

**DAVID WOLOCH  
DEPUTY COMMISSIONER FOR EXTERNAL AFFAIRS  
NEW YORK CITY DEPARTMENT OF TRANSPORTATION**

**HEARING BEFORE THE CITY COUNCIL  
TRANSPORTATION COMMITTEE  
JUNE 7, 2007**

Good morning Chairman Liu and Members of the Transportation Committee. My name is David Woloch and I am the Deputy Commissioner for External Affairs at the New York City Department of Transportation (DOT) and with me here today is David Stein, Deputy Director of DOT's Office of Strategic Planning. Thank you for the opportunity to discuss Intro 541 which would amend the definition of commercial vehicle, for the purposes of parking, standing and stopping, to include all vehicles with commercial plates, regardless of whether or not the vehicle contains more than one row of seats.

Commercial vehicles are integral in ensuring the flow of commerce throughout New York City. Accordingly, the Department seeks to ensure that these vehicles are able to operate in the most efficient manner, serving their function without compromising safety or the other uses of our streets. As you well know, curb space, especially in commercial districts is a valuable commodity. To this end, the City grants certain privileges to commercial vehicles for the purposes of parking, standing and stopping. We limit the definition of commercial vehicle to include only those whose primary purpose is to transport goods. These vehicles, in particular, require access and proximity to selected locations, so they may efficiently load and unload property during the course of business.

Accordingly, in addition to bearing commercial plates, these vehicles must have the registrants name and address permanently affixed on the side of the vehicle, and must be altered to facilitate the transport of cargo or property. These specifications are necessary so enforcement agents can distinguish those vehicles whose primary purpose is to transport goods from other vehicles, as well as prevent the abuse of these privileges by cars whose primary purpose is not to transport cargo. Without the ability to make this distinction, vehicles for which other parking, standing or stopping options are available would be able to take valuable space away from those who depend on that space to conduct business.

However, since our rules were first adopted, advances have been made in respect to the design of commercial vehicles. Formerly, our regulations stated that all seats and seat fittings, except for the front seats had to be removed for a vehicle to be considered "commercial" for the purpose of parking, standing or stopping. In response to concerns from the public and our own understanding of changing trends, we identified that there was a legitimate class of commercial vehicles that were not recognized under these regulations. These vehicles are typically classified as having a passenger cab with more than one row of seating and cargo area separated by a partition. The presence of a separate cargo portion and modification of the vehicle made it apparent that the vehicle was being used primarily to transport goods. Subsequently, we amended our rules to account for this new type of vehicle. As of January 11, 2006, our rule allows vehicles to have additional rows of seats if they were designed with a passenger cab and a cargo area separated by a partition.

As written, Intro 541 would afford the opportunity for additional vehicles, regardless of purpose, to take advantage of our commercial parking rules that are designated to only those that need such privileges to efficiently transport goods. While we support the intent of Intro 541, we believe that our rule change effectively addresses prior concerns over newly manufactured commercial vehicles while appropriately balancing the many uses of our curb space.

Thank you for inviting us to testify before you today and we would be happy to answer any questions you may have at this time.



June 7, 2007

**New York City Council - Committee on Transportation**

**Written Statement by Samuel I. Schwartz, Daily News Traffic Columnist and President, SSC**

Chairman Liu and other distinguished members of the Committee on Transportation;

I apologize for being unable to attend today's hearing regarding Intro 541. Therefore, I have prepared a written statement in advance on the issue.

Intro 541, the way I interpret it, means free parking for Lexus and Mercedes owners. I recognize that this is an attempt to help small businesses, but it will backfire. This regulation is opening a huge loophole that will allow scammers to park in truck loading zones. In other words, the council would be simply fixing one problem and creating another. Intro 541 states, "Notwithstanding any other law, rule or regulation, any motor vehicle bearing commercial plates and designed, maintained or used primarily for the transportation of property or for the provision of commercial services, shall be deemed to be a commercial vehicle, regardless of whether or not such vehicle contains seats for passengers in addition to the front seats." Intro 541 re-interprets "commercial vehicle" to include cars with back seats, meaning a return to the bad old days when luxury car owners merely got commercial plates and parked throughout Midtown and other business districts with impunity.

Currently Lexus, Mercedes and other luxury car owners are not recognized as commercial vehicles for the purposes of parking even if they have commercial plates (it's a rare luxury car owner who is willing to remove the back seat and seat fittings); anybody can get commercial plates with any car as DMV never inspects the cars. However, if a car owner wants to beat the system, he would register the car with commercial plates. He can then park anywhere a truck can; even double park in certain areas. I am sure the City Council never intended for the law to allow this, but the bill as currently constructed would provide a loophole wide enough for a Hummer to drive through.

Therefore, I urge the members of the City Council to vote "no" to Intro 541. I'd be happy to address any questions the committee might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel I. Schwartz".

Samuel I. Schwartz  
Gridlock Sam  
President Sam Schwartz PLLC

