

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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October 8, 2008
Start: 10:00 am
Recess: N/A

HELD AT: Council Chambers
City Hall

B E F O R E:
JOHN C. LIU
Chairperson

COUNCIL MEMBERS:
Michael E. McMahon
Diana Reyna
Simcha Felder
Joseph P. Addabbo, Jr.
Vincent Ignizio
Daniel R. Garodnick
Miguel Martinez
Jessica S. Lappin
Darlene Mealy
Melinda R. Katz

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

David Woloch
Deputy Commissioner for External Affairs
New York City Department of Transportation

Bruce Schaller
Deputy Commissioner for Planning and Sustainability
New York City Department of Transportation

Victor Rosen
Assistant Commissioner, Traffic Operations Bureau
New York City Department of Transportation

Glen Bolofsky
President
ParkingTicket.com

Martin Schreet
Member
Hell's Kitchen Neighborhood Association

Christina Berthette
Resident

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CHAIRPERSON LIU: Good morning.

Welcome to today's hearing of the City Council's Committee on Transportation. My name is John Liu and I have the privilege of chairing this Committee. Today we've convened for the purposes of hearing a number of bills related to parking in New York City. Parking in New York is probably right up there with public speaking and root canal as one of the most stressful experiences. From having to dig out several dollars worth of quarters to trying to decipher parking signs that resemble hieroglyphics, trying to park a car can cause most people to pull their hair out. Today's hearing will focus on five bills that attempt to make parking a little less stressful. The five bills are Intro number 175, which would require muni meters to accept credit and debit cards and other forms of payment authorized by New York City. When muni meters were introduced over ten years ago, one of their strengths was that they could accept different types of payment, including credit cards. Unfortunately it is now ten years later and only about one third of muni meters can actually accept these cards. This bill would

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2 require all muni card to accept credit and debit
3 cards. Intro number 686 would require tickets to
4 be dismissed for-- that's parking tickets, to be
5 dismissed for parking in front of an illegal curb
6 cut. This seems like common sense. How can you
7 get a violation for parking in front of an illegal
8 curb cut? Intro number 786 would require that
9 handheld computers used by traffic enforcement
10 agents use data from the DOT's sign information
11 system. The sign information system is mandated
12 to go online by September 2009 under local law
13 that we had passed last year, with the support of
14 the Department of Transportation. These handheld
15 computers have greatly reduced the number of
16 erroneous tickets, but have the potential to do
17 much more. They can already be programmed not to
18 issue tickets on certain days, such as when
19 alternate side street parking is suspended.
20 Requiring these handheld computers to have the
21 most authoritative parking information would cause
22 the error rate to be reduced even more, and save
23 people from the frustration of having to contest
24 parking tickets that they feel are unjust. Intro
25 number 811, introduced by Council Member Simcha

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2 Felder, would require the Department of
3 Transportation to convert all parking meters to
4 muni meters and create a cell phone payment system
5 by July 2010. Muni meters have many advantages
6 over regular parking meters, allowing more parking
7 at the curb and allowing DOT to more easily adjust
8 them. It seems wrong that ten years after muni
9 meters were introduced we still have the
10 inefficient old-fashioned parking meters. And
11 finally intro number 812, also introduced by
12 Council Member Simcha Felder, would allow
13 motorists to park at a broken meter up to the
14 amount of time normally allowed in that parking
15 zone. Currently the New York City traffic rules
16 create a confusing scheme where you can park at a
17 missing meter or a broken meter up to the amount
18 of time normally allowed in a parking zone, but
19 only allows you to park one hour where there's a
20 broken meter. This scheme leads to confusion
21 where people are ticketed for parking too long at
22 a broken meter. This rule was needed at one point
23 to deter people from breaking meters. But by
24 adopting this rule many people are getting unfair
25 tickets. We've been joined by Council Member

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2 Michael McMahon from Staten Island, Diana Reyna
3 from Brooklyn and Queens and Simcha Felder from
4 Brooklyn. I want to thank the staff to the
5 Committee, Legislative Council Phil Hom and
6 Finance Analyst, Chima Obichere, for their hard
7 work on these bills and setting up today's
8 hearing. And I'll turn the floor over to Council
9 Member Simcha Felder, the prime sponsor of a
10 couple of the bills that we're considering today,
11 for his opening remarks.

12 COUNCIL MEMBER FELDER: Thank you
13 very much, Chair Liu, for your leadership on this
14 Committee all these years, and especially this
15 morning. I'm not going to make it a religious
16 sermon, but certainly I had no plans of being here
17 on the eve of Yom Kippur, but since it's a time of
18 year in the Jewish religion for atonement, I'm
19 hoping the Department of Transportation will atone
20 for its sins as well by looking-- doing some
21 introspection as to some of the things that I
22 think are wrong that really drive people in this
23 city nuts. We appreciate your leadership and the
24 wonderful work you're doing. But even the
25 Department of Transportation sometimes gets it

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2 wrong, sometimes. And this is one of the things
3 that I think we, you know, we can all agree on
4 needs correction. There are a variety of things
5 that drive people crazy in this city. The first
6 piece of legislation is a no-brainer. I know the
7 Chair mentioned that originally it was instituted
8 to deter people from breaking meters. As far as
9 I'm concerned, those that break it will break it
10 and those that won't, won't. And the fact that
11 the overwhelming population knows that if they
12 park at a broken meter, they believe that they
13 have whatever hours are available had they been
14 able to pay. So if it's a two-hour meter, people
15 feel that they have two hours at a broken meter
16 and so on and so forth. If it's an hour, it's an
17 hour. People in my district, and I've heard
18 throughout the City, get summonses sometimes for
19 parking at a broken meter longer than an hour. An
20 agent will come by and chalk the tire; it will say
21 10:05 a.m. and at 11:15 if their car is still
22 there, give them a ticket. That's not fair.
23 Because if you know that if you normally park
24 there you could put in enough quarters to feed the
25 meter for two hours, people think they can park

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2 there for two hours. So I think that's a simple
3 one. I'm looking forward to your testimony and
4 I'm sure that you're going to agree wholeheartedly
5 that this should be changed, because it just
6 doesn't make sense any other way. The other bill
7 about rolling out muni meters, the Chair
8 eloquently explained the benefits. And what we're
9 really asking is a parody with other parts of the
10 city. I think it's good that Manhattan and some
11 other parts of the city have had muni meters
12 rolled out in a large way. But other parts of the
13 city have not. And again, I've spoken to a number
14 of my colleagues, we all have at a minimum, to
15 start off, very busy commercial sections that need
16 parking; and you need to be able to park there
17 easily. And you know, it's good having a record.
18 You put in the money in the meter or the payments
19 with credit cards and you have a record of it.
20 Again, it's a win-win. And we shouldn't have to
21 beg or wait to get these muni meters. Since I
22 came into office I've been asking for muni meters
23 to at least start to be installed in the busiest
24 commercial strips. I have not been successful.
25 And I don't like being unsuccessful at this or

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2 other things. But sometimes I have no choice.
3 But this morning I'm making a argument to do so.
4 And with that, we have all the technology that now
5 exists with being able to-- in so many cities
6 throughout the world they've implemented the
7 ability to pay your meters, muni meters, through
8 the phone. And it not only makes things easier
9 for people, you could literally save traffic and
10 congestion while somebody's driving around all
11 over the place trying to see if there's a spot.
12 By calling on the phone you are able to-- the
13 technology is so great that you're able to see
14 whether there's a spot that exists at that point.
15 It may be three seconds later it doesn't exist,
16 but-- and you're able to try to track that spot
17 instead of driving around some other blocks. So,
18 on issue number one, I don't know what you're
19 going to say, but if you don't agree I may just do
20 something very irrational before Yom Kippur and
21 then atone for it tonight. On issue number two,
22 I'd like to hear a lot more about why we can't do
23 this better. Thank you.

24 CHAIRPERSON LIU: We certainly are
25 looking forward to the response from the

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2 Department of Transportation. All right. Well,
3 thank you very much Council Member Felder for your
4 conscientious examination of our city's laws and
5 regulations. We've also been joined by Council
6 Member Joe Addabbo from Queens, and we're so happy
7 to be joined by Commissioner Susan Petito from
8 the NYPD and of course our favorite, Matt Gordon
9 from the Mayor's Office, and of course, Andra
10 Horsch from the Department of Transportation.
11 With that, let me turn it over to our esteemed
12 representative from the administration and the
13 Department of Transportation, David Woloch, Deputy
14 Commissioner for External Affairs; Bruce Schaller,
15 Deputy Commissioner for Planning and
16 Sustainability; and Victor Rosen, Assistant
17 Commissioner for Traffic Operations. Gentlemen,
18 thank you for being hear.

19 DAVID WOLOCH: Thank you, Mr.
20 Chairman, Council Members. Good morning. I am
21 David Woloch, Deputy Commissioner for External
22 Affairs at the New York City Department of
23 Transportation. And with me here today is Bruce
24 Schaller, DOT's Deputy Commissioner for Planning
25 and Sustainability, and Victor Rosen, Assistant

1 Commissioner in DOT's Traffic Operations Bureau.
2 Thank you for inviting us here today to testify on
3 five bills that relate to parking, Intros 175,
4 686, 786, 811 and 812. As you all know, DOT is
5 tasked with regulating curb space in New York City
6 and making sure it's being used as efficiently as
7 possible. As part of this responsibility, the
8 City has the largest muni meter parking system in
9 the country. Over the course of the past several
10 years, we've installed 3,500 muni meters and
11 removed over 17,000 single space meters. We've
12 placed muni meters in over 40 neighborhood retail
13 districts in the City. And going forward, we will
14 continue to expand. Muni meters provide the
15 public with a broad array of benefits and improve
16 street space through the removal of single space
17 meters and posts, wider sidewalk use for
18 pedestrians, increased payment options and an
19 approximate 10 to 15% curbside space gain. The
20 latter occurs because the removal of single space
21 meters allow for more flexible parking and is not
22 limited to the arbitrary space limitations that
23 the single-space meter causes. DOT has also
24 sought to use muni meters to better maximize the
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2 City's curb space through our paid commercial
3 parking program. This program, which began as a
4 pilot in fiscal year 2001 and which has been
5 incrementally expanded ever since, is based on a
6 change in our traffic regulations that now
7 requires commercial vehicles to pay for parking in
8 all spaces previously signed as no standing except
9 commercial vehicles in Manhattan's central
10 business district, where a muni meter and
11 appropriate signage have been installed. The
12 program provides a graduated rate structure so
13 that parking fees increase based on length of stay
14 to encourage turnover. Rates are two dollars,
15 five dollars and nine dollars for one, two and
16 three hours, respectively. The success of this
17 program has led us most recently to begin piloting
18 a variable rate structure known as Park Smart in
19 neighborhood retail districts. This initiative
20 began this past Monday in Greenwich Village, and
21 aims to increase the number of available metered
22 parking spaces by encouraging motorists to park no
23 longer than necessary. The meter rate is higher
24 when demand for parking is greatest and decreases
25 when demand is lower. The goals of Park Smart are

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2 to increase the availability of parking spaces,
3 increase safety, reduce double parking, reduce
4 pollution and reduce congestion from circling
5 vehicles. We hope to work with other communities
6 around the City that indicate an interest to us in
7 being part of this voluntary pilot program. DOT
8 is also pursuing a pilot program to make parking
9 more customer friendly. We're in the process of
10 developing an RFP for a system for use in our
11 parking fields that would allow motorists the
12 option of paying for metered parking utilizing a
13 cellular payment system. This concept of
14 alternate payment methods can best be tested in a
15 confined parking field to assess the feasibility
16 of this method for both the public and the City.
17 I will now address the three bills on today's
18 agenda that specifically relate to muni meters and
19 parking meters, Intros 175, 811 and 812. Intro
20 175 would require all muni meters to accept coin
21 and paper currency, credit cards, debit cards or
22 any card or pass sanctioned by the City as a
23 permissible form of payment. The payment options
24 the City currently accepts at its muni meters
25 already affords the public with a great deal of

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2 convenience. All the muni meters available for
3 non-commercial neighborhood parking, 2,300 muni
4 meters Citywide, now accept payment by credit
5 card. They also accept coins, including quarters
6 and two types of dollar coins, New York City
7 parking cards in three denominations as well as
8 non-PIN based debit cards. In addition there are
9 1,200 muni meters in the midtown Manhattan
10 commercial parking zone that accept all forms of
11 payment except credit cards, as commercial fleets
12 and entities generally do not issue company credit
13 cards to their drivers. Instead, they primarily
14 pay for parking using the New York City parking
15 card, which can be conveniently purchased online
16 at DOT's website. I'd also like to point out that
17 all muni meters that accept credit cards are
18 easily identifiable via the display of a credit
19 card logo on the face of each machine. The only
20 form of payment called for in Intro 175 that is
21 not accepted is paper currency. And there are
22 many reasons why converting to paper currency
23 would be highly problematic from cost and
24 operational perspectives. First, all of the
25 City's currently installed 3,500 muni meters would

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2 need to be replaced by an entirely different and
3 larger unit since the units now in use cannot be
4 retro fitted to accept paper currency. The
5 purchase price alone for the new units would be
6 approximately \$15,000 each for a total cost of 53
7 million dollars. Given the current fiscal climate
8 we're in, it's our judgment that spending 53
9 million to replace the recently installed and
10 perfectly good machines that are currently out on
11 the City sidewalks is not fiscally prudent. In
12 addition, from safety and security perspectives,
13 the accumulation and on-street collection of paper
14 currency would be highly problematic. The staff
15 would be more vulnerable to armed robberies,
16 assaults and other felonies, since the presence of
17 paper currency would provide a very inviting
18 target for criminals. In this context, we'd need
19 to consider employing armed guards or armored
20 courier service to collect such revenues.

21 Anything less would be potentially dangerous for
22 city workers. Finally it's our belief that the
23 low occurrences of vandalism that we've
24 experienced with muni meters would be expected to
25 rise. Let me conclude my discussion on this bill

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2 by pointing out that the growing trend for muni
3 meter payments has been away from cash and toward
4 electronic forms of payment. In fact, when DOT
5 first began installing muni meters ten years ago,
6 electronic payments accounted for less than one
7 percent of our total parking revenue. That number
8 has now grown to a current projection for this
9 fiscal year of approximately 25% of all payments
10 being made using electronic forms of payment, a
11 percentage that will continue to rise going
12 forward. And I should add that as a percentage of
13 muni meter payments, it's over-- electronic
14 payments are over 60%. Now let me turn to Intro
15 811, which would require DOT to replace all
16 parking meters with muni meters by July 1st, 2010.
17 This bill is similarly problematic from a budget
18 perspective, as the cost to replace all meters
19 with muni meters would be astronomical. The bill
20 would require that all of the 60,000 remaining
21 single-space meters be replaced by about 10,000
22 muni meters at a cost to the City of approximately
23 80 million, again, in equipment costs alone.
24 Should the replacement of single-space meters have
25 to be done with muni meters that accept paper

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2 currency, as Intro 175 would require, then the
3 projective cost for equipment alone would increase
4 to approximately 150 million dollars. At a time
5 when the city is cutting costs, we simply cannot
6 afford this. We are expanding the use of muni
7 meters, but are doing so on a cost-efficient
8 schedule. This bill would also require the City
9 to make available the option of payment for
10 metered parking utilizing a cellular telephone
11 payment system. As I mentioned earlier, DOT is
12 developing an RFP for such a system for use in its
13 parking fields. We strongly believe that such a
14 system needs to be thoroughly tested before it
15 could be used on a more wide scale basis. One
16 potential concern is that the use of such a system
17 will present challenges from an enforcement
18 perspective, however we agree that a cellular
19 telephone option should be pursued. And we look
20 forward to sharing the results of our pilot. Now
21 let me turn to Intro 812, which would allow a
22 person to park at a broken meter or muni meter up
23 to the maximum amount of time lawfully permitted
24 in that particular space, block or parking field.
25 Currently the maximum amount of time that a person

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2 may park in a missing or broken meter, as
3 Councilman Felder mentioned earlier, is one hour,
4 and we believe that extending this time would
5 serve as an open invite to vandals. Parking
6 meters infrequently break on their own, but are
7 often vandalized, usually for time, not for
8 quarters. The longer the time is extended, the
9 greater incentive there is for someone to break a
10 meter. While we understand the sponsor's concern
11 from a customer service perspective, we're
12 concerned about extending the time any further.
13 The fourth bill on today's agenda is Intro 786,
14 which would require the New York City Police
15 Department's handheld traffic enforcement
16 computers to be linked up with DOT's sing
17 information management system, SIMS, and
18 additionally requires that no ticket be issued if
19 the information on SIMS differs from the signage
20 that is posted. As you may recall, we worked very
21 hard with the Council on Local Law 58 of 2007,
22 which requires DOT to make information regarding
23 parking restrictions from its new SIMS system
24 available on its website by September 1st, 2009.
25 According to DOT's traffic rules, it's the

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2 presence of actual posted signage that governs the
3 regulations at a particular location and not what
4 may or may not be listed in SIMS. Secondly, once
5 SIMS is up and running, we anticipate their being
6 a lag time between, for example, the time when a
7 new parking regulation is installed or removed, to
8 when this information is actually updated in the
9 SIMS system. In fact Local Law 58 acknowledged
10 both these issues by including language directing
11 DOT to provide a disclaimer on its website
12 advising the public to check posted street signs
13 for compliance with laws and rules, and by giving
14 DOT ample time to update the SIMS system when
15 regulations are changed. It's important that New
16 Yorkers understand the sign on the street is what
17 denotes the parking regulation. In addition, the
18 Police Department has advised us that its parking
19 ticket device is not a wireless device capable of
20 accessing or utilizing the SIMS system. First
21 introduced in 2004, the NYPD has approximately
22 2,100 PDTs, utilized by approximately 1,800
23 traffic enforcement agents to issue summonses for
24 parking violations. They're not utilized by other
25 officers outside of parking enforcement. The

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2 PTDs' capacities are limited to scanning vehicle
3 registrations, accepting vehicle information typed
4 in by the traffic enforcement agent, printing the
5 summons and saving the information for download
6 and transmittal to the Department of Finance on a
7 daily basis. Therefore currently implementation
8 of Intro 786 would not technically be feasible.
9 The fifth and final bill on today's agenda is
10 Intro 686 related to curb cuts. This bill states
11 that any violation for parking in front of a
12 driveway or a curb cut are to be dismissed when a
13 Hearing Officer makes a determination that the cut
14 was made without the appropriate permits from DOT
15 and the Department of Buildings. I'd like to
16 point out that such a claim, that a curb cut is
17 illegal, is already a legitimate defense when such
18 violations are adjudicated. And therefore, we
19 don't think that this bill is necessary. Thank
20 you for inviting us here today, and at this time
21 we'd be happy to answer any questions that you
22 have.

23 CHAIRPERSON LIU: Thank you Deputy
24 Commissioner. We have proposed five bills, which
25 in our opinion will make life better for New

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2 Yorkers; and surprisingly you're testifying
3 against all five bills. Council Member Felder,
4 what time does atonement begin tonight?

5 COUNCIL MEMBER FELDER: With due
6 respect to the Chair, can we close the cameras and
7 the lights for a few minutes while I spend some
8 quality time with Commissioner Woloch?

9 [Pause]

10 CHAIRPERSON LIU: Well in deference
11 to Commissioner Woloch, I'm not sure you could
12 take him. But you guys can do it in that room
13 over there. We've been joined by Council Member
14 Oliver Koppell from the Bronx. I guess I have a
15 few questions with regard to each of the bills, so
16 we'll just go through them pretty quickly. For
17 Intro 175, I guess your main concern is that we
18 would require paper currency acceptance, when
19 actually the intent of Intro 175, and maybe we
20 just have to reword it a little more carefully,
21 the intent of Intro 175 is requiring that all muni
22 meters be able to accept plastic, not paper. And
23 your testimony is that all the muni meters
24 available for non-commercial parking, 2,300 muni
25 meters accept payment by credit card?

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DAVID WOLOCH: Correct.

CHAIRPERSON LIU: So what does it mean, non-commercial neighborhood parking?

DAVID WOLOCH: Okay. There's basically--

CHAIRPERSON LIU: [Interposing] I mean we thought that metered parking only is just for commercial corridors. There's no residential...

DAVID WOLOCH: Yeah. The word commercial in that case is not in terms of--

CHAIRPERSON LIU: [Interposing] Oh, you mean not commercial vehicles.

DAVID WOLOCH: --the area. It's for the parker, correct.

CHAIRPERSON LIU: I see. Okay.

DAVID WOLOCH: And the point here is that, look, if there were a demand from the companies that were using these commercial parking areas to park for credit cards, that would be one thing. But there hasn't for that smaller universe of muni meters. Everywhere where you and I and everybody else here can park using a muni meter, we take credit cards. So I think it sounds like we're on the same page.

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2 CHAIRPERSON LIU: We're not sure
3 that that's actually true. But I mean, you should
4 maybe go back and check that fact. I think there
5 are a lot of muni meters that do not accept credit
6 cards. What about municipal parking lots?

7 DAVID WOLOCH: They all do. And
8 Councilman, I think you may be thinking back to a
9 few years ago, certainly when the program started,
10 they did not take credit cards.

11 CHAIRPERSON LIU: I'm thinking back
12 to this past weekend. You sure? Even in all
13 municipal parking lots?

14 DAVID WOLOCH: Yeah.

15 CHAIRPERSON LIU: Okay. Well we
16 happen to have a large municipal parking lot in
17 Flushing, and those muni meters do not accept
18 credit cards. We get complaints about that all
19 the time. So that's just one example. But in any
20 event, if in fact it is true that all muni meters
21 already accept plastic, then perhaps it's not
22 necessary for us to push forth with the bill.
23 Because the intent is to make it convenient for
24 people, for motorists, to be able to pay their
25 meter fees by credit card.

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2 DAVID WOLOCH: That would be good,
3 since committing ourselves to 50 million dollars
4 for something we don't need would--

5 CHAIRPERSON LIU: [Interposing]
6 Yeah, I mean...

7 DAVID WOLOCH: --force us all to
8 have to atone for our sins next year.

9 CHAIRPERSON LIU: The intent of the
10 bill was plastic, not paper. Okay. Did you hear
11 that? He got a shot in there.

12 DAVID WOLOCH: I had to get that
13 in.

14 [Laughter]

15 CHAIRPERSON LIU: Sergeant, we may
16 have to restrain-- oh, he's going to the bathroom.
17 Okay. With regard to the next bill, Intro 811,
18 the problem here is that people are frustrated
19 with the pace of conversion. So it may seem that
20 80 million dollars would be too much for a year
21 and a half timeframe. But ultimately the plan is
22 to pay the 80 million dollars, because the plan is
23 to convert everything, all the meters to muni
24 meters. So what's the schedule then?

25 DAVID WOLOCH: Well first, there's

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2 a big difference between paying 80 million, and
3 again that's just for equipment alone, that
4 doesn't address labor.

5 CHAIRPERSON LIU: Right.

6 DAVID WOLOCH: Paying 80 million
7 now essentially versus spreading that out over a
8 period of time.

9 CHAIRPERSON LIU: So how long? I
10 mean, you know, nowadays eight million a year
11 would seem to be difficult also. And yet, I don't
12 think we can sit here and tell the public that
13 it's going to take ten years to convert all the
14 meters to muni meters.

15 DAVID WOLOCH: Right. I mean eight
16 million, particularly today, after what's happen
17 over the past month, is a big sum of money. We're
18 not suggesting that we don't spend that eight
19 million in the year to come, given the importance
20 of this program.

21 CHAIRPERSON LIU: Right.

22 DAVID WOLOCH: But we are
23 suggesting there's a big difference between eight
24 million and 80 million. And eight million is
25 something that matches the pace that we've been

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2 doing and we'll be able to continue.

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CHAIRPERSON LIU: So are you saying that there's generally a plan to have this completed ten years from now?

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DAVID WOLOCH: It's going to be a--

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CHAIRPERSON LIU: [Interposing] So that there would be a 20-year phase in of muni meters?

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DAVID WOLOCH: Well I think we initiated the program about eight years ago and we're probably looking at about another decade.

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CHAIRPERSON LIU: Okay. Obviously people will be frustrated about the length of time and there are all sorts of questions about how it is that-- how the DOT determines which neighborhoods to go to, in what order. But I think Council Member Felder's bill is born out of a frustration that's reflected by many of our constituents that, you know, how come some areas get muni meters and therefore they increase the number of parking spaces, and other areas don't have any muni meters.

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DAVID WOLOCH: I mean, I think we all understand that frustration because we

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2 recognize that the muni meter is such a useful
3 tool. As I pointed out in the testimony, we have
4 placed muni meters in over 40 neighborhoods around
5 the City. And they're pretty well spread out
6 throughout the boroughs. And we're going to
7 continue to expand that universe. But again, I
8 think we understand the frustration and we're
9 going to keep moving forward with this program.

10 CHAIRPERSON LIU: Okay. And then
11 on 812, I would absolutely agree with Council
12 Member Felder that limiting the time that someone
13 can park at a broken meter to one hour versus
14 maybe two hours, the maximum time or four hours,
15 that is in no way a deterrent on people breaking
16 meters. People breaking meters are going to do
17 it. It's highly illegal. It's a criminal act
18 already. Limiting that to one our, limiting the
19 parking at a broken meter to one hour instead of
20 the maximum time allowed at that meter, has the
21 effect of giving people tickets, people who don't
22 intend to break any law, but expected to be able
23 to park at a meter for say two hours or four
24 hours, because that's what the sign said, only to
25 find out that they could not make the payment. It

1 penalizes them, subjects them to tickets that they
2 totally are not expecting to get and has no
3 deterrent effect on people who wish to break
4 meters for whatever reasons. So, I would ask the
5 administration to more carefully consider the
6 objection to that bill. Because that, Council
7 Member Felder's Intro 812, to me seems to make a
8 lot of sense. But again, I ask the administration
9 to go back and think about it. Think about
10 balancing whatever deterrent effect, which in this
11 case I see no deterrent effect, against the
12 numbers of people who are getting tickets for that
13 kind of violation. When they park, they're
14 expecting to park for two hours or four hours and
15 wanted to make the payment, but could not make the
16 payment. And they may even have understood,
17 perhaps erroneously, but they still may have
18 understood that with a broken meter they're
19 allowed to park up to the maximum time. Let's for
20 once balance the need to deter people from
21 committing crimes, which again, there's already a
22 criminal statute against that with jail time
23 included, versus preventing people from getting
24 tickets that are unfair and unreasonable.
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2 DAVID WOLOCH: Councilman, we're
3 certainly interested in trying to find that
4 balance. And it is an issue we'll continue to
5 think about. But I'd also like to point out that
6 perhaps something else that we could do is to go
7 to greater lengths to let people know that there
8 is a one-hour limit. That's part of the problem.
9 But again, we understand the concern that's been
10 raised from a customer service perspective. And
11 it's an issue we'll--

12 CHAIRPERSON LIU: [Interposing]
13 Right. And I would go further to say that it's
14 not just a matter of posting a little note saying
15 if the meter is broken you can only park for one
16 hour. The fact is that in the business district,
17 the sole purpose of parking meters is to regulate
18 the turnover level. In some areas the Department
19 of Transportation determines that the appropriate
20 level of turnover is one hour. In some areas it's
21 two hours, in some areas it's longer. And so for
22 the convenience and the expectation of the person
23 parking the car, who in general does not know that
24 the meter is broken at that location, to get it to
25 allow them the maximum period that they were

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2 expecting to have. I think that's perfectly
3 reasonable. And we're expecting soon all the
4 parking meters will be converted to muni meters
5 anyway. So this is just a relatively temporary
6 rule. Again, the issue is not just customer
7 service; it's also how much of a deterrent effect
8 this really has. And I just can't believe that
9 this has any deterrent effect. Again, there are
10 criminal statutes in place.

11 DAVID WOLOCH: The Department's
12 experience was when this rule went into effect,
13 that it did have an impact. And I have to tell
14 you that we can make light of the vandalism issue--
15 -

16 CHAIRPERSON LIU: [Interposing]
17 Nobody knew about the rule.

18 DAVID WOLOCH: --it continues to
19 happen. Just this week there were two arrests for
20 people vandalizing meters. Again not to steal
21 money--

22 CHAIRPERSON LIU: [Interposing]
23 Yes. And those people will continue to get
24 arrested. But they're not going to be deterred
25 just because you only get up to one hour for a

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2 broken meter instead of the maximum two hours that
3 may be allowed. And we're talking about a
4 decreasing number of parking meters throughout the
5 City, more and more parking meters are being taken
6 down to one-hour.

7 DAVID WOLOCH: That's correct.

8 CHAIRPERSON LIU: Which, you know,
9 may reflect the reality it's getting more crowded.
10 But again, please, the deterrent argument just
11 doesn't make sense. So let's work on it. I think
12 Council Member Felder is a very reasonable person.
13 And let's try to get this bill done because it
14 just doesn't make sense. We've been joined by
15 Council Member Vinnie Ignizio from Staten Island
16 and Council Member Daniel Garodnick from
17 Manhattan. Just a couple of questions and
18 comments on the testimony about the other two
19 bills. The technology, it's very well possible
20 that the technology on the handheld devices is not
21 able to download the data that will soon be
22 available online through SIMS. We think that
23 handheld devices are continuously purchased and
24 that at some point, you know, our equipment has to
25 catch up. So even if it can't be done tomorrow or

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2 by September 2009, that's a goal that we want to
3 head towards. And that's the intent of this bill,
4 to focus the attention and the efforts so that,
5 again, that the primary focus of all of these
6 bills is to reduce the amount of unfair and
7 unreasonable ticketing that New York City
8 residents and even visitors are subjected to. So
9 we hope that while it may be true that the devices
10 currently are not able to handle that technology,
11 although I think the devices are capable of more
12 than you're giving the devices credit for. I
13 think that it's a goal that we want to get towards
14 and we'll continue to monitor the capabilities of
15 these systems and equipment and hope that the City
16 will move progress along as quickly as possible.
17 And then my final question, and I'll turn it over
18 to my colleagues-- and we've also been joined by
19 Council Member Miguel Martinez from Manhattan.
20 Are you sure than illegal curb cut is already a
21 legitimate defense?

22 DAVID WOLOCH: Yeah. We've
23 confirmed that with the Department of Finance.

24 CHAIRPERSON LIU: Okay. Okay, well
25 then I mean I would actually agree that if that is

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2 in fact the case, then that bill would not be
3 necessary. But we'll check that as well. And so
4 let me turn the floor over to Council Member
5 Felder for questions.

6 COUNCIL MEMBER FELDER: Firstly,
7 Commissioner Woloch, is Councilman Felder a
8 reasonable man or not?

9 DAVID WOLOCH: Always.

10 COUNCIL MEMBER FELDER: Always,
11 very good.

12 MALE VOICE: Mr. Chairman, I wish
13 to object to that. I want to go on record as
14 saying he's not always reasonable.

15 [Pause]

16 COUNCIL MEMBER FELDER: He's out of
17 order.

18 [Laughter]

19 COUNCIL MEMBER FELDER:
20 Commissioner Woloch, on the bill for the two hours
21 or four hours that the Chair was talking about
22 just recently, you keep on saying about the
23 deterrent, we're not talking about breaking the
24 meters for the money, you know. I don't know why
25 you keep on bringing that up. We all agree, I

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2 would say-- I shouldn't say we all. I'd say most
3 of us agree that people are breaking the meters
4 not to break into it to get quarters out of it.
5 They're breaking the meters because of a variety
6 of reasons, but not to get the coins out of the
7 slot machine. If that is the case, I want to
8 reiterate that no one here thinks that it's a
9 small problem, but that doesn't mean that it's a
10 larger problem by allowing people to park the
11 amount of time they would normally park otherwise.
12 I didn't do a study, but neither did you or your
13 department, I don't think so, that would indicate
14 that they find that there's a history of 10%
15 increase or 30% increase in people breaking more
16 meters when there's going to be more time
17 available. I don't think that's accurate. I
18 don't think that's accurate at all. I think those
19 people who break meters will break them for one
20 hour, for two hours, three hours or four hours.
21 It doesn't really matter. So change is something
22 that's very hard for all of us, but sometimes it's
23 necessary and I think this particular bill really
24 is a very reasonable-- as the Chair articulated,
25 it would be a temporary one, but certainly a very

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2 logical one. The other thing is can you just
3 explain a little bit more about the roll out of
4 the RFPs for the electronic payment of parking
5 spaces that you mentioned in your testimony?

6 VICTOR ROSEN: Yeah. Good morning,
7 I'm Victor Rosen.

8 COUNCIL MEMBER FELDER: Hi.

9 VICTOR ROSEN: We're doing an RFP
10 to determine what level of interest there is out
11 there amongst the cellular telephone companies,
12 etcetera, to provide cellular parking in our
13 parking fields. So we have 39 parking fields
14 throughout the City and they give us a contained
15 environment by which we can do a reasonable
16 prudent kind of testing. The different cellular
17 companies have different fee rates or schemes if
18 you will. So one company may say well, we're
19 going to charge, if you want to be a subscriber,
20 \$25 a month per person. Or they may say it will
21 be ten cents for each phone call. So we need to
22 assess, in responses to the RFP, which seems to be
23 the most reasonable kind of fee structure for the
24 public and also that the City doesn't have to
25 engage in a revenue sharing proposition with these

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2 companies. A further issue would be in terms of
3 enforcement, where there would need to be a
4 validation that someone paid. So we're looking to
5 roll the RFP out this spring. And we're expecting
6 to get responses probably from at least five or
7 six of the major credible vendors. And then do a
8 selection through the standard open process and
9 then go forward in the parking fields and then see
10 from that test bed how that can be replicated to
11 an on street format in the future.

12 COUNCIL MEMBER FELDER: In your
13 research, can you tell me what you have found in
14 terms of other large cities that have already this
15 system in place? Which one of the options have
16 they used?

17 VICTOR ROSEN: From what we've
18 seen, they vary. And again, it depends on what
19 the city policy is and what the interest level is.
20 So that there may be where people will want to pay
21 via Blackberry. You know, we don't know that we
22 want people driving around Blackberrying as
23 they're looking to park. So there's an array of
24 primarily financial but also operational and
25 safety issues that we're going to factor in to the

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RFP.

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COUNCIL MEMBER FELDER: Thank you very much.

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CHAIRPERSON LIU: Thank you. We've also been joined by Council Member Jessica Lappin from Manhattan. We have questions from Council Member Diana Reyna.

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COUNCIL MEMBER REYNA: Thank you, Mr. Chair. I just wanted to ask a question on your commercial parking program. The pilot program that you've already committed to and began in no standing except commercial vehicles in Manhattan, in the central business district; is that a pilot program that now will be expanded or you're still in pilot timeline?

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VICTOR ROSEN: No actually this, it started as a pilot in FY '01, and there was a change in the traffic regs in '4, which mandated for paid commercial parking wherever there was a no standing except trucks regulation. So that right now we have 1,200 muni meters in the Manhattan central business district that are exclusively for the use of commercial vehicles. And that runs from about 59th St. to 14th St., 2nd

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2 to 9th Avenues. And there's of course a grid in
3 the middle that are combination meters, about 500
4 of those, that are commercial during the day and
5 used by the public in the Theatre District in the
6 evening.

7 COUNCIL MEMBER REYNA: So wherever
8 there's a no standing except commercial vehicles,
9 and now I'm expanding this beyond the Manhattan
10 central business district, throughout the five
11 boroughs, if any of that exists, is the intention
12 of the agency to install muni meters?

13 DAVID WOLOCH: You know, the nature
14 of commercial parking outside of the central
15 business district is that there is much smaller
16 amounts of parking in one place for commercial,
17 commercialized activity, in most of the
18 neighborhoods throughout the City. We're going
19 forward interested in working to improve
20 commercial deliveries in smaller business
21 districts. It may be that muni meters and paid
22 parking are a tool to use in other neighborhoods.
23 There are also I think other parts of the
24 solutions for these other neighborhoods. Muni
25 meters make less sense where you have limited

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2 amounts of parking. So often there are places
3 where you may just have the equivalent of a couple
4 of spots for truck loading and unloading. And it
5 might not make sense there.

6 COUNCIL MEMBER REYNA: So,
7 Commissioner, I just want to find out as far as
8 the commercial parking signage outside of
9 Manhattan, because it's a big issue concerning,
10 let's say my district where you have no other
11 choice but to have these double parking issues,
12 you know, pedestrian traffic safety issues as
13 well. To be able to balance residential parking,
14 shoppers parking and commercial delivery parking,
15 how are you dealing with that? You made a
16 statement right now I believe that you're
17 exploring the possibilities of expanding no
18 standing except commercial in certain business
19 districts.

20 DAVID WOLOCH: Yeah, among other
21 steps. So in certain locations where there is no
22 truck loading/unloading, and you have a lot of
23 delivery activity and you have double-parking that
24 results, there might be a need for installing a
25 truck loading/unloading regulation. And--

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2 COUNCIL MEMBER REYNA: Have you
3 prioritized those areas? Have you identified
4 areas?

5 DAVID WOLOCH: We've actually begun
6 speaking with business improvement districts--

7 COUNCIL MEMBER REYNA:
8 [Interposing] You have? Okay.

9 DAVID WOLOCH: --around the City.
10 And we'd certainly be interested in hearing from
11 any Council Member that would like to work with us
12 in their neighborhood.

13 COUNCIL MEMBER REYNA: I am
14 requesting that at this moment with you, and so if
15 we can just continue this dialogue, because it is
16 an important issue in various ways, to both, you
17 know, the business and its community, shoppers and
18 residents in the area. You know, and as far as
19 the Intro for the actual muni meters being broken
20 and allowing at least the maximum lawful time
21 that's associated to that parking regulation-- you
22 know, I haven't signed on and I'd like to be added
23 to the bill. I just wanted to understand more so
24 why is the agency not allowing at least the
25 lawfully regulated parking timeframe?

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2 DAVID WOLOCH: Yeah, I mean I think
3 that's a fair question. As discussed in the
4 testimony, the issue is we want to discourage a
5 problem that we've had over the years and continue
6 to have, though less so with the muni meters, that
7 parking meters are vandalized frequently--

8 COUNCIL MEMBER REYNA:

9 [Interposing] Do you have--

10 DAVID WOLOCH: --by people--

11 COUNCIL MEMBER REYNA:

12 [Interposing] I'm sorry Commissioner. I just need
13 to understand when you say frequently, what number
14 of incidents are we talking about in monthly
15 basis?

16 VICTOR ROSEN: Well, we look at it
17 in terms of percent operable of meters. So for
18 example, muni meters have a percent operable or a
19 reliability factor of probably 97.7%, which is
20 very, very high and is exactly what we want.
21 Single-space meter is about 90%. So when we
22 upgraded the single-space meter from the old
23 mechanical handle meter to the digital electronic
24 meter, we experienced a down-crease in vandalism
25 because you don't have the handle that some people

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2 can break off. So, the operability is lower in
3 the single-space meter. But as reliable as the
4 meter is, it doesn't get sick or die on its own.
5 What happens is those meters are vandalized. And
6 it's been our experience in interviewing people
7 who we've arrested for vandalism that it's
8 invariably for that they want to park for as long
9 as they want to park and not have the burden of
10 receiving a summons.

11 COUNCIL MEMBER REYNA: I understand
12 your speculation as far as the alleged situation
13 is concerned. I just want to understand on a
14 monthly basis; how many incidents of the ones
15 you've just described are we talking about?

16 VICTOR ROSEN: We can get back with
17 a specific number.

18 COUNCIL MEMBER REYNA: So we don't
19 have any figures as to how many of these
20 occurrences are happening throughout the City of
21 New York?

22 VICTOR ROSEN: No, we do. I just
23 don't have it with me.

24 DAVID WOLOCH: So we'll get that
25 for you. I think maybe the way to think about it

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2 is there are probably many people who think when a
3 meter is broken they can just stay there, not just
4 for the duration of that particular meter, one
5 hour, the two hours, in some cases the four hours,
6 but they can just stay there all day. That's one
7 extreme. The other extreme would be to say that
8 if the meter is broken, you just can't park there
9 at all. We don't want to go there. We want to
10 allow people to have some time, but we want to
11 keep it limited to discourage the vandalism.

12 COUNCIL MEMBER REYNA: But
13 Commissioner is it not true that it's already
14 limited in reference to the timeframe of that
15 zoned area allotted by that meter?

16 DAVID WOLOCH: Sure. And for 50%,
17 roughly, of the single-space meters in the City
18 already have a one-hour regulation. So we're
19 talking about another 50% that are primarily two
20 hours, in a few cases longer than that.

21 COUNCIL MEMBER REYNA: And so in
22 those instances, wouldn't the customer, or you
23 know, shopper, whoever is using that particular
24 meter, be abused by being issued unfairly a
25 summons if they haven't violated a regulation

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because the meter called for two hours, but they're receiving a ticket in less than two hours?

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DAVID WOLOCH: It's definitely a concern that that's happening. Again, part of what we may need to do is do a better job of communicating the one-hour rule when a meter is broken.

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COUNCIL MEMBER REYNA: But the regulation right now is that if a meter is broken, whether it's a two-hour zone or a one-hour zone, if it's broken, you can only park for one hour?

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DAVID WOLOCH: Correct.

COUNCIL MEMBER REYNA: That's the regulation?

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DAVID WOLOCH: That's the regulation, correct.

COUNCIL MEMBER REYNA: And not every zone is a one-hour. So why would the regulation be one hour in a two-hour area? It's a contradiction in our own regulations.

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DAVID WOLOCH: Again, from a customer service standpoint, this is a valid point that Council Member Felder has raised. It's something that we're going to continue to think

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2 about. But on the other side, the idea of
3 limiting it to one hour is to discourage people
4 from thinking that breaking a meter is the path to
5 free parking. And it may be surprising, but this
6 does happen a lot, and we will get you those
7 figures.

8 COUNCIL MEMBER REYNA: I would
9 appreciate it. And I really want to compare those
10 figures with how many tickets are issued in two-
11 hour zones where, you know, people who are abiding
12 by the regulation are being issued tickets
13 unfairly. And so that the comparison, I would
14 presume, would show that there's a higher
15 incidence of tickets being issued for two-hour
16 zones than where a situation calls for a broken
17 meter, as opposed to criminality in trying to
18 abuse a parking meter and breaking it to take
19 advantage. And there's so much more of a
20 consequence associated to that, that I would be
21 baffled if it's the other way around. So I just
22 wanted to make sure that we're putting this into
23 context, because it just doesn't make sense. And
24 we have to try to place commensurate sense where it's
25 appropriate here.

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2 DAVID WOLOCH: Absolutely. And I
3 think it's an interesting question you've raised.

4 COUNCIL MEMBER REYNA: Thank you.

5 DAVID WOLOCH: As I said, we're
6 going to look into it further.

7 COUNCIL MEMBER REYNA: We look
8 forward to that. Thank you.

9 CHAIRPERSON LIU: Thank you Council
10 Member Reyna. You know, I just want to really
11 reinforce some of the things that Council Member
12 Reyna and Council Member Felder have already said,
13 that this is not just a customer service
14 perspective, this is the public policy perspective
15 that we have here in this Committee. And again,
16 the idea that this arcane rule is a deterrent is
17 silly. And it's certainly not a good reason to
18 continue this kind of rule that is so little
19 understood and so little known. And the irony of
20 this is that you have a rule that practically
21 nobody knows about. It's inconsistent with the
22 rule about missing meters, and yet even as it's so
23 little known or so little understood, the City
24 expects that to be a deterrent. It's so ironic.
25 Let's just get rid of this rule. Again, it's not

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2 about incentivising people to break meters,
3 because I don't think it's an incentive or a
4 deterrent either way. It's just about making sure
5 that people are not getting unfair and
6 unreasonable parking tickets. We have been joined
7 by Council member Darlene Mealy and we have some
8 follow up questions from Council Member Felder.

9 COUNCIL MEMBER FELDER: Thank you.
10 I'm trying to purify you before Yom Kippur as
11 well. I just want to follow up on the muni meter
12 numbers. And it doesn't matter to me whether it's
13 the last year or two, any data that you have would
14 be good. What percentage of the regular meters
15 have been, let's say, changed to muni meters in
16 the last year or two? Do you have information
17 like that?

18 VICTOR ROSEN: Yeah. Last fiscal
19 year we installed around 700 munis and removed
20 about 5,000 single-space meters. And that's kind
21 of been the pattern over the last few years.

22 COUNCIL MEMBER FELDER: So, I have
23 my calculator on me. What percentage of regular
24 meters through-- there are X number throughout the
25 City, were turned into muni meters last year?

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2 VICTOR ROSEN: Last year 17,000
3 single-space meters were removed, I'm sorry, 5,000
4 were removed and 700 munis installed in their
5 stead.

6 COUNCIL MEMBER FELDER: No. This
7 is a setup. And I'll tell you what I'm trying to
8 set you up for, is that I want to ask you the same
9 question in Brooklyn and let's say Queens and
10 Manhattan about these percentage changes. In
11 other words, you have a universe. I want to know
12 what percentage of the single meters have been
13 changed, and then I was going to ask you how many
14 single meters, what percentage of single meters in
15 Queens have been changed to muni meters?

16 VICTOR ROSEN: Well, I didn't bring
17 my calculator either so, I'll have to get back to
18 you.

19 COUNCIL MEMBER FELDER: But you
20 know where I'm going with this question.

21 VICTOR ROSEN: Yeah, yes. But a
22 lot of, as David said, of the 40 neighborhoods
23 that have been converted, many of those have not
24 been in Manhattan. They have been in Brooklyn,
25 Queens, The Bronx and also in Staten Island.

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2 COUNCIL MEMBER FELDER: I have a
3 suspicion that-- an add that fewer commercial
4 strips are neighborhoods-- it's very hard to
5 analyze and compare neighborhoods because there
6 can be 900 neighborhoods in Queens and if there
7 are smaller amounts of muni meters it's hard to
8 compare that. That's why I wanted the numbers and
9 the percentages. Because despite what you've
10 said, and my concern for other boroughs, I happen
11 to represent part in Brooklyn, and again, I'm only
12 talking about my own district; I have not seen,
13 you know, a real effort to try to change the
14 number of meters to muni meters, a real
15 significant change. Now I may be entirely wrong.
16 But that's why-- you don't have to give me the
17 information now, but like when you get the other
18 data I would love to see the percentage change per
19 year. And then if you have it broken out, not
20 necessarily, if you have it broken out by zip
21 code, I don't know, by precinct, I don't know how
22 you do your analysis, where those changes have
23 taken place over the last two fiscal years.

24 DAVID WOLOCH: We'll get you those
25 numbers and I think those are reasonable numbers

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2 to ask for. Just taking a step back for a second
3 and looking at the history of this program, the
4 muni meter program initiated in the central
5 business district in Manhattan over the first few
6 years. Over the past few years, we were very
7 focused on rolling out muni meters to commercial
8 districts around the City. And I know you want to
9 see the numbers, which is reasonable, but just to
10 give you a flavor of that, over the past year or
11 two, in Brooklyn for example, we have put muni
12 meters on Kings Highway, in the Brighton Beach
13 area, in Bay Ridge on 86th Street, on Ft. Hamilton
14 Parkway. Again, this is just over the past year
15 or two. As I had said in the beginning, we put
16 muni meters in over 40 neighborhoods around the
17 City. And part of the challenge for us, unlike
18 the rest of the country, is we have a much, much
19 larger inventory of commercial parking spaces and
20 therefore meters. Chicago, I think, has 30,000
21 meters. We have, even though we've implemented
22 muni meters over the past decade, we still have
23 60,000 single space meters left. We also have the
24 largest muni meter in the country. So, moving
25 forward with replacing single space meters in New

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2 York City is a large undertaking. If we were to
3 replace them all it would be great-- I would love
4 to bang on the table and replace all the single
5 space meters right now. And we will eventually
6 get close to that. But as we said in the
7 testimony, we start to approach a quarter of a
8 billion dollars to do everything in these bills.
9 So we need to move forward at a reasonable rate.
10 I think the concern about spreading out muni
11 meters throughout the City, which you're
12 referencing, is an important one and it's been
13 something that we've been trying to do,
14 particularly over the past two years.

15 COUNCIL MEMBER FELDER: Well,
16 despite the fact that you may think that I think
17 that you don't do anything right, that's not the
18 case. I think that for the most part, you're
19 doing a wonderful job. But the purpose of the
20 hearing and legislation is not to pat you on the
21 back. It's to point out the things that we want
22 you to do better. And this issue about not only
23 where those meters are being placed, the
24 percentage of meters that are being changed and
25 where they're being changed, but also how you

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2 determine, I'm very curious to know. And that's
3 my final question, please, how do you determine
4 which neighborhoods, as you put it, get those
5 changes?

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7 DAVID WOLOCH: It's a, I think fair
8 to say it's an art more than a science. But
9 generally we've tried to focus where the greatest
10 degree of retail and commercial activity is, where
11 some of the most congested strips are, where there
12 are requests from communities and elected
13 officials, and it's a balancing act in trying to
14 balance together all those things. Victor,
15 anything to add to that?

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17 VICTOR ROSEN: Yeah, you raise a
18 good point, Councilman. Let's say in Brooklyn,
19 for example, on 86th Street, 18th Avenue, 23rd
20 Avenue, we installed muni meters there and removed
21 several hundred single-space meters. At one point
22 we were deciding whether to do 86th Street or 18th
23 Avenue. And our surveys found that the intensity
24 of the commercial magnets and the volume and the
25 flow was far greater on 86th Street than it was on
18th Avenue, so 86th Street trumped 18th Avenue,
if you will, and got the muni meters, whereas 18th

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2 Avenue was back-burnered.

3 COUNCIL MEMBER FELDER: Can I just
4 make a comment, Chair?

5 CHAIRPERSON LIU: Please do.

6 COUNCIL MEMBER FELDER: That's what
7 I wanted to hear, because I wanted to be able to
8 say that there may be other factors as well. In
9 other words, if there are areas that may be not as
10 intense but that the parking is so necessary and
11 that with the muni meters and the statistics
12 showing that it increases spaces by 10 or 15%, I'm
13 sure you take that into consideration as well.

14 VICTOR ROSEN: Absolutely, yes.

15 COUNCIL MEMBER FELDER: Thank you.

16 VICTOR ROSEN: Sure.

17 CHAIRPERSON LIU: Thank you,
18 Council Member Felder. Questions from Council
19 Member Garodnick.

20 COUNCIL MEMBER GARODNICK: Thank
21 you, Mr. Chairman, actually--

22 CHAIRPERSON LIU: [Interposing] And
23 let me note that we've been joined by Council
24 Member Melinda Katz, from Queens.

25 COUNCIL MEMBER GARODNICK: --I only

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2 have one question. I first wanted to complement
3 Deputy Commissioner Woloch on his testimony in
4 that it laid out, I think, some of the issues that
5 would concern me most right now in terms of the
6 cost of the various pieces of legislation that
7 we're considering. This is going to be an issue
8 for all of us, of course, as we consider
9 legislation in the Council and of course DOT and
10 all of the agencies as to how we're going to spend
11 the City's money when we probably are going to
12 have a whole lot less of it. So I did appreciate
13 that portion of your testimony. I just wanted to
14 note that in-- for one of the bills, for Intro 786
15 I noted that you said that it would not be
16 workable-- this is the one which requires that the
17 NYPD's handheld traffic enforcement computers be
18 linked to the DOT's sign information management
19 system. And you said in your testimony that that
20 was not workable because the NYPD's devices, 2,100
21 of them, don't-- they're not wireless. And that's
22 a fair point. But I just wanted to know if you if
23 you could just attribute a cost to that to if you
24 were to create wireless devices, is the one
25 portion of the testimony there was not a cost

1
2 attributed to it. What would be the cost if the
3 sponsor or if the Council or if the DOT or the
4 NYPD were interested in making wireless devices
5 out of these 2,100 PTDs?

6 DAVID WOLOCH: I don't have that
7 figure, but we'll go back and try to dig that up.

8 COUNCIL MEMBER GARODNICK: That's
9 my only question. Thank you.

10 CHAIRPERSON LIU: Thank you,
11 Council Member Garodnick. But were you saying
12 that there was no wireless connectivity
13 whatsoever? I mean our understanding is there is
14 some connectivity.

15 DAVID WOLOCH: No. There's no
16 wireless connectivity whatsoever. I think there's
17 a way that that machine is able to download
18 information after the fact. But there's not a
19 wireless connection.

20 CHAIRPERSON LIU: Okay. But even
21 so, downloading on a daily basis allows a great
22 deal of information to be put into those devices.
23 I mean for example, it's our understanding that
24 when alternate side of the street parking is
25 suspended on a given day that those tickets would

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not be able to be issued from those locations.

DAVID WOLOCH: That may well be the case.

CHAIRPERSON LIU: Oh. So I mean even if it's not necessarily a real time connection at any given second, at the beginning of the day there are regulations that change from day to day and while there may not be a wireless connection to SIMS, there's still this ability to download the information on a daily basis. That would partially achieve the intent of Intro 786. Just look into it more carefully. You know, obviously technology keeps evolving and the intent is, once again, to make things as fair and reasonable for people who are parking their cars in New York City. We have questions from Council Member Lappin.

COUNCIL MEMBER LAPPIN: Not so much a question, Mr. Chair, as a comment on bill 686. I'd like to sign on as a co-sponsor of that and also as a co-sponsor of 175 and 812. But in terms of 686, it really ticks me off when people put up their own no parking signs, paint their own curb yellow, create their own illegal parking spots in

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2 front of where they live. And I see it happen and
3 it drives me nuts. People don't get to just make
4 their own personal, private parking spots on our
5 city streets. And then when the rest of us park
6 there because they're legal spots, we get tickets.
7 And it's outrageous. So I'm very happy that
8 you've introduced this bill.

9 CHAIRPERSON LIU: Thank you,
10 Council Member Lappin. And questions from Council
11 Member Mealy.

12 COUNCIL MEMBER MEALY: Good
13 morning, Commissioner. That's a perfect example
14 right there. How do the tickets agents know that
15 it's a legal curb cut? How could they give out a
16 ticket if they don't know if they went through the
17 building department to put the curb cut or they
18 just did it themselves?

19 DAVID WOLOCH: Generally there are-
20 - of the nine million parking summonses issued
21 each year a very small percentage, I think it's
22 much less than one percent, have to do with this
23 particular violation. And I think the Police
24 Department, for the most part, will only issue
25 this kind of summons when there's a complaint,

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when the owner of a driveway is blocked in by

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somebody and they'll complain. That may not

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always be the case, but for the most part that's

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the case.

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COUNCIL MEMBER MEALY: Do you know

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what's the record of tickets being dismissed by

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this illegal curb cut?

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DAVID WOLOCH: I think actually I

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do have that. Of the nine million parking

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violation, there were about 40,000 issued last--

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COUNCIL MEMBER MEALY:

13

[Interposing] Dismissed?

14

DAVID WOLOCH: --year for blocking

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a driveway, about 8,000 of which were contested.

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And over half of those were found to be not

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guilty.

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COUNCIL MEMBER MEALY: Not guilty,

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half. So 4,000. Okay. I just sat here and

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listened to you say that you all assess commercial

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strips to make sure that you put these kind of

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meters in. What is your criteria to take meters

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out? I'm speaking about Brooklyn now. We have

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meters on Utica Avenue from Empire all the way to

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St. Johns. That is a total commercial area. And

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2 you took all the meters, the once single-space
3 meters out. And now I have such an uproar with
4 the merchants there that they just asked to speak
5 to the Congress person at district to see how do
6 you expect our city to survive, if people are
7 getting tickets when they come to go to the
8 hardware store, to go to the food market, to go to
9 get their insurance. And I am saying I have asked
10 the small business to see-- to do assessment, and
11 they say we do need meters-- that the businesses
12 on Utica, St. Johns and even Empire Boulevard can
13 really survive. So I'm wondering have you all
14 ever looked at that? Why did you all take the
15 meters out for the first cause? That's one thing,
16 it was meters there. The commercial strip was
17 booming. And now it's no meters whatsoever. No
18 one can stop, go into a store and get anything and
19 come back out without getting a ticket. One
20 ticket agent is so bad that they call him Head On.
21 That's all, everyone in the whole community know
22 his name as Head On, where he would come up a one-
23 way street and just give you tickets, five
24 minutes, as soon as you go in the store and get
25 something, when you come out you got that ticket,

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2 because he always is head on with your car,
3 illegally, and giving out the tickets. He's
4 making millions for the City. But it's wrong on
5 the taxpayers and it's hurting the commercial
6 strip. In Brooklyn we're supposed to be nurturing
7 businesses. And that's my district. My office is
8 right down the block. They put meters on my
9 block. I don't get it. It's a whole residential
10 block. You take the meters of a strip, a
11 commercial strip, and put it on a residential
12 street. It doesn't make any sense. I ask, how
13 can you look into this? And if we say we really
14 want to make our commercial strips flourish, when
15 can you do the assessment?

16 VICTOR ROSEN: Yeah, what happened
17 over the course of a number of years--

18 CHAIRPERSON LIU: [Interposing] And
19 could you just pull them mic closer?

20 VICTOR ROSEN: I'm sorry. Yeah,
21 what happened over the course of a number of years
22 is where you've had areas where commercial
23 activity has declined or where vandalism was
24 extremely high, years ago meters were removed.
25 What we've done over the past number of years is

1
2 replaced or returned meters to some areas,
3 particularly when we get requests from community
4 boards. Now I don't recall receiving anything
5 from the area, but we'll certainly take a look.
6 And it is clearly our policy not to put meters in
7 front of residences.

8 COUNCIL MEMBER MEALY: So please.

9 VICTOR ROSEN: So yeah, we will
10 certainly take a look at that. And in so far as
11 meter replacement, we would do a survey and if it
12 warrants meters being returned, given the economic
13 vitality of the area and the need for turnover, we
14 certainly would install them.

15 COUNCIL MEMBER MEALY: Please.

16 Muni meters would be perfect on Utica and St.
17 Johns. And on St. Johns, my god, we had one DOT
18 person-- we fixed it, my office fixed it, where
19 they changed it for hourly parking, when it used
20 to be alternate side. That's a mixed-use area.
21 And when I mean someone came and they would check
22 the-- they would make a mark on a person's tire
23 and then come back within the hour, if the car's
24 still there they would give them a ticket. But
25 that, they just changed the signs for hourly

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2 parking, not meters. So, you should check on St.
3 Johns. That's a perfect place for muni meters.
4 So I hope you can do that assessment. I will be
5 talking with you in regards to that.

6 VICTOR ROSEN: Okay.

7 COUNCIL MEMBER MEALY: And the
8 congressperson, Major Owens, they went to him
9 before, because he was on Utica Avenue. And they
10 gave me all the documentation. I can get that
11 documentation to you before they have the meeting
12 with the new congresswoman.

13 DAVID WOLOCH: That would be great
14 and we're happy to look into these corridors
15 further.

16 COUNCIL MEMBER MEALY: Thank you so
17 much.

18 CHAIRPERSON LIU: Thank you,
19 Council Member Mealy. And that's it. Thank you
20 very much gentlemen--

21 DAVID WOLOCH: [Interposing] Thank
22 you.

23 CHAIRPERSON LIU: --for joining us
24 today. And let's go back and look at a couple of
25 the issues that really were highlighted. We are

1
2 now going to hear from the king of fighting
3 parking tickets, Glen Bolofsky of
4 Parkingticket.com. He'll be followed by a panel
5 consisting of Martin Schreet [phonetic] and
6 Christina Berthette [phonetic].

7 [Pause]

8 CHAIRPERSON LIU: Go ahead Glen.

9 GLEN BOLOFSKY: Okay.

10 CHAIRPERSON LIU: Please proceed.

11 GLEN BOLOFSKY: Thank you, Chairman
12 and any Council People who are still around. I
13 wish DOT would stick around for a minute. The
14 bill this morning that got the most attention was
15 Intro 812, I believe, allowing a motorist to park
16 at a broken meter up to the maximum time allowed
17 in the parking zone. We are seeing a great
18 increase in parking tickets for being there past
19 one hour. So, contrary to what I heard earlier
20 today from DOT, there is a great increase in the
21 quantity of tickets people are receiving for that
22 regulation. And that regulation was done, I
23 believe, I don't know of any consultation that was
24 done with the Council or business improvement
25 districts or community members when they created

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2 that new regulation, which basically overturned a
3 quarter century or half century of standard rules,
4 which is you can park for the maximum time that
5 you would normally be allowed to park if the meter
6 was working. So I agree that that bill is really,
7 really important to do and really quick. People
8 are getting hurt all the time. And the discussion
9 about deterrents, that's a great issue,
10 deterrents. I'd like to talk about that in great
11 detail. But the example that DOT brought out was
12 two vandalisms last week. So that was the
13 extreme, I think, because otherwise they would
14 have rolled out 20 if they had it. So it's
15 probably about 100 more or less vandalisms a year.
16 It's probably comparable to any other years and
17 it's certainly not a deterrent at all. So 812,
18 certainly, should be voted up. You know, it
19 certainly should come to a vote. I think it got
20 great support. Regarding some of the other Intros
21 today regarding 175 to accept credit and debit
22 cards for muni meters, it's absolutely necessary.
23 People don't have quarters with them, you know?
24 It's a cashless society and people don't have
25 change. And this should be taken everywhere. It

1 shouldn't be limited just to best passenger areas.
2 It should be for commercial vehicles as well. The
3 argument that they have not heard about it from
4 commercial organizations, that flies in the face
5 of things, because small businesspeople don't
6 necessarily give parking cards out because they're
7 running a small business themselves; there's one,
8 two or three people running that business and they
9 all have credit cards and so they need them. And
10 so the acceptance of credit and debit cards is
11 really essential. Intro number 686 really is mind
12 boggling to me that the City is issuing \$165
13 tickets for curb cuts; many of the curb cuts
14 themselves are highly illegal. And they testified
15 today, DOT testified, that 8,000 were contested
16 out of 40,000; which just shows a very, very small
17 percentage of the public has the time and energy
18 to contest those tickets, even though they're \$165
19 each. And there's no database anywhere that the
20 public can readily access to say hey, this is a
21 legal curb cut or an illegal curb cut. So the
22 bill requiring the judge, the Hearing Officer, to
23 check if the curb cut is legal is very important.
24 But what about the entire 40,000? Shouldn't they
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1
2 also go through a database check automatically,
3 kind of like the sign check? You know. There's a
4 database, the Department of Buildings, the
5 Department of Environmental Protection, I believe,
6 cuts those curbs. And shouldn't those just be run
7 through a curb cut database, just to see if those
8 addresses are authorized by permit to have curb
9 cuts there; all 40,000 not just the 8,000 that are
10 contested. The point about Intro 786 requiring
11 the handheld use of computer databases to check
12 the signage; that's something they could do
13 immediately, as you pointed out, Chairman. They
14 can upload and download. And they can upload the
15 entire map instantly. And it doesn't change that
16 much, and when it does change they can upload the
17 new map citywide. So they can have the entire
18 City on any handheld device instantly. Anything
19 to the contrary is just they don't know IT. So I
20 strongly recommend all of these bills. And last,
21 in terms of intro number 811 to require the DOT to
22 convert all meters to muni meters by July 2010 and
23 create a cell phone payment system is also urgent.
24 That's something that so many other cities have.
25 LA has it, I believe Houston has it; so many

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2 cities around the country have it. Why should we
3 be last on the list? And just a last point here
4 about the cycle of change; I heard today just,
5 incredibly disheartening to hear, that it's going
6 to take 18 years at best estimates. 18 years.
7 It's just way too long to make those changes.
8 It's probably going to be more like 30 if they're
9 admitting 18. So I want to complement the
10 Chairman and the Council for these bills. I think
11 they're long overdue.

12 CHAIRPERSON LIU: Thank you Glen
13 Bolofsky, for your testimony today and for your
14 input over the years as to how we can make parking
15 a more civilized experience here in New York City.
16 Thank you.

17 GLEN BOLOFSKY: Thank you,
18 Chairman.

19 CHAIRPERSON LIU: Let me ask our
20 final two people to speak. Martin Schreet, and
21 Christina Berthette.

22 [Pause]

23 CHAIRPERSON LIU: Mrs. Schreet not
24 joining you today?

25 MARTIN SCHREET: She's going to sit

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2 it out today, but she certainly agrees with both
3 of us. Thank you for battling--

4 [Off mic]

5 MARTIN SCHREET: There we are. Oh,
6 I can hear myself. Thank you for asking after my
7 wife. She's sitting over there. And the thing
8 about my wife is, we talk--

9 CHAIRPERSON LIU: [Interposing]
10 You'd better be careful there.

11 MARTIN SCHREET: We talk when we
12 walk. We're avid workers in the neighborhood of
13 Clinton/Hell's Kitchen. We're members and
14 founders of the Hell's Kitchen Neighborhood
15 Association and co-founders of the Clinton/Hell's
16 Kitchen Pedestrian Safety Coalition, because we
17 walk all the time. And those blasted curb cuts,
18 which were over produced in our neighborhood as a
19 sort of parking lot for midtown, are still there
20 despite a growing residential neighborhood. And
21 we're here to talk about the pedestrian connection
22 with those curb cuts. When my wife goes down with
23 those heels and makes a misstep, it concerns me
24 very much, and when I'm talking to her and make
25 one too. And cars coming in and out with curb

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2 cuts that are put up by some owners, some parking
3 lot, also pose a great pedestrian hazard as we
4 walk. So, we were hoping that 686 could be
5 broadened, probably not as it is, but in
6 continuing to pursue the curb cuts, vis-à-vis
7 their legality; are they right to be there, are
8 they legal to be there. And making the connection
9 is the most important part of the bill, not
10 because it's also about parking. It's about
11 pedestrian safety, and it's about a changing
12 neighborhood that needs to regulate more strongly
13 those curb cuts, the ones that already exist,
14 whether they are legal or not. And that drew me
15 in here today. That was the hope of this bill for
16 me. And I encourage you to keep at 686.

17 CHRISTINA BERTHETTE: Yes, I think
18 Martin and yourself put a finger on a very
19 critical point. Even if you want to go to check
20 on those parking and the curb cuts, we have tried
21 ourselves. And the situation of the curb cuts is
22 very opaque. There is not a real simple place to
23 go, even in the Department of Buildings, because a
24 lot of those curb cuts are pretty old, and
25 therefore they were granted long time ago. So I

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2 would encourage you to pursue an IT or an
3 information initiative to really make those curb
4 cuts information very, very visible. We don't
5 have a way-- we want to pursue and get them to be
6 illegal. They need to be legal and changed so
7 that the pedestrians can use the sidewalks, so we
8 can plant trees, so that the parking lots remove--
9 you know, do not use the whole lengths of the
10 façade as a curb cut. But there is nearly no
11 information about those curb cuts, and you have to
12 go through a lot of drilling to get few
13 information and most of it is not there. So if
14 your curb cut law, which doesn't seemed to be
15 maybe needed could be expanded to really emerge
16 the knowledge about the curb cuts, so that
17 everybody can go after that and request. And the
18 second thing is that it is really something where
19 it wouldn't cost anything to the City to ask the
20 owners to restore, to remove the curb cuts. And I
21 think the most important thing to do, rather than
22 having those judges and every level, you know,
23 fighting to find information, and put the wrong,
24 you know, to fight the wrong parking ticket, would
25 be really to put the focus on a campaign to get

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2 all the owners to go back to put the normal curb
3 cuts or the normal sidewalk. That is a campaign
4 that would be very beneficial to the parkers, and
5 it would be very beneficial to the pedestrians by
6 making the information transparent, and the burden
7 on the owners and therefore doesn't cost anything
8 to the City.

9 CHAIRPERSON LIU: Thank you. And I
10 think that makes a lot of sense. If you could
11 perhaps start with giving us a list of locations--

12 CHRISTINA BERTHETTE: [Interposing]
13 Sure.

14 CHAIRPERSON LIU: --where there are
15 curb cuts that are clearly unnecessary because
16 there's nowhere for the car or vehicle to pull
17 into.

18 CHRISTINA BERTHETTE: Exactly.

19 CHAIRPERSON LIU: I think we can
20 start--

21 CHRISTINA BERTHETTE: [Interposing]
22 With that.

23 CHAIRPERSON LIU: --with that as a
24 basis for either asking the Department of
25 Transportation and the Department of Buildings--

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CHRISTINA BERTHETTE: [Interposing]
Department of Buildings, right.

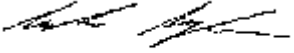
CHAIRPERSON LIU: --to take action
or perhaps put together some kind of legislation.

CHRISTINA BERTHETTE: Great. Thank
you so much.

CHAIRPERSON LIU: Thank you very
much. With that, this hearing of the City
Council's Committee on Transportation is
adjourned.

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date October 22, 2008 _____