies somewhat.
5 So that just made it a little difficult for them. An
6 additional one of the businesses is actually a FedEx
7 store on 48th Street and the manager there said that
8 there isn't much they can do to alter their
9 deliveries and pickups. Now, uhm in terms of the
10 issue of awareness, that is sort of one of our big
11 concerns here, 13 of the 19 businesses that we spoke
12 with yesterday said that they were not notified of
13 the congestion pilot. One of those 13 was aware of
14 the plan but only because he read about it in the
15 news. 6 of the 19 businesses were notified by a
16 flyer that was created by DOT, uhm I assume that is
17 the Ambassador's Program that was discussed today uhm
18 but no one that we spoke with has seen anything
19 actually being enforced in that area at this point
20 and no one has reported any tickets, uhm which we
21 thought was interesting. Uhm yesterday when a member
22 of my staff actually called the Manhattan DOT office
23 because like I said, we had heard that there was a
24 lot of enforcement happening in the other areas that
25 we just weren't seeing in our area, so yesterday when

2 a staff Member of mine called the Manhattan DOT
3 office phone number that was listed on the flyer they
4 needed to, they were told that they needed to check
5 to see if it was still indeed being a good method.
6 So there is a lot of confusion that is happening
7 here, uhm and again one of the businesses said that
8 they have actually been, they found it to be sort of
9 a hassle because they are complying with the rules
10 just in case, but as of now they have not seen
11 enforcement so we are not really sure what is
12 happening or I there has been a whole lot of
13 enforcement as of yet. But in general, I just want
14 to point out that sort of the courtesy survey that we
15 did, I think it really does show that there is
16 confusion, folks don't really know what is happening
17 and I think that overall we would like to see the
18 process slow down a little bit. Uhm some of the
19 issues came out today with the questioning but it
20 does not appear that much study went into the
21 potential impacts it could, could be brought to bear
22 on the affected businesses in that zone. Uhm it
23 obviously seen that there was late outreach that
24 happened just a few weeks ago starting so we would be

2 happy to work with the Council and DOT to try to
3 solve that.

4 CHAIR YDANIS RODRIGUEZ: Thank you, let's
5 follow Jessica, three minutes each, if you need to
6 summarize please do so.

7 PATRICK HYLAND: Good afternoon, is this
8 thing on? I would like to thank you for holding this
9 hearing, for allowing me to address the Committee.
10 My name is Patrick Hyland and I am the Executive
11 Director of the Metropolitan Trucking Association.
12 Our Association represents employers who hire
13 teamster, local 282 drivers to operate their trucks,
14 performing heavy construction throughout the five
15 boroughs. I am here today to address the recent
16 initiative to address, which is addressing Congestion
17 in select neighborhoods here in the City. Our
18 members deliver and hold various aggregate supplies
19 to and from heavy construction sites, excuse me,
20 restricting their access during peak hours to any
21 area of New York City where there is heavy
22 construction is a problem for us on several fronts,
23 but the primary issue here is schedule. Our members
24 may put their trucks out as early at 5 a.m. in order
25 to get to the sites being staffed by Building

2 Straight Members before 7 a.m. when these projects
3 typically begin for daily construction schedules but
4 the heavy construction industry is hardly ever a one
5 run job for our members. It typically requires, two,
6 three, sometimes four runs per day. Stopping
7 construction production for certain time frames on
8 these large scale projects is really just a
9 nonstarter. The initiative would lengthen projects,
10 and drive up costs significantly for projects in
11 certain zones. And this brings us to Night
12 Construction which is often a response when these
13 concerns are raised, yes our members do perform night
14 construction. They perform night construction at
15 sites where nigh construction makes sense
16 logistically, Bell Parkway, Staton Island Expressway,
17 Bay Home Bridge, Cascusko (SP?) Bridge, Gapallos
18 (SP?) Bridge, JFK Airport, La Guardia Airport, etc.
19 they do not perform night construction in residential
20 neighborhoods of the City that never sleeps. This
21 plan causes logistical hurdles for several industries
22 and you can add heavy construction to the list. New
23 York City Council recently passed a well thought out
24 and executed rezoning of East Midtown. It has been
25 praised for numerous sources and the prevailing

2 belief is that rezoning will stimulate economic
3 growth for this region of Manhattan. We agree and
4 applaud the Council for their work and the Mayor for
5 his work on this plan but does it make sense to
6 restrict trucks access into an area where
7 construction activity will see an increase? We do
8 not think so either. I could go on and on but in the
9 interest of time and out of respect for others who
10 wish to speak today I will not. Yes, we have to
11 tackle congestion in the City but this plan to us is
12 simply not the answer. I would like to thank you
13 again for allowing me to address the Committee today.

14 AXEL CARRION: Good morning Chair
15 Rodriguez and Members of the Committee on
16 Transportation, my name is Axel Carrion, and I am the
17 Director of State Public Affairs at United Parcel
18 Service, the world's largest package delivery company
19 and leading provider of Logistic services. UPS
20 operates in 220 countries and territories delivering
21 4.9 billion packages annually. Here in New York we
22 operate out of 11 facilities, we employ 5465 New
23 Yorkers, 73% which are unionized work force. We
24 serve over 413,000 customers in all corners of New
25 York City including over 70,000 small businesses. As

2 a Logistics Company, UPS is always seeking to
3 improved efficiencies, our delivery model utilizes
4 one drive and one vehicle to make all package
5 deliveries and pickups on a route including critical
6 overnight and next day air packages. By
7 consolidating these prod, these products on one
8 vehicle we minimize the number of our trucks on the
9 road and ensure consistent customer service. UPS is
10 also instituted Orion for Efficient Delivery Route
11 order and package delivery route order. Companywide
12 this has helped UPS reduce the distance driven by our
13 drivers by over 100,000,000 miles and lowered our CO2
14 emissions by 100,000 metric tons. Programs such as
15 UPS My Choice and Access Points have allowed UPS to
16 further reduce our miles traveled by minimizing
17 unnecessary redelivery attempts. UPS My Choice
18 implemented in 2011 allowed customers to reschedule
19 deliveries or reroute packages if they know they will
20 not be home to accept them. UPS partners with local
21 small businesses such as neighborhood corner stores
22 to provide our customers with an alternative secure
23 package delivery location. Currently there are
24 approximately 1,300 access points in New York City.
25 Like many businesses operating in the City, worsening

2 traffic congestion, especially in the Manhattan
3 Central Business District is a concern for UPS when
4 our drivers are stuck in traffic, it not only
5 translates into loss productivity for UPS it
6 interrupts our customer's business operations. Our
7 drivers are on Manhattan Streets because they need to
8 be, not because they choose to be. However, UPS has
9 significant concerns about the Mayor's Congestion
10 Action Plan and it's implementation in the Manhattan
11 Zone alone the curb side restrictions impact 43 UPS
12 routes. These drivers now must park further from
13 their points of delivery, exacerbating congestion and
14 competition for curb access on either side of the
15 restricted zone. The impact on our drivers has been
16 immediate. Since implementation in Midtown last
17 week, drivers report having to park 3 avenues away
18 from their delivery zones requiring them to hand
19 truck their packages long distance on crowded
20 sidewalks. In order to maintain on time service, UPS
21 has begun adding helpers to these routes to assist
22 the drivers. This is a short term fix, in the long
23 term we anticipate having to add an additional 74
24 trucks to the affected routes. Thank you.

2 NELSON EUSEBIO: Good afternoon Chair
3 Rodriguez and Members of New York City Council
4 Committee on Transportation, hello? My name is
5 Nelson Eusebio I am the Director of Governmental
6 Affairs for the National Supermarket Association.
7 The NSA is a trade association that represents the
8 interest of independent supermarket owners in New
9 York and other urban cities throughout the East
10 Coast. In the five boroughs alone, we represent 400
11 stores that employ over 15,000 New Yorkers. We are
12 here today to testify on the Mayor's Clear Curb and
13 Clear Lane Congestion Plan. While the plan may be
14 well intended we cannot agree and congest is... we
15 all agree congestion is a problem in New York City.
16 Something must be done about it. We oppose the plan
17 because it negatively impacts NSA businesses and
18 their employees. This plan eliminates 6 hours of
19 delivery time at any given business day leaving on a
20 very slim margin of time, 7 a.m. for when most
21 supermarkets can receive deliveries. The morning
22 hours of the Clear Curb proposal are particularly
23 troublesome. Supermarkets require delivery of
24 perishable first thing in the morning to protect the
25 quality of their goods. If customers see a decline

2 in quality of goods they will certainly take their
3 business elsewhere. We hear a lot about nighttime
4 deliveries but this is simply not an option for all
5 small businesses to hire staff to take deliveries
6 during the nighttime is a costly endeavor that would
7 negatively impact our stores. In addition, our
8 stores will require a separate area to refrigerate
9 fresh products so it doesn't go bad but our stores
10 don't have the money or the space to make these
11 accommodations. Furthermore, our employees don't
12 make, don't want to work at night and many take jobs
13 at our supermarkets specifically for this reason. In
14 general, grocery store deliveries are large,
15 sometimes exceeding over 1000 cases. These
16 deliveries have always occurred in the morning hours
17 because security risks are minimized. Produce and
18 other products are received fresh and product is
19 available in the store throughout the City that can
20 be restocked accordingly. We have one member who was
21 just finalizing the construction of a supermarket on
22 5 Bush Avenue and he is set to open any day now. The
23 opening of this store is particularly important time
24 for deliveries as the owner is stocking various
25 shelves. This ban will be a tremendous burden during

2 the most critical time of operation. Up until today
3 the ban was going to effect, the store owner has not
4 been informed or received any correspondence in
5 regard to his action. For this reason, we urge the
6 City to revisit the plan and come up with a more
7 meaningful plan that truly addresses congestion in
8 the new surrounding businesses through community and
9 stakeholder engagement. I have a little time left
10 and I just want to remind the Council that we are
11 going to affect fruits, vegetables, milk, meat, bread
12 that all need to be delivered in a timely basis.
13 That is the quality of life of living, of living in
14 New York City that you can get anything 24 hours a
15 day, freshly done. We are going to affect that. We
16 are going to affect hundreds and thousands of jobs of
17 people who work in supermarkets who deliver and who
18 work in the warehouses plus our employees are most of
19 the times young mothers and parents who need the
20 flexible times that we give them. Thank you.

21 ALEX SLACKY (SP?) Good afternoon Chair
22 Rodriguez and thanks to you and your staff for
23 holding this hearing and thanks for Commissioner
24 Trottenberg for sticking our for a few minutes. My
25 Name is Alex Slacky (SP?) I am here representing AAA

2 Northeast which serves a membership of approximately
3 570,000 drivers in the five boroughs and plenty more
4 region wide and we come at this from a slightly
5 different perspective as the rest of the panel, not
6 representing industry but representing personal
7 automobile drivers and and we support a lot of the
8 initiatives in the, the Mayor's Congestion Plan. We
9 do appreciate that the Congestion Plan is tackling
10 issues Citywide in the outer boroughs as well as
11 Manhattan with you know the highway initiatives and
12 also the studies in Jamaica and Flushing, etc., etc.
13 and we are certainly you know eager to evaluate the
14 results of how this is going. I know it is very
15 early in the stages but we are, we are certainly
16 happy to continue monitoring that. We are very
17 excited about the increased awareness of Blocking the
18 Box violations that is a violation that is the bane
19 of any law abiding motorists commute and the key to
20 Unblocking the Box really is changing driver culture
21 that treats it as routine and that's something that
22 we are hopeful that the additional markings and signs
23 and continuous emphasis on uhm education and of
24 course enforcement is an important part of that, will
25 help to work to change that driver culture, one thing

2 that I did want to mention that hasn't been brought
3 up, relation to tickets for things like double
4 parking, blocking the box, no standing, when those
5 tickets are given out most people are going to end up
6 paying them of course but I took a look at the open
7 cam... parking and camera violations database looking
8 at tickets from 2010 to 2016 and the most flagrant
9 and habitual violators or nonpayers are registered
10 out of state. If you look at double parking for
11 those 7 years, the 10 cars with the most outstanding
12 tickets, they were all registered in New Jersey.
13 They all had at least 50 unpaid tickets and
14 cumulatively those 10 vehicle owners owe the city
15 \$189,000, 216 vehicles had at least 10 unpaid tickets
16 but only 34 of those were registered in New York and,
17 and you look at the statistics related to bus lane
18 violations, they are very similar so I think we would
19 urge the City to convene a working group. I'm not
20 even sure if this is the purview of DOT but with
21 NYPD, the Department of Finance and any other
22 relevant stakeholders to figure out how we can make
23 sure the drivers who are getting penalized are paying
24 the penalty because we know the drivers of, of the
25 industry on this panel, are members, or if they get a

2 ticket and they are found guilty they pay the
3 penalty, we want to make sure that applies to
4 everyone and thanks for the opportunity to comment.

5 CHAIR YDANIS RODRIGUEZ: With that, I
6 would like to thank the Commissioner for staying at
7 least to hear, to hear from the first panel. And I,
8 I, as I said before I will be you know following the
9 Commissioner trying to put a meeting together. We
10 are led by DOT to bring you the C, SBS and the
11 Council and Mayor and the private sector, not to look
12 over, to talk about the plan. I think that the good
13 thing is that the Commissioner has been very clear
14 they are, the administration is open to hear, to take
15 the feedback and as I say, I was standing in the
16 press conference when the Mayor and the DOT when the
17 initiative was launched but I think the last few
18 months I've had the opportunity to go and visit some
19 of those Mayor Distribution Headquarters that you
20 have and also meeting with you guys. I believe that
21 it is time for us to come back together and see how,
22 where can we find a compromise where everyone do
23 their part to encourage more, uhm private sectors to
24 get more delivery at night at the same time that we
25 address those particularly hours between the morning

2 and the afternoon that now the Mayor, private,
3 delivery company that would not be able to deliver so
4 thank you for staying around and we are looking to
5 continue conversation with you and the rest of the
6 panels. Thank you. Now I'm calling the second.
7 Sorry. Rocco Lacertosa for New York Oil Heating
8 Association, Bruce Krupke, Northeast Dairy Foods
9 Association, Jay Peltz, Industry and Shane McMorrow
10 from Mechanic Contractors, Arthur Kramer Hunts Point
11 Market. If as long as you summarize please.

12 Good afternoon Council Member Rodriguez,
13 my name is Bruce Krupke. I am the Executive Vice
14 President for the Northeast Dairy Foods Association.
15 We are a trade association that represents dairy
16 processors, manufacturers and distributors throughout
17 New York City and New York State. I am pleased to be
18 here today. It is good to see you again. Thank you
19 for holding this oversight hearing. It is extremely
20 important to our members. Our members are the Milk
21 Companies that deliver the milk to the stores that
22 you heard testify earlier. These milk companies
23 procure milk from farms from far away. The cows milk
24 all day long, we need to have that flow of milk going
25 continuously. That milk flows to processors and then

2 it flows to distributors. Our distributors hire
3 teamster union members whose contracts don't allow us
4 to start earlier than 3:30 in the morning, so we are
5 already delivering as early as possible. The
6 restrictions that are going to be put on our industry
7 are immense. It is distorting our ability to
8 distribute the products that is necessary and as we
9 sit here today, we have heard about Diamonds, we have
10 heard about Petroleum but most importantly I think
11 what you and your fellow Council Members should
12 really focus on is the distribution of food. Food is
13 essential. It should not be stopped, hindered for
14 any purpose at any time on any day. Citizens of New
15 York City deserve the free distribution of food and
16 delaying the food distribution, specifically
17 perishable, nutritious dairy products to the
18 companies that I represent is overreaching by the
19 Mayor. We would like to call on you and the City
20 Council to take control of the situation, to
21 introduce a bill to put a stop to it, to exempt food
22 from these restrictions and I believe that it's the
23 right of every citizen of New York City to not have
24 food delayed at any time for any purpose. We
25 understand that there is congestion, our industry has

2 done everything that we can to reduce the number of
3 deliveries, we implement logistical and technical uhm
4 information all the time to route our trucks as
5 profitably as possible and we think it is extremely
6 important that the Council take this initiative over
7 and truly face what is happening. We would like to
8 see the ability for these food trucks and our, our
9 delivery vehicles to be able to operate freely at all
10 times. I provided a paper, it outlines all of our
11 concerns which we have suggested in the past and also
12 some compromises that we think could be implemented
13 and I hope that you will agree that food should be
14 given the utmost priority when taking a look at some
15 compromises for what the Mayor is trying to do.
16 Thank you, thank you very much.

17 ROCCO LACERTOSA: Good afternoon. Thank
18 you Mr. Chairman for allowing us to testify today.
19 My name is Rocco Lacertosa I'm the Chief Executive
20 Officer of the New York Oil Heating Association. Uhm
21 NYOHA founded in 1939 is one of the country's largest
22 heating oil trade associations representing 150
23 members including terminals, retailers, and
24 associated businesses operating the five boroughs.
25 NYOHA has enjoyed an excellent working relationship

2 with the New York City over many years. We have
3 supported many of the City's key environmental
4 policies including the elimination of #6 oil, the
5 phase out of #4 oil and increase in biodiesel blends
6 that have made New York City the cleanest heating oil
7 market in the country. While we appreciate DOTs
8 flexibility I do think that an exemption is warranted
9 in our case. NYOHA deliver an essential commodity,
10 heating oil and provide emergency heating service to
11 thousands of customers throughout the metropolitan
12 area every day of the year in good weather and bad.
13 The Mayor's Congestion Plan is of great concern to
14 our members. It would place a major logistical
15 burden on hard working heating oil businesses many of
16 them mom and pop operators along with their employees
17 as well as hinder important emergency deliveries that
18 New Yorkers rely on to provide heat. Heating oil
19 delivery and especially equipment repair is an
20 emergency service. Emergency requests to fix
21 equipment would deliver oil, come in at all times of
22 the day and night. This is why for example, heating
23 out vehicles are permitted to have limited use of New
24 York City Parkways during snow emergencies.
25 Homeowners, building owners and city agencies

2 including DCAS, health and hospitals, NYPD and NYCHA
3 among others rely on timely heating oil service.
4 This is why the industry requests an exemption to the
5 clear curbs and clear lanes policies. 203 heating
6 oil companies are registered within the five boroughs
7 and make deliveries or service calls within the city.
8 Further Westchester and Long Island based companies
9 have contracts with city-based clients as well. Some
10 of our larger member companies have more than 200
11 accounts in Midtown alone. One particular company
12 has 20 accounts in the clear lanes area. Deliveries
13 restricted to certain times of the day will force
14 companies to complete change the way they do
15 business, inconvenience customers, delay essential
16 delivery in emergency situation. In many cases,
17 large institutions that NYOHA members deliver to have
18 fixed times for deliveries so they can have personnel
19 on hand to receive the delivery. If a customer runs
20 out of oil, needs an emergency delivery or requires
21 an equipment service call, the company will need to
22 decide if they make a delivery as soon as possible
23 and in turn face the possibility of a penalty or a
24 fine. Furthermore, having to delay a service request
25 response could cause a building owner to be fined for

2 failure to provide heat and cause freeze ups of pipes
3 and other equipment which can be costly to repair.

4 Just this past winter, the freezing weather and
5 historically low temperatures in January so utilities
6 triggering their interruptible contracts, meaning
7 that they switch from natural gas to heating oil when
8 gas pressures run low and they cannot meet the
9 demands of their customers. This switching base
10 added approximately 1 million heating oil gallons per
11 day above normal demand. The heating oil industry
12 stepped up to meet that demand deploying additional
13 delivery trucks in order to keep buildings and homes
14 warm across the City. We urge the City to exempt
15 heating oil businesses from the Congestion Plan.

16 Thank you.

17 SHANE MCMORROW: Good afternoon, Chairman
18 Rod, Rodriguez, my name is Shane McMorrow I am the
19 Assistant Vice President of the Mechanical
20 Contractors Association and the MCA as an
21 organization representing over 300 firms that employ
22 Steamfitters Local Union 638. We represent
23 mechanical and license fire sprinkler contractors
24 that are responsible for the installation,
25 inspection, testing and maintenance of heating, air

2 conditioning, refrigeration and fire suppression
3 systems in all building types throughout New York
4 City and Long Island. Our contractors install and
5 maintain much of the complex network of piping that
6 runs through tens of thousands of high density,
7 residential, commercial, and industrial buildings
8 including hospitals, universities, power plants and
9 water treatment facilities across this region. While
10 the Mayor's goal of reducing congestion is laudable,
11 the reality is that our members often cannot comply
12 with these rules because they are providing essential
13 and at times emergency services to customers. MCA
14 contractors service the necessary heating, cooling,
15 and fire suppression piping and equipment in all
16 buildings from helping properly maintain food, food
17 services throughout refrigeration supermarkets to
18 ensuring HVAC and fire sprinkler systems are
19 functioning in hospital, schools, data centers and
20 all other buildings throughout the city. Though
21 plenty of maintenance can be scheduled, emergencies
22 often arise at all times of day and contractors must
23 respond as soon as possible as these situations
24 cannot wait. Most contractors in this industry are
25 small, medium sized businesses operating on thin

2 margins and they already experience significant cost
3 of doing business. Putting aside the cost of labor,
4 providing these services to New Yorkers comes with a
5 steep price including but not limited to covering the
6 cost of the service van with the necessary tools and
7 equipment, ever increasing insurance premiums, gas,
8 parking and the tolls to already enter New York City
9 from many nearby locations. As mentioned, these
10 services are not option and are often time sensitive.
11 Grocery stores cannot afford to wait three hours to
12 cool their food, datacenters and labs cannot wait for
13 the morning rush hour to pass before calling to have
14 the cooling system fixed and schools cannot hold off
15 until the end of the day to call and have a heat pump
16 serviced. Similarly when a fire suppression system
17 is calling for servicing that necessary work can
18 rarely wait. Finally many contractors sign multi-
19 year service agreements that prevent them from easily
20 address these pricing changes or changes to
21 operations in their businesses. Contractors will be
22 tasked with finding a way to provide the same quality
23 and timeliness of service while also abiding by these
24 regulation changes. Asking a small business on a
25 small margin to pick up what amounts to a significant

2 cost increase without the ability of renegotiated
3 contract is a tough way for them to operate. What is
4 necessary to combat congestion, the Mechanical
5 Contractor Association of New York does not support
6 the Mayor's Congestion Plan as it unfairly targets
7 the small business community that we represent.
8 Excuse me, thank you for your time and for hearing
9 the concerns of our industry.

10 ARTUR JERRY KRAMER (SP?): Mr. Chairman
11 thank you very much, Arthur Jerry Kramer representing
12 Hunts Points Market and the Plumbing Foundation. I
13 am sure it is no surprise to you as a person who is
14 very much involved with the functions of New York
15 City with the necessity of places like Hunts Points
16 Market with 3,000 employees being able to deliver the
17 meats that come in from all over this country and the
18 various provisions in the early morning hours and
19 again in the later day. The vast majorities of the
20 restaurants and the bodegas, the various types of
21 businesses that rely on what Hunts Point delivers,
22 there are industries which cannot afford the luxury o
23 being told you can deliver them at night. The vast
24 majority of these restaurants don't have storage
25 space so they require deliveries twice a day. So the

2 fact of the matter is, is that we like the other
3 people at this table are asking you to look at what
4 carve outs are necessary and carve outs are not.
5 Let's talk about the plumbing foundation. When there
6 is a major leak in a building involving your
7 constituents or people who if you will live in any of
8 the five boroughs, when you get to the time of going
9 to fix those leaks, going to try to avoid emergencies
10 there is just no way to say to them you know park 15
11 blocks away. And while I have a lot of time left,
12 Mr. Chairman I will get to see that my statement is
13 delivered to the other members of the Committee over
14 here but as a former State Legislator I would like to
15 give you a piece of advice, I spent 23 years in
16 Albany and I've listened to all of these plans and
17 all of these how New York City is going to be helped.
18 I think the City Council has to play a bigger role if
19 you will on the input on Congestion Pricing. I don't
20 think Legislators from Plattsburg and Oneonta and
21 Kinderhook and Buffalo should decide what kind of
22 Congestion Pricing Plan New York City needs, so my
23 suggestion is that the Council has to be more
24 proactive if you will in laying out what Congestion
25 Pricing should be. I will lay it parenthetically

2 that we did a survey among our 48 co-op members in
3 Hunts Point about the current clear lanes project and
4 no one had ever received any information or advice
5 about it. So once again, it goes to the whole issue
6 of how much, how much the City is doing if you will
7 to provide information for the people who are
8 affected by it. But you got a very weighty burden
9 but I'm suggesting to you that you and the Council
10 and you as the Chair play a major role in crafting a
11 plan that we can live with.

12 JAY PELTZ: Thank you for the opportunity
13 to testify regarding the clear curbs initiative. My
14 name is Jay Peltz, I am the General Counsel and
15 Senior Vice President of Government Relations for the
16 Food Industry Alliance of New York. FIA is a
17 nonprofit trade association that advocates on behalf
18 of grocery, drug and convenient stores throughout New
19 York. Under the initiative, curb side parking and
20 loading will be barred during peak weekday hours.
21 This will be highly disruptive to traditional
22 neighborhood grocers. The entire supply chain is
23 built around morning deliveries. Perishable must be
24 delivered fresh first thing in the morning or sales
25 would be lost as freshness diminishes. Limited

2 storage space in City stores means that deliveries
3 much occur frequently sometimes daily. By
4 eliminating six hours of delivery time each day,
5 daily deliveries will become impossible. In addition,
6 grocery deliveries are immense, involving full
7 trailer loads of product, sometimes exceeding 1000
8 cases. Historically these deliveries have been done
9 in the morning. This is because security risks are
10 minimized in the morning, product can be received
11 early in the day and then packed out throughout the
12 day, thus facilitating faster replenishment and
13 minimizing out of stocks of staple food and medicines
14 and employees generally do not want to work outside
15 at night, particularly in the cold. Accordingly late
16 night or overnight deliveries of full trailers of
17 groceries are not a viable option. Diverting
18 perishable and grocery deliveries from the 7 to 10
19 a.m. window is highly problematic in other ways.
20 Often apartment building and collective bargaining
21 agreement restrictions prohibit deliveries before 7
22 a.m. In addition, shifting deliveries to the narrow
23 six hour period allowed after 10 a.m. would require
24 major revisions to employees work schedules which
25 might be prohibited under collective bargaining

2 agreements and if allowed would be disruptive to
3 employees personal lives. Accordingly, delivery
4 disruptions caused by broad implementation of the
5 restrictions will result in a sharp increase of out
6 of stocks including staple food items such as baby
7 formula and milk as well as medication, thus
8 depriving customers of essential products and causing
9 retailers to lose sales. An increase in labor cost
10 due to the need to schedule labor based on the
11 deliver restrictions rather than the most efficient
12 way to deliver and receive product and an increase in
13 the cost of goods thus reducing already razor thin
14 grocery store margins as supplies pass through to
15 retailers the cost they incur because of the plan
16 restrictions. In light of our, the reasons cited in
17 our testimony we respectfully require that the clear
18 curb initiative be suspended while private and
19 government stakeholders collaborate on revisions to
20 the restrictions. Our goal is to establish the right
21 balance between industry needs and quality of life
22 and environmental concerns. specifically we would
23 like to discuss designated delivery windows for
24 grocery, perishable and drug products during weekdays
25 between 7 and 10 a.m. Thank you for your time, I

2 would be happy to answer any questions you might
3 have.

4 CHAIR YDANIS RODRIGUEZ: Thank you, thank
5 you every one, I we ask, invite all of you to the
6 meeting that you heard I have been suggesting to the
7 Commissioner. My suggestion is not from the elected
8 official perspective or from the organizer
9 perspective, you also need to organize your numbers,
10 because my reaction when I saw here how the
11 representing of the interest here was more probably
12 there is conversation going on and they are already
13 working the compromise because if I would be the
14 organizer representing the industry, I would pack
15 this place with those who will be affected. I care
16 about this issue. I think it is important. I think
17 there is an opportunity to get a compromise but from
18 the organizing perspective my message is like this is
19 a hearing but it should be like the whole place
20 packed here from those that will be affected on the
21 delivering and those receiving the deliveries. So I
22 am committed to continue working with you but my
23 suggestion is pull the numbers together too. Number
24 really tend to, know the faces of those individuals
25 who will be affected. I think that, we need to come

2 out with a solution. I, from what I heard from those
3 of you that I had the opportunity to meet is that you
4 want the same as black and white. You are saying yes
5 we can discuss, we can have conversation but how this
6 plan was presented did not give the opportunity to us
7 to be part of this. So we will continue again, we
8 will call you to the meeting and I appreciate to
9 hear. But my suggestion again is not from the
10 Council perspective or from the organizing experience
11 about this place should be full. Thank you. Uhm the
12 next panel is Barry Panacoula, Leon Blank, Jack Davie
13 and Eric McClure. This is the last one, by any
14 chance there was anyone that I didn't call, this is
15 the last moment for you to let the Sargeant and take
16 a chair and you each have three minutes. You can
17 continue.

18 ERIC MCCLURE: Thank you my name is Eric
19 McClure I am the Executive Director of StreetPAC on
20 behalf of my colleagues, thanks for the opportunity
21 to testify today regarding the critical issue of the
22 traffic congestion choking New York City streets.
23 Today's oversight hearing is critical in light of the
24 failure of the Governor and State Legislature to take
25 meaningful action on congestion in the Budget Process

2 just concluded. While the surcharge on ride hailing
3 vehicles and Taxis will generate a fair amount of
4 revenue, such a limited first stab at dealing with
5 congestion will have minimal effect on actually
6 solving the problem. Albany is not along on
7 deserving criticism however; Mayor de Blasio who for
8 months has repeated without foundation that a
9 congestion charge is somehow regressive has done much
10 to provide opponents of the comprehensive congestion
11 reduction effort with political cover. While his
12 Millionaire's Tax isn't a bad idea for helping to
13 fund and fix the MTA it does nothing to address the
14 twin crisis of crippling traffic. Additionally,
15 while the congestion action plan the Mayor announced
16 in October includes some good and sensible ideas, it
17 amounts to tinkering around the edges, cracking down
18 on blocking the box and keeping curbs and travel
19 lanes clear during peak hours are useful steps but
20 the programs reliance on human enforcement guarantees
21 that it will have limited effect. What we really
22 need is bold action on a large scale and with an
23 unwaivering commitment to fixing the problem. Here
24 are a half dozen steps the Council can take to help
25 break gridlock's hold on New York City. First, we

2 urge the Council to pass a home rule message in
3 support of the Fix NYC Panel's Congestion Pricing
4 recommendations. Passing a home rule message now
5 will send a strong signal to Albany that it must act
6 before the end of the current term to at least fund
7 the infrastructure necessary to create a cordant
8 tolling zone. In addition, this Committee heard last
9 June from experts who contended the City can
10 implement Congestion Pricing on its own. If Albany
11 is unwilling to act to address congestion we urge the
12 Council to take the initiative and pass Legislation
13 authorizing Congestion Pricing. Secondly, the City
14 should act to significant reduce the number of
15 parking placards that it issues. The more than
16 100,000 placards in circulation are a major
17 contributor to congestion, exacerbated by an unknown
18 number of fake placards and other paraphernalia that
19 somehow earn abusers a free pass. Cutting the number
20 of placards coupled with real enforcement could keep
21 tens of thousands of cars out of Manhattan. Thirdly,
22 the City should take a very hard look at reforming
23 parking policies. In too many places, we charge too
24 little for parking which encourages more driving.
25 The Department of Transportation should expand the

2 Park Smart Program which increases meter rates when
3 demand is highest and should follow through on its
4 promise for more comprehensive management plan from
5 the Metered Parking Environment which it indicated it
6 was coming more than two years ago. Fourth the City
7 should follow up immediately on a city-wide transit
8 plan for which it held public workshops early last
9 year by prioritizing bus service on city streets.
10 Far too many buses move far too slowly which is a key
11 factor in the large drop in bus ridership we have
12 seen over the past few years. DOT released it's New
13 York City Mobility Report a year and a half ago and
14 should now be introducing fixes to speed up buses,
15 like implementing signal priority, building more bus
16 only and more boarding islands. Fifth, in the
17 absence of any meaning action on Congestive Pricing,
18 the City should consider implementing rush hour HOV
19 restrictions on the Free East River Bridges and
20 lastly the City should strongly consider requiring
21 off hour deliveries in the City's most congested
22 area, implement more dedicated loading zone and
23 encourage the use of smaller more moveable vehicles
24 for the last mile of delivery trips. Thank you.

2 BARRY PANACOUOLA (SP?): Good afternoon,
3 my name is Barry Panacoula and I serve at the Metro
4 Region Vice Chairman of the Trucking Association of
5 New York. I would like to thank Chairman Rodriguez
6 and all of the members of the Committee for the
7 invitation to testify before you today. As an
8 industry we have a vested interest in finding ways to
9 alleviate congestion in New York City. A recent
10 study conducted by the American Transportation
11 Research Institute calculates annual congestion cost
12 to the trucking industry to be over \$63 billion. A
13 ranking of counties across the nation with highest
14 congestion cost per mile resulting in New York,
15 Bronx, Queens and Kings Counties topping the list.
16 Congestion issues didn't occur overnight and they
17 can't be solved overnight. Additionally, there is no
18 single solution. It will take a variety of programs
19 and initiatives that can meet unique needs of both
20 the trucking industry and their customers to address
21 congestion. While the Mayor's Congestion Action Plan
22 may be well intended it completely misses the mark.
23 Truck travel is not discretionary. The truck driver
24 doesn't make a decision when to make a delivery,
25 their customer does. Given the choice, truck drivers

2 would prefer to make deliveries during off peak hours
3 when traffic is lighter. Expansion of the off peak
4 delivery program is an area we believe immediate
5 focus would be beneficial. Association has been a
6 partner in this program since it was first piloted in
7 2009 and sent advising receiving to accept off hour
8 deliveries is key to the success of this program.
9 While there are many benefits of the off peak
10 delivery program the receives that have specific
11 daytime delivery needs that prevent them from
12 shifting to off peak deliveries, solutions on how to
13 improve efficiencies of those deliveries must be
14 included and any initiative related to easing
15 congestion. In Manhattan alone, there are nearly
16 350,000 deliveries on a daily basis. Ensuring there
17 are adequate parking to delivery zones can assist in
18 alleviating congestion or providing locations for
19 drivers to get out of the flow of traffic and reduce
20 the amount of time that driver's have to circle a
21 location. Providing locations to allow consolidation
22 of deliveries is another area we feel warrants
23 research. Locations such as restaurants, grocery
24 stores, often taken multiple deliveries a day. When
25 feasible the ability to consolidate those deliveries

2 into a single delivery can reduce the amount of truck
3 trips into the City, ease demand on parking and
4 result in lower emissions. These options are just a
5 fraction of many congestion initiatives that have
6 been successfully implemented by other Cities around
7 the nation and the globe. The biggest floor with the
8 Mayor's Congestion Plan is the lack of stakeholder
9 engagement, trying to find a solution without fully
10 understanding why the problem exists is a recipe for
11 failure. Implementing a program focused on
12 enforcement against vehicles in restricted zones
13 rather than determining why they are in those zones
14 is short sided. Initial feedback from the field is
15 weak, from one company is that trucks are being
16 ticketed and their hotel customer is requiring them
17 to deliver in the morning due to internal controls
18 for product receipt and previous off hours delivery
19 issues with overnight hotel staff. In light of, we
20 have been working with the New York City DOT to
21 develop a smart truck management plan which is due
22 out this summer. In light of this work,
23 implementation of the Mayor's Congestion Plan was
24 premature and ill-timed. We look forward to working
25 with the City Council and the City of New York on

2 addressing this issue. I would like thank you again
3 for this time today.

4 LEON BLANK: Good afternoon, my name is
5 Leon Blank, Advocacy Manager of Tri-State
6 Transportation Campaign speaking on behalf of Tri-
7 State, our Allies, Riders Alliance and NY Pergs
8 Straphangers Campaign. I am here today because New
9 York City Public Transit Policies aren't working and
10 they haven't been working for a while. Ridership on
11 MTA buses has fallen 21% over the last 8 years. The
12 subway system is at capacity and service continues to
13 deteriorate. As a result, riders are abandoning mass
14 transit and many are opting to use For Hire Vehicles.
15 The end result, Manhattan Streets already clogged
16 with traffic are seeing even more cars take to the
17 road. Without a new significant revenue stream that
18 fixes our subways and buses while charging a fair
19 price for congestion and pollution we are forced to
20 settle for more temporary solutions to a complex
21 multi-faceted problem equivalent to treating a broken
22 bone with a bandaid. The measures proposed by Mayor
23 de Blasio last year like restricting parking and
24 delivery times for delivery vehicles as well the
25 block the box initiative do very little to address

2 our City's growing congestion problem. Further,
3 there are no serious improvements to bus service
4 included as part of the Mayor's Congestion Plan and
5 as previously announced select bus service
6 improvements do not go far enough. Taking this issue
7 seriously, we need each of you to support or continue
8 to support the implementation of full congestion
9 pricing as outlined by the Fix NYC panel. This is
10 the only solution that works and we look forward to
11 working with you in the coming months as we continue
12 to advance this transit funding proposal. In the
13 meantime, there are steps that we can take that will
14 have an immediate positive impact on buses. Everyone
15 has a role to play. The MTA should conduct more bus
16 network redesigns, improve dispatching and adherence
17 to schedules and commit to system wide all door
18 boarding on local buses. Further, the DOT and City
19 Council should expand bus lanes to at least 10
20 additional priority routes and enforce the law by
21 ticketing unauthorized vehicles that abuse bus lanes.
22 We are pleased with Council Member Levine's Transit
23 Signal Priority Legislation requiring DOT to install
24 TSP on 10 routes each year. Your support has been
25 instrumental in calling attention to deteriorating

2 bus service, now to get started on solving it, we
3 encourage the City to expand the DOTs Budget for
4 these transit initiatives in particular. We
5 appreciate your support and thank you for considering
6 our recommendations.

7 JACK DAVIES: Chairman Rodriguez, thank
8 you for convening this hearing and for the chance to
9 testify. My name is Jack Davies, I'm the Campaign
10 Manager at Transportation Alternatives. Two weeks
11 ago Governor Cuomo and Legislative Leaders in Albany
12 struck a deal on this year's State Budget. While the
13 bill includes certain important transit policies, the
14 final budget does not offer a credible plan nor
15 provide a sufficient revenue stream to fix the
16 subways and gridlock and make our streets safer. In
17 the absence of meaningful leadership from Albany, the
18 crisis in our subways and on our streets will
19 continue. New Yorkers will still demand action and
20 this leadership vacuum creates a unique opportunity
21 for City Leaders to implement impactful policies that
22 will both alleviate congestion in the short term and
23 lay the foundation for a successful future of
24 Congestion Pricing Campaign. The city can start by
25 addressing urgent needs and transit deserts across

2 the city. The city must use the tools at its
3 disposal to enhance bus service and expedite bicycle
4 lane infrastructure in these transit deserts before
5 congestion pricing is implemented. It will make city
6 transit infrastructure and future tolling plans more
7 equitable while building a political capital
8 necessary to work on a Congestion Pricing Plan
9 through the Legislature. As part of addressing these
10 transit deserts the City should implement limited
11 high occupancy vehicle restrictions on the east river
12 bridges after the September 11 attacks, the Giuliani
13 banned single occupancy vehicles from crossing
14 bridges and tunnels in the Manhattan south of 63rd
15 Street between 6 a.m. and 11 a.m., this resulted in a
16 23% decrease in traffic during the morning peak,
17 implementing rush hour HOV restrictions would
18 significantly limit congestion by reducing the amount
19 of cars coming into the Manhattan and lower Manhattan
20 during rush hour, the looming L-train shutdown and
21 the subsequent strain in the transportation network
22 offers an opportunity to test this policy more
23 widely. The City should also study the feasibility
24 of implementing a Congestion Pricing trial in a small
25 specific area of the City by testing Congestion

2 Pricing, regularly evaluating outcomes and supplying
3 them the media in terms of the reduction of traffic
4 levels, the minutes of increased free flow time and
5 decreased congestion time, the amount of fuel saved
6 for commuting trips and the amount of reduced
7 pollution and improved public transport service
8 levels can offer hard evidence that Congestion
9 Pricing will meaningful improve the commutes in day
10 to day lives of millions of New Yorkers.
11 Additionally, because traffic congestion is an
12 ongoing economic health and safety crisis, the City
13 must begin to equitably tackle street congestion
14 using the most powerful tool that they have at their
15 disposal, Legal Authority over the more than 6,000
16 miles of road across the city by reforming the City's
17 outdated on street parking policies the City can
18 meaningfully reduce congestion without state
19 oversight. Finally if the City Council is genuine in
20 it's support for Congestion Pricing and the need to
21 make our streets safer, more sustainable and more
22 equitable for all then you must pass a home rule
23 message of support for Congestion Pricing this year
24 showing Legislators in Albany that is City is united
25 in its call for reform. Our transit system is on

2 life support, New Yorkers continue to suffer daily
3 from our deteriorating and underfunded transit
4 infrastructure and congested roads cost the region
5 \$20 billion each year in lost economic productivity
6 and job creation. New Yorkers simply cannot afford
7 to wait to see action a serious plan to fix our
8 transit system and curb the region's traffic. We
9 deserve better than broken subways, unsafe streets
10 and crippling gridlock an its time for our
11 representatives, all of them to deliver.

12 CHAIR YDANIS RODRIGUEZ: With that we are
13 coming to the end. I would like to, first of all
14 invite everyone to continue sending your ideas and
15 suggestions on this around the, the traffic
16 congestion through the Mayor's Congestion Action Plan
17 or other strategies. As you heard, we are going to be
18 inviting to a meeting to the industries and also the
19 advocates together with DOT, SPAs, EDC and the
20 Council and I will say that we heard, some ideas and
21 suggestion about how to bring deliveries at night
22 require better planning or schedule also incentives
23 for those who do the deliveries and the recipients of
24 those deliveries. Everyone is committed to make our
25 streets safer in our City. We know that congestion

2 is real so with that we can come to the end. I would
3 like to thank the Council Staff, Marla Monterecline
4 (SP?), Jonathan Montarado (SP?), Emily Runnae (SP?),
5 Cheema Abacheri (SP?), Joanne Basile (SP?) and my
6 Deputy Chief of Staff Stephanie Milliano (SP?), my
7 Chief of Staff Jose Lewis. With that, this hearing
8 is adjourned.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2 C E R T I F I C A T E

3

4

5

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

11

12

13



14

15

16

17

18

19

20 Date May 7, 2018

21

22

23

24

25