

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON CONSUMER AFFAIRS AND TRANSPORTATION

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June 15, 2009
Start: 10:27am
Recess: 12:42pm

HELD AT: Council Chambers
City Hall

B E F O R E:
JOHN LIU
LEROY COMRIE
Co-Chairpersons

COUNCIL MEMBERS:
Oliver Koppell
Larry Seabrook
Danny Garodnick
Vincent Ignizio
Charles Barron
David Yassky
Gale Brewer
Diana Reyna
Eric Ulrich
James Gennaro

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

Janette Sadik-Khan
Commissioner
NEW YORK CITY Dept of Transportation

Robert LiMandri
Commissioner
NEW YORK CITY Department of Consumer Affairs

Joshua Beanstalk
Representative
Metropolitan Parking Assn.

Vincent Petraro
Representative
Metropolitan Parking Assn.

Carlos Teleria
Portfolio Mgr.
Newmark Knight Frank

Alan Marcus
Representative
Edison Park Fast

Peter Goloster
General Counsel
Transportation Alternatives

Robin Vitale
Representative
American Heart Assn.

Michelle Bonnan
Regional Dir. of Advocacy
American Cancer Society

Josh Nackowitz
State Policy Director
NY League of Conservation Voters

David Rensburg
Associate Director

Outdoor Adventures for Hazon

David Harris
President and CEO
CBOE Stock Exchange

Marian Imperatore
Policy Director for NEW YORK CITY Chapter
American Institute of Architects

Teela Duhamel
Community Organizer
Upper West Side Streets Renaissance Campaign

Rachel Erlich
Concerned Citizen

Karen Perrine
Staten Island Representative
New York Motorcycle Task Force

Jillian Smith
Concerned Citizen

2 CHAIRPERSON LIU: Good morning,
3 welcome to today's hearing of the City Council's
4 committees on Consumer Affairs and Transportation.
5 My name is John Liu, I have the privilege of
6 chairing the Transportation Committee. We've
7 convened today's joint hearing for the purpose of
8 considering two bills designed to make commuting
9 by bicycles easier here in New York. We
10 previously held a hearing on these bills in
11 December of 2008. My co-chair, Leroy Comrie, will
12 discuss proposed Intro 780A, which would require
13 garages to make provisions for bicycle parking.
14 The other bill, proposed Intro #871A, would
15 require certain office buildings to provide
16 bicycle access. Mayor Bloomberg announced Plan
17 YC2030 in 2007, and one major goal of Plan YC2030
18 is to increase transit capacity. A major
19 initiative to meet this goal is by promoting
20 bicycling. Many people know that the benefits of
21 bicycling are real, it is healthy, emission-free,
22 and relatively inexpensive. According to Plan
23 YC2030, the number of people cycling increased 75%
24 from 2000 to 2006. Bicycling also does not
25 require as much infrastructure or impact our

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2 infrastructure as other modes of transportation
3 might. Some of the ways that the city plans to
4 promote bicycling is by completing the city's 1997
5 bicycle master plan developed jointly by DOT and
6 City Planning, and by doing other things to
7 promote bicycling, such as public education.

8 Despite the benefits of bicycling and the city's
9 major efforts to make bicycling easier, one of the
10 major barriers to bicycling is that many times
11 riders cannot bring their bikes into their office
12 buildings. This discourages many riders who do
13 not want to park their bikes outdoors. Proposed
14 Intro 871A would attempt to address this problem
15 by creating bicycle access to certain office
16 buildings. We have been joined by council members
17 Vincent Ignizio of Staten Island, council member
18 Danny Garodnick of Manhattan, council member
19 Charles Barron of Brooklyn, and council member
20 Larry Seabrook of the Bronx, and at this point I
21 turn the floor to my co-chair, council member
22 Leroy Comrie.

23 CHAIRPERSON COMRIE: If there's
24 anyone that's going to testify, they can sit in
25 the chairs. No, you're not testifying, Annie?

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2 Then we might need you for comments, so don't
3 disappear. Good morning. I'm Leroy Comrie, I
4 have the privilege of chairing the Committee on
5 Consumer Affairs, I'd like to thank my colleague,
6 council member John Liu, the chair of the
7 Committee on Transportation, for co-chairing this
8 hearing today. I'd like to speak briefly about
9 Intro 780A. There is no mistaking the growing
10 popularity of biking to work in NEW YORK CITY.
11 According to Transportation Alternatives,
12 approximately 131,000 New Yorkers commute to work
13 via bicycle on a daily basis, double the number of
14 commuter cyclists six years earlier. This sort of
15 green behavior is a great development, and the
16 city certainly has adapted its landscape to meet
17 the needs of this growing breed of commuters by
18 adding bike lanes, installing more bike racks, and
19 by generally creating a city more welcoming to
20 cyclists. If passed, Intro 780A would help make
21 the city an even more hospitable place for
22 commuter cyclists. It requires all licensed
23 parking lots, all garages, with capacity of 50 or
24 more vehicles to create and maintain parking
25 spaces for bicycles. Specifically, the

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2 legislation would require one bicycle parking
3 space for every ten vehicle parking spaces, up to
4 100 vehicle parking spaces. After that, one
5 bicycle space would be required for every 100
6 vehicle parking spaces. This bill, which has been
7 amended since it was first heard in December,
8 exempts those that are already in accordance with
9 the recently enacted zoning text amendment
10 concerning bike parking in new construction.

11 Allocating space in parking lots and garages for
12 bike riders would go a long way towards easing the
13 concerns of New Yorkers who want to bike to work,
14 but who are hesitant to park their bikes on the
15 streets, for fear of theft or vandalism. If we
16 are to promote green behaviors in our city,
17 whether it's for our planet's health or physical
18 health, or our own health, it is incumbent upon us
19 to create a system that is both workable and
20 consistent with the principles we espouse. By
21 creating more space, by creating safer parking
22 opportunities for our city's cyclists, Intro 780A
23 would take an important step in that direction.
24 I'll now turn over the hearing to my colleague,
25 we've been joined by councilman Oliver Koppell,

2 and I believe he wanted to make an opening
3 statement. Councilman Koppell?

4 COUNCIL MEMBER KOPPELL: You did a
5 good job.

6 CHAIRPERSON COMRIE: Oh all right,
7 well, thank you. In that case, council member
8 Liu?

9 CHAIRPERSON LIU: Thank you very
10 much, we're delighted to be joined by the
11 commissioner of the Department of Transportation,
12 Janette Sadik-Khan. Welcome, commissioner.
13 Please proceed.

14 COUNCIL MEMBER KOPPELL: Chairman,
15 before the commissioner proceeds, I just would
16 like to thank her for sending promptly people to
17 my district yesterday in connection with a very
18 serious water main break, and I was delighted to
19 see that Broadway was open both ways this morning,
20 which I regard as nothing short of a miracle.

21 CHAIRPERSON LIU: Thank you council
22 member Koppell, and we've also been joined by
23 commissioner LiMandri of the Buildings Department,
24 welcome.

25 COMMISSIONER SADIK-KHAN: Great,

1
2 thank you. Chairman Liu, Chairman Comrie, I am
3 Janette Sadik-Khan, commissioner of the NEW YORK
4 CITY Dept. of Transportation, and as you noted,
5 with me here today in support of intros 871A and
6 780A is Robert LiMandri, commissioner of the Dept.
7 of Buildings. Thank you for inviting us back once
8 again to discuss these bills, which require office
9 building owners to provide bicycle access for
10 tenants who require them in freight elevator
11 buildings, and for garages to make provisions for
12 bicycle parking. As you know well, enhancing the
13 city's bicycle network and making commuting by
14 bike a viable option for all New Yorkers have been
15 top priorities for the department and key goals of
16 Mayor Bloomberg's Plan YC. Over the past few
17 months, in consultation with many groups who care
18 about this issue, we've had a productive dialogue
19 with the council as we've strived to develop this
20 unprecedented legislation. And I'm happy to say
21 that after considerable collaboration and
22 exchanges of points of view, we've crafted bills
23 that we believe go a long way towards making
24 bicycle commuting more feasible and attractive.
25 Given the cost associated with traffic congestion,

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2 both economic and environmental, and the fact that
3 transit fares and fuel costs are again on the
4 rise, cycling is needed now more than ever. In
5 addition, increased cycling would help address
6 critical health concerns such as our growing
7 epidemic of obesity and type 2 diabetes. Cycling
8 to work makes us healthier and can also save
9 employers money. The many cost saving,
10 environmental and health benefits of cycling are
11 undeniable and crucial to a more sustainable and
12 vibrant city. At our last hearing I described our
13 ongoing work to build out a robust bicycle network
14 for NEW YORK CITY. The numbers speak for
15 themselves. Ridership is up a record 45% from
16 2006 to 2008. These bills lay the foundation for
17 an even greater increase by offering commuters
18 secure ways of parking their bicycles, a big
19 barrier to bike commuting today. In the 2007
20 Department of City Planning study, over half of
21 non-commuting cyclists stated that the primary
22 reason they do not bike to work is the lack of
23 secure bike parking. Now let me turn to the
24 specifics of Intro 871A, which relates to bicycle
25 access to office buildings. In existing office

1 buildings equipped with freight elevators, when a
2 tenant requests bicycle access for its employees,
3 the building would need to develop a bicycle
4 access plan, post such plan, and allow bicycle
5 access for that tenant. Should a building owner
6 seek an exemption, it would be to certify that a
7 building's freight elevator is not available for
8 such use, or that secure and covered off-street,
9 or secure indoor no-cost parking is available
10 within three blocks or 750 feet of the building.
11 The access plan or certification of exemption
12 would need to be posted in a prominent location
13 within the building, so that it's available to
14 tenants, employees and inspectors. Working with
15 DOB, DOT would enforce these provisions as part of
16 a complaint-driven process. Additionally, the
17 bill would establish a temporary bicycle commuting
18 task force comprised of three members to be
19 appointed by Speaker Quinn and representatives
20 from the Departments of Transportation, Buildings,
21 Parks and City Planning, which would provide
22 recommendations on establishing partnerships with
23 private entities to develop sheltered bike parking
24 in public or private spaces. Consistent with the
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goals of Intro 871A, the next bill before us, Intro 780A, would increase the availability of off-street parking for cyclists by mandating garages that accommodate 51 or more motor vehicles be required to provide bicycle parking. The size of the spaces reserved for bicycles would be at the discretion of the garage, but must be at least 2X3X6 feet in volume. For every ten spots available to cars, one must be designated for bicycles, up to 20 spaces. Facilities that have more than 200 spaces for cars, after the initial 20, must provide one more per 100 additional vehicles. This law would be enforced by the Department of Consumer Affairs, and exemptions may be granted in cases where compliance would not be possible within applicable zoning regulations. We support this bill, just as we support Intro 871A, for it will offer cyclists more options for secure bike parking, encouraging those who may otherwise be deterred, to ride their bikes more frequently. In conclusion, we know that safe parking for bicycles is crucial to provide and promote cycling as a viable mode of transportation. To accommodate more cyclists, we must provide access

2 to space off the streets and sidewalks. The
3 passage of intros 871A and 780A will allow this to
4 happen, and we strongly urge the council to
5 approve both bills. And I want to say personally
6 how wonderful it was to work with council staff on
7 this, it was really a very productive give and
8 take on these bills. Thank you for inviting us to
9 testify before you today, and we'd be happy to
10 answer any questions you may have.

11 CHAIRPERSON COMRIE: All right,
12 good morning, thank you commissioners for being
13 here this morning. I want to agree with you and
14 thank all of the staff from both committees and
15 your both offices that helped work to put these
16 bills together and to get us to where we are
17 today. I wanted to ask you if either one of you
18 could answer, commissioner LiMandri or
19 commissioner Sadik-Khan, how many existing parking
20 garages would be affected by this legislation, and
21 how many additional spaces, do you think, would be
22 created?

23 COMMISSIONER SADIK-KHAN: The
24 requirement to provide bike parking applies to
25 1,330 premises in class C and class D facilities.

2 CHAIRPERSON COMRIE: 1,330?

3 COMMISSIONER SADIK-KHAN: Yes.

4 CHAIRPERSON COMRIE: Okay. And how
5 many do you think would ... you said at one point in
6 your testimony that there may be some entities
7 that compliance would be not possible within
8 applicable zoning regulations?

9 COMMISSIONER SADIK-KHAN: Uh huh.

10 CHAIRPERSON COMRIE: Do you have an
11 estimate on how many facilities those would be?

12 COMMISSIONER SADIK-KHAN: We do
13 not.

14 CHAIRPERSON COMRIE: Okay. But
15 you've already been informed that there may be
16 some facilities that would not be amenable to
17 making this happen, and was there an alternative
18 idea for those types of facilities, where the
19 typical zoning would not allow it?

20 COMMISSIONER SADIK-KHAN: Well,
21 when we were taking a look at the issue of
22 exemptions in a garage that's an accessory to
23 another use, where there was a minimum number of
24 parking spaces that was required for that use, the
25 number of automobile spaces might not be able to

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2 be reduced, due to that minimum requirement.

3 CHAIRPERSON COMRIE: Okay. And
4 then you also talked about parking lots as well,
5 that we're talking about. Are we talking about
6 parking lots that would be for consumer retail
7 lots also, like the lots that, a Home Depot lot,
8 or a supermarket lot? Have we talked about
9 including those types of lots as well?

10 COMMISSIONER SADIK-KHAN: Yeah, we
11 have the parking lot number we think is 362 that
12 we've surveyed.

13 CHAIRPERSON COMRIE: 362, okay.
14 And that would create how many spaces in ...

15 COMMISSIONER SADIK-KHAN: On the
16 parking lot side that would be about 4,216.

17 CHAIRPERSON COMRIE: 4,216. So
18 overall how many bike spots are we creating?

19 COMMISSIONER SADIK-KHAN: We don't
20 have the final number, but it looks like it's over
21 20,000.

22 CHAIRPERSON COMRIE: And do you
23 have a sense of what the fiscal impact of this
24 legislation would have on the parking garages or
25 what kind of financial impact it may take for them

2 to convert the space? What the estimated cost
3 would be, approximately?

4 COMMISSIONER SADIK-KHAN: We think
5 it's going to be de minimis, and we think it would
6 be offset by the benefit that commercial owners
7 realize in terms of providing the parking to
8 attract quality tenants. We're starting to see a
9 huge demand there. And so to the extent that
10 owners can attract even more tenants to their
11 spaces, particular in a downturn with this type of
12 investment, we think that it will be positive.

13 CHAIRPERSON COMRIE: Okay. And
14 what's the normal rental for bike parking, for
15 people that already have existing parking for
16 bikes? Do you have any idea what that is?

17 COMMISSIONER SADIK-KHAN: I don't
18 know that, I think the Department of Consumer
19 Affairs may have that information.

20 CHAIRPERSON COMRIE: Okay. But
21 according to the bill that any of these could set
22 their rates at whatever they felt the market could
23 bear, correct?

24 COMMISSIONER SADIK-KHAN: Correct.

25 CHAIRPERSON COMRIE: And how are

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2 those rates reviewed? Do we have any plan to do
3 that, or they ...

4 COMMISSIONER SADIK-KHAN: They
5 would be, excuse me, they would be reviewed by the
6 Commissioner of Consumer Affairs, much like the
7 current parking rates are reviewed by the
8 Commissioner of Consumer Affairs. So a rate would
9 be developed and provided to the commissioner, who
10 would review that, and that would be the way that
11 the process happens.

12 CHAIRPERSON COMRIE: And they would
13 be posted in the same way that the auto parking
14 rates are, where the customer would see it as soon
15 as they moved in and they would know what the
16 daily rate, hourly rate or weekly rate is?

17 COMMISSIONER SADIK-KHAN:
18 Precisely.

19 CHAIRPERSON COMRIE: And they would
20 have all those same options, daily, weekly,
21 monthly, you say?

22 COMMISSIONER SADIK-KHAN:
23 Absolutely.

24 CHAIRPERSON COMRIE: Okay, great.
25 Great, you know, I think that you've done a lot of

2 extensive work on this, and I look forward to
3 seeing this implemented. I know that there are
4 more and more people that are contacting my office
5 about the need for biking and so I look forward to
6 making sure that any other kinks may be worked
7 out, and we can move forward on these bills.

8 COMMISSIONER SADIK-KHAN: Thank
9 you, Mr. Chairman.

10 CHAIRPERSON COMRIE: Thank you. I
11 know that council member Liu has some questions,
12 and then I believe council member Barron and
13 council member Garodnick.

14 CHAIRPERSON LIU: Thank you,
15 Chairman Comrie. I want to thank Commissioner
16 Sadik-Khan for her efforts on behalf of bike
17 riders in NEW YORK CITY, balancing their needs
18 with that of other New Yorkers. With respect to
19 Intro 780, that would require garages to set up
20 bicycle parking. Is there any thought as to what
21 those fees would be, or that would just simply be
22 market-driven?

23 COMMISSIONER SADIK-KHAN: I believe
24 those would be market-driven, we don't, we're not
25 proposing to set the fees.

2 CHAIRPERSON LIU: Okay, so they
3 just basically have to have the space available,
4 and if a person from the public wants to park
5 their bikes there, that member of the public would
6 have that kind of access, but they would still pay
7 the parking fee?

8 COMMISSIONER SADIK-KHAN: They
9 would still pay the parking fee, and the bill
10 applies to those facilities that have 51 parking
11 spots or more in their facility.

12 CHAIRPERSON LIU: Okay. Oh, and
13 then going to the other bill, Intro 871, it only
14 applies to buildings with freight elevators?

15 COMMISSIONER SADIK-KHAN: Correct.

16 CHAIRPERSON LIU: And even then the
17 building owners can seek an exemption? They just
18 have to say that the freight elevator is not
19 available for such use?

20 COMMISSIONER SADIK-KHAN: Well, the
21 exemptions are pretty specific in terms of the
22 specifications of the size of the freight
23 elevator, or undue hardship, or dangerous
24 circumstances. That would be again done on a ...
25 we've done this, the structure of this bill is so

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2 that it's under a complaint-driven process working
3 with council staff, so that, you know, basically
4 it will be up to the tenants who want access for
5 bike parking to ask that this access be provided,
6 and then the owner would need to provide it at
7 that point in time.

8 CHAIRPERSON LIU: So under what
9 circumstances does this exemption get ... who would
10 accept or who would either approve or deny the
11 exemption request?

12 COMMISSIONER SADIK-KHAN: The way
13 it would happen is that a tenant, it's a tenant-
14 driven process, and that the tenant would request
15 the access. And then if the ... then the Dept. of
16 Transportation would determine that in fact the
17 tenant had requested this, and then we would
18 contact the owner to see what the reason for the
19 exemption was. And then we would investigate with
20 our colleagues at the Dept. of Buildings to assess
21 whether or not there was a reasonable request for
22 the exemption. Maybe it had something to do with
23 the structure of the freight elevators. You know,
24 maybe there was something else that was in there
25 that would require that. But we're basically

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2 looking to have freight elevators available for
3 tenants that are looking to access bike parking.

4 CHAIRPERSON LIU: I'm just trying
5 to get a little bit more clarification as to what
6 that means. The bill right now requires that a
7 plan be posted. So presumably every building
8 owner of an office building, an office building
9 equipped with a freight elevator, has to post such
10 a plan.

11 COMMISSIONER SADIK-KHAN: Right.

12 CHAIRPERSON LIU: That's not based
13 on a complaint-driven process, is it?

14 COMMISSIONER SADIK-KHAN: Well a
15 tenant, just because you have a freight elevator
16 does not mean that you have to post a plan. You
17 have to post a plan when a tenant asks you that
18 they want to have access to this building.

19 CHAIRPERSON LIU: Oh, okay. So the
20 bill requires the posting of a plan upon request
21 by a tenant? Is that what the bill says?

22 COMMISSIONER SADIK-KHAN: Yes.

23 CHAIRPERSON LIU: And if the plan
24 is not posted, at that point, presumably, the
25 tenant complains to 311.

2 COMMISSIONER SADIK-KHAN: If a
3 tenant is looking to have ... yes, if the tenant is
4 asking for it and it's not provided, then that
5 comes to us at the Dept. of Transportation, and
6 with our colleagues at DOB, Dept. of Buildings, we
7 will go and investigate as to whether or not it's
8 a reasonable request for an exemption, or not.
9 And if there is not a reasonable request for an
10 exemption, then ...

11 CHAIRPERSON LIU: But nobody's made
12 a request for an exemption here. Right now, say
13 I'm a tenant, say I have an office at some weird
14 building like 250 Broadway. And I want to bring
15 my bike in because it's Bike to Work day, and
16 security downstairs tells me no, I can't bring my
17 bike in, which coincidentally happens to have been
18 the case. And then I ... so I have to make a
19 request to the building to post such a plan, under
20 this bill?

21 COMMISSIONER SADIK-KHAN: Yes.

22 CHAIRPERSON LIU: And if the
23 building owner doesn't post such a plan, then I
24 call 311 to complain?

25 COMMISSIONER SADIK-KHAN: Right.

2 CHAIRPERSON LIU: So, and at that
3 point, no one's made a request for an exemption
4 yet.

5 COMMISSIONER SADIK-KHAN: No.

6 CHAIRPERSON LIU: All right, so
7 then the Dept. of Transportation sends an
8 inspector out? Is that what happens?

9 COMMISSIONER SADIK-KHAN: Yes.

10 CHAIRPERSON LIU: All right, so
11 still nobody has made a request for an exemption,
12 so it seems like the inspector from the DOT would
13 actually enter a building to assess a physical
14 characteristic within the building and then
15 determine if in fact the city would compel that
16 building owner to post a plan.

17 COMMISSIONER SADIK-KHAN: Correct.

18 CHAIRPERSON LIU: All right, I mean
19 that's not actually what the testimony says,
20 because it says, "should a building owner seek an
21 exemption", but nobody's seeking any exemption.
22 It sounds like there just would be no requirement
23 on the part of the building owner.

24 COMMISSIONER SADIK-KHAN: No, they
25 have to file the plan, but I was looking towards

2 the eventuality or the circumstance where the
3 building owner would say, "I can't possibly".

4 CHAIRPERSON LIU: Okay, so
5 everybody, actually every building owner, every
6 owner of an office building equipped with a
7 freight elevator would have to file such a plan
8 with the city? And that ...

9 COMMISSIONER SADIK-KHAN: Well,
10 what they have to file a plan when a tenant
11 requests it. This is a tenant-driven piece of
12 legislation. So if a tenant is asking for bike
13 access, and it's fairly easy to do.

14 CHAIRPERSON LIU: But you said that
15 in the eventuality. I mean, I'm simply saying,
16 I'm asking, is the owner of an office building
17 required to file such a plan?

18 COMMISSIONER SADIK-KHAN: If
19 tenants in the building would like to have bike
20 access, then they are.

21 CHAIRPERSON LIU: So a tenant ... so
22 no building owner is required to file any kind of
23 plan unless a tenant requests access?

24 COMMISSIONER SADIK-KHAN: That's
25 right, that's what the legislation says.

2 CHAIRPERSON LIU: Okay, and then if
3 they request access, presumably the building owner
4 would simply comply with this bill, and if the
5 building owner does not comply and does not post
6 an access, does not post a plan, then that tenant
7 would call 311, and a DOT inspector would go out
8 and inspect that building.

9 COMMISSIONER SADIK-KHAN: Right, we
10 would work with our colleagues at the Dept. of
11 Buildings on that.

12 CHAIRPERSON LIU: Okay, but who's
13 in charge?

14 COMMISSIONER SADIK-KHAN: We've
15 been given primary responsibility under the
16 legislation.

17 CHAIRPERSON LIU: All right. Does
18 the Dept. of Transportation have inspectors
19 qualified to make such assessments as to building
20 facilities?

21 COMMISSIONER SADIK-KHAN: That's
22 why we are working with our colleagues at the
23 Dept. of Buildings.

24 CHAIRPERSON LIU: Okay, does this
25 require additional budget?

2 COMMISSIONER SADIK-KHAN: No.

3 CHAIRPERSON LIU: Are you short-
4 staffed at the Dept. of Transportation in any way?

5 COMMISSIONER LI MANDRI: May I jump
6 in?

7 CHAIRPERSON LIU: Yes please.

8 COMMISSIONER LI MANDRI: So the way
9 we envision it working is, if the tenant requires
10 and would like to gain access, they make a request
11 to the landlord, the landlord posts the plan,
12 everything is fine. When a tenant makes that
13 request, as you discussed, and did not get a
14 response, they pick up the phone, they dial 311,
15 DOT goes out, and at that point in time, if
16 they're not in compliance with the law, most
17 likely the Dept. of Transportation would make the
18 assessment that there is no plan posted, and there
19 was a reasonable period of time where they asked,
20 and they'll come up with a protocol for
21 enforcement. It's at the point in time when
22 someone requests a waiver that says to DOT, "I
23 cannot comply with this requirement because", that
24 would be where the Dept. of Buildings would work
25 with the Dept. of Transportation and look at these

1 requests. So what we want to make sure is that
2 the opportunity for bicycle access is granted to
3 the most number of buildings. But in the
4 exceptions, this is where the Dept. of Buildings
5 would lend itself. This is not about inspection
6 resources, this is about looking at codes and
7 making sure that plans don't allow for, or
8 elevators don't allow for, the easy and safe
9 access of an individual to the space. So that's
10 really what we're looking for.
11

12 CHAIRPERSON LIU: Okay, and this is
13 in hindsight, but Commissioner LiMandri, could you
14 just identify yourself for the record?

15 COMMISSIONER LI MANDRI: Sure I'm
16 Commissioner LiMandri, I'm with the Dept. of
17 Buildings.

18 CHAIRPERSON LIU: Okay, it would
19 still be, the decision would still rest within the
20 Dept. of Transportation, in consultation with the
21 Dept. of Buildings, but it would be, it would rest
22 with the Dept. of Transportation whether or not to
23 grant the exemption.

24 COMMISSIONER LI MANDRI: That's
25 correct.

2 CHAIRPERSON LIU: Okay. So then
3 let's get back to my original question. I didn't
4 expect that all those other questions would come
5 up. The granting of the exemption, what would
6 constitute the objective measures by which to
7 grant the exemption or to deny it?

8 COMMISSIONER SADIK-KHAN: Well, we
9 would be looking at safety issues, if there was
10 some kind of a safety concern associated with the
11 access. There may be some unique circumstances
12 that were there. We didn't do a complete broad
13 brush on this, and so left the door open for if
14 there is an issue for a building that we would go
15 back and revisit it.

16 CHAIRPERSON LIU: Okay, because the
17 testimony basically says that they just, the
18 building owner needs to certify that the
19 building's freight elevator is not available for
20 such a use. And that seems to be a loophole large
21 enough to, I don't want to use the proverbial
22 "drive a truck through", I'll say, you know, send
23 a hundred bikes through, how's that? Because that
24 seems to be such broad possibility for an
25 exemption that it would almost render this bill, I

2 don't necessarily want to say useless, but I don't
3 know exactly what the bill would achieve with such
4 a large loophole.

5 COMMISSIONER SADIK-KHAN: Well, I
6 think ...

7 CHAIRPERSON LIU: Unless you can
8 more narrowly define what those criteria would be
9 for granting the exemption.

10 COMMISSIONER SADIK-KHAN: What we
11 would be looking at is safety issues, we would be
12 looking at the size of the freight elevator, we
13 would be looking at how much it's used. I mean,
14 those are the types of criteria that we would be
15 looking at there. And we would really question
16 whether it's available or not. You know, as you
17 know, the legislation was, you know, crafted with
18 a lot of input from lots of different folks, so we
19 are trying to we think pass, or work with the
20 council to put together a really landmark piece of
21 legislation that we think will go a long way to
22 improving bike access in commercial buildings, and
23 you know, there will be bumps along the road as we
24 look to get it implemented, but we're looking
25 forward to working with our colleagues at the

1
2 Dept. of Buildings, and we're really keen on
3 getting at least this de minimis requirement for
4 bike parking access in commercial buildings, where
5 they can be accommodated safely.

6 CHAIRPERSON LIU: No, I mean, I
7 agree with the intent of this bill, and, you know,
8 I think we all want to encourage more bicycle
9 riding and commuting in the city. The question
10 right now, I just have a question about this, the
11 testimony here. It just seems so broad. Why
12 don't I let you guys, you know.

13 COMMISSIONER SADIK-KHAN: Huddle?

14 CHAIRPERSON LIU: Get together
15 again, I think maybe Dave Woloch has some expert
16 insight into this as well. I'll turn it over to
17 some of my colleagues who have questions and then
18 we'll revisit my question again. My question
19 still pertains to the seemingly huge loophole that
20 is provided by this particular piece of
21 legislation. Council member Barron.

22 COUNCIL MEMBER BARRON: Thank you
23 very much. I wanted to, I'm very supportive of
24 both bills, but I'm concerned about the impact on
25 vehicular parking. We have already a parking

1
2 concern, crisis, with vehicles. How would that
3 impact the vehicle parking in some of the parking
4 lots? I know you said 51 spots or more it would
5 apply to. So in this particular case, then it
6 would take away some of the vehicle parking, have
7 we thought about that? There's an impact already,
8 parking is a mess, even for vehicles, and I'm
9 supporting these two bills, because it creates a
10 cleaner environment and it just needs to happen.
11 But I am still concerned about those residents who
12 are having difficulties already with vehicle
13 parking. So what's the impact there?

14 COMMISSIONER SADIK-KHAN: Well, we
15 think it will have a de minimis impact on the
16 availability of parking, and I think that, you
17 know, we have to really take a look at what we're
18 trying to do here also. We're really trying to
19 manage our system a little bit better and make it
20 possible for people to ride along a connected
21 network of bike lanes and be able to get from
22 point A to point B in a safe manner. And then
23 also when they get there, that they've got a place
24 where they can park their bike and know that it's
25 going to be there at the beginning and end of the

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2 day.

3 COUNCIL MEMBER BARRON: I think I
4 got all of that, I'm just concerned about what
5 happens to the vehicle parking, you know, how on
6 average how many spaces would we lose with
7 vehicles, and these parking garages, parking lots?
8 And what will happen to those vehicles?

9 COMMISSIONER SADIK-KHAN: Well, the
10 parking garages, per the legislation, are required
11 to provide the spaces if they are facilities that
12 are 51, if they have 51 spots or more. We don't
13 think that that's going to be a big burden on
14 these garages, in fact we think it's going to be a
15 great opportunity for them, because there is a
16 huge unmet demand for bicycle parking. And so to
17 the extent that, you know, garages can take
18 advantage of that, and we will have less people
19 going to work by car and more people going to work
20 by bike, it sort of works together, hand in hand.

21 COUNCIL MEMBER BARRON: So you see
22 no impact on vehicle parking?

23 COMMISSIONER SADIK-KHAN: We don't
24 believe that there's going to be a big impact on
25 vehicle parking, no. And we will be working with

2 our colleagues at the Dept. of Consumer Affairs as
3 we move forward on the program.

4 COUNCIL MEMBER BARRON: Are garages
5 presently, any researches on garages presently
6 being filled to capacity, or being underutilized?
7 What is your sense of that?

8 COMMISSIONER SADIK-KHAN: That
9 would be information that would be available to
10 the Dept. of Consumer Affairs, because they're the
11 ones that regulate the bike parking ... or regulate
12 the garages today.

13 COUNCIL MEMBER BARRON: I
14 understand that, but did you, in reference to this
15 bill, did you maybe look into that with the Dept.
16 of Consumer Affairs to see whether garages, lots
17 are overutilized, underutilized? So you can get a
18 sense of the impact that this would have on
19 vehicle parking?

20 COMMISSIONER SADIK-KHAN: Right,
21 it's ... we don't have that survey, council member,
22 we do have an assessment of exactly how many
23 garages would be affected by this, the number of
24 spots that would be required, and again, we
25 believe it's a de minimis amount that would be

required in these spots, and you know, parking lots vary across the city in terms of ...

COUNCIL MEMBER BARRON: Well, de minimis impact would have to be, you know, defined in terms of numbers. That would be interesting to find out. The other thing, this might be nothing, it might be totally irrelevant, but I'm going to ask it anyway. A bicycle is a vehicle with two wheels, I mean, is anyone going to try to say, well, their motorcycle is a bicycle?

COMMISSIONER SADIK-KHAN: No.

COUNCIL MEMBER BARRON: That's motorized and there won't be any ... it's clearly defined that it's human ...

COMMISSIONER SADIK-KHAN: Yes, and bicycles are ... and motorcycles are defined specifically in the traffic code.

COUNCIL MEMBER BARRON: Right, so that nobody would think that this will ...

COMMISSIONER SADIK-KHAN: Right.

COUNCIL MEMBER BARRON: Be their opportunity to try that. All right, thank you very much.

CHAIRPERSON LIU: Mr. council

2 member Koppell has a point of information about
3 his bill.

4 COUNCIL MEMBER KOPPELL: The point
5 of information, Charles, first of all, the bill
6 says only one bicycle space for every ten cars.
7 But secondly, the bill was amended to describe the
8 space that needs to be provided in such a way that
9 it would even allow operators to have a hanging
10 space for the bicycles, so they could be hung on
11 the wall. So that would not even probably take
12 any automobile spaces away. So I think, as the
13 commissioner said, it's de minimis.

14 CHAIRPERSON LIU: Thank you,
15 council member Barron, council member Koppell.
16 Questions from council member Yassky.

17 COUNCIL MEMBER YASSKY: Thank you,
18 Mr. Chair, I, as you know, am a strong proponent
19 and sponsor of 871A, so I won't spend any time,
20 you know, advocating for it here, other than just
21 to thank the commissioner and the chair for their
22 hard work in moving this forward. I just have two
23 points. One is on the general point. I
24 understand that there, you know, has been
25 extensive discussion of this bill over a period of

1 years now. And I'm not looking to reopen the
2 question I'm about to raise, but I'm just going to
3 say for the record, I do think that ultimately my
4 hope is that these bicycle access requirements
5 will apply at some point in the future to
6 buildings even if they don't have a freight
7 elevator, if they have a passenger elevator that's
8 large enough to accommodate bicycles. I
9 completely understand that there are many
10 buildings, I've been in them, where a passenger
11 elevator is not capable of accommodating bicycles.
12 Plenty of office buildings have elevators that are
13 large, passenger elevators that are large enough
14 for that. I don't know, and I gather the
15 Department doesn't fully know, and like I said,
16 not critically, but just because it's not an
17 easily known fact, how many of those buildings
18 have freight elevators and how many do not. But,
19 you know, to the extent that, if it's a small
20 category, then it doesn't affect that many people,
21 but it's also not that big an imposition. If it's
22 a large category, well then it affects a lot of
23 people. So I just want to say for the record that
24 we've talked about this. Commissioner, you and I
25

2 have talked about this issue. I've talked about
3 it with your staff, and obviously with the council
4 staff as well. I just wanted to, for the record,
5 say I still think that would be a worthwhile thing
6 to do, but I understand we're not going to do that
7 in this bill here, and this is a big, big step
8 forward. And I couldn't be more enthusiastic
9 about taking this big step forward. I just want
10 to ask one clarifying question. I want to make
11 sure I understand, the way that the bill is now
12 structured, the requirement to do an access plan
13 is triggered by a request from a ... for an office
14 building, is triggered by a request from a tenant
15 or sub-tenant in the building, is that correct?

16 COMMISSIONER SADIK-KHAN: Correct.

17 COUNCIL MEMBER YASSKY: If a
18 building has 30 tenants and one of them requests
19 an access plan, then the building ...

20 COMMISSIONER SADIK-KHAN: That's
21 enough.

22 COUNCIL MEMBER YASSKY: That is
23 enough, okay. Then I would just recommend, I'll
24 just draw your attention to section 28-504.2, the
25 second paragraph, the second section of the bill.

2 COMMISSIONER SADIK-KHAN: Uh huh.

3 COUNCIL MEMBER YASSKY: It says
4 "The tenant or sub-tenant of a building", not to
5 be fussy, but I would recommend that say "A tenant
6 or sub-tenant of a building may request", and then
7 in that second sentence, where it says "bicycle
8 access shall be permitted to the tenant, sub-
9 tenant and its employees", obviously it's not the
10 intention, but just to be crystal clear, I would
11 say that that sentence could be read to say that
12 access is permitted only for the tenant that
13 requested the plan.

14 COMMISSIONER SADIK-KHAN: Right.

15 COUNCIL MEMBER YASSKY: That's
16 obviously not the intention, and I would just
17 recommend that you, that that be redrafted
18 slightly to clarify it.

19 COMMISSIONER SADIK-KHAN: According
20 to the negotiations that took place, if one tenant
21 does request it, then the access is for that one
22 tenant. And then hopefully others will join on as
23 well. That was the way that it was drafted.

24 COUNCIL MEMBER YASSKY: Oh, I see.
25 In other words if that's the case, in other words,

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2 only employees of the tenant that requested it get
3 access, full ...

4 COMMISSIONER SADIK-KHAN: Because
5 they have to provide the access, they have to
6 provide the space.

7 COUNCIL MEMBER YASSKY: I
8 understand.

9 COMMISSIONER SADIK-KHAN: The space
10 in the building. I'd also, going back to chairman
11 Liu's point, the presumption, and I think this is
12 an important point, the presumption is that the
13 bike access should be available. That is the
14 presumption right up front. And so if it's
15 available for freight, then it should be available
16 for bicycles, and there needs to be a very strong
17 reason why not. So again, the going presumption
18 is that this is required.

19 COUNCIL MEMBER YASSKY: Thank you.

20 CHAIRPERSON LIU: Thank you,
21 council member Yassky. Council member Garodnick.

22 COUNCIL MEMBER GARODNICK: Thank
23 you very much. Mr. Chairman, let me thank council
24 member Yassky and of course both commissioners for
25 their support of this bill, of 871A, I'm a co-

1 sponsor. I just wanted to go back to that last
2 point, commissioner Sadik-Khan, on the presumption
3 that access would be available through the freight
4 elevator, and that there need to be strong reasons
5 why it is not. Because as I read the bill, I read
6 it much as you described it in your testimony,
7 which is that, and what it says is that bicycle
8 access need not be provided pursuant to this
9 article if an owner, lessee, manager or other
10 person who controls the building certifies on a
11 form provided by the Dept. of Transportation that:
12 1. the building's freight elevator is not
13 available for the use described in this article,
14 and it includes the reasons for that assertion.
15 Now it seems to me, unless I'm missing something,
16 that all the discussion about there needs to be a
17 good reason, or you know, there need to be unique
18 circumstances, as you described before, they don't
19 seem to be required under the bill. All they
20 really need to do is provide, fill out the form
21 that you all give them, and say that the freight
22 elevator is not available for whatever reason they
23 say. Is that wrong?

25 COMMISSIONER SADIK-KHAN: Well,

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2 they don't have to get ... the idea is that we will
3 obviously be enforcing this with the presumption
4 that they need to have a bike access plan. And so
5 unless there's an extraordinary circumstance,
6 that's what we're going to be asking them to do.

7 COUNCIL MEMBER GARODNICK: But the
8 problem here is that it does not require sign off
9 from you. It does not require the department to
10 rule on the legitimacy of the claim that the
11 freight elevator is not available here. All it
12 does require is that DOT provide the form, and
13 then access need not be provided, if a building
14 says, "Well, our freight is not available", and
15 they just give you a reason or reasons for that.

16 COMMISSIONER SADIK-KHAN: Well, we
17 will be working with our colleagues at the Dept.
18 of Buildings to insure what the reasonableness
19 piece is associated with that, that this isn't
20 just a runaround associated with somebody saying
21 just no.

22 COUNCIL MEMBER GARODNICK: Well,
23 that's great, and I think that's fine. The
24 problem is that the law does not give DOB or DOT
25 the ability to weigh in on the legitimacy of that

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2 claim. So it seems to me that we might want to,
3 and I suggest this to the sponsor, we might want
4 to tweak this so that it actually gives the
5 ability for DOT or DOB to actually make that
6 determination of reasonableness or unique
7 circumstances, or whatever it is. But I see
8 you've been passed a note, so let's hear what the
9 story is.

10 COMMISSIONER SADIK-KHAN: Well, the
11 notion is is that all of this, you know, while
12 it's a little bit vague in the legislation, the
13 way that this will be enforced and moved forward
14 is by the forms that are filed with the
15 department, and we are going to be promulgating,
16 you know, a form that building owners will have to
17 submit to us. And the presumption in those forms
18 is that you must provide this access. So again,
19 we are going to be taking a very strict look at
20 exactly what is and what is not reasonable in the
21 context of that.

22 COUNCIL MEMBER GARODNICK: The
23 problem is that, and I mean this all respect, is
24 that the law is actually clear, it's too clear,
25 it's clear that DOT does not have the ability to

2 make that final determination and to weigh in on
3 the reasonableness that you're describing. So I'm
4 concerned about ...

5 COMMISSIONER SADIK-KHAN: We can
6 deny the exemption and we can impose a fine.

7 COUNCIL MEMBER GARODNICK: Okay,
8 let's talk about that. Where can you deny the
9 exemption in this bill? Because that's a critical
10 point if that's correct. Because I did not see
11 that.

12 COMMISSIONER SADIK-KHAN: What
13 we've got in the legislation ... what the ... where is
14 the section on the ...

15 MALE VOICE: Right here.

16 COMMISSIONER SADIK-KHAN: Right,
17 the intent would be that there is no formal
18 denial, per the legislation, but the idea would be
19 that what we would do in our rulemaking would be
20 to specify that, you know, if somebody had ... if we
21 denied the exemption for an unreasonableness
22 clause, then we would be ... and a violation would
23 be issued, we would be looking to impose a fine
24 through the ECB for that submission.

25 COUNCIL MEMBER GARODNICK: So DOT

2 intends to promulgate rules covering all of this,
3 but the problem is that the law almost prohibits
4 you from doing that.

5 COMMISSIONER SADIK-KHAN: Right.

6 COUNCIL MEMBER GARODNICK: So I
7 want to make sure that we draft this in a way that
8 allows you all to do what you intend to do,
9 because I think it's a little clear saying that
10 bike access need not be provided in these
11 circumstances, in that loophole situation that the
12 chairman was talking about, and I think he's
13 right. But I think we need to give you a little
14 extra hook here. Just to say that the DOT will
15 promulgate rules to set the standards, or whatever
16 it needs to say to allow you to do what we're
17 describing, because I'm a little concerned that
18 the law as drafted may actually prevent you from
19 doing what I think we all want you to do.

20 COMMISSIONER SADIK-KHAN: Well, I
21 think that you make some excellent points, and as
22 we mentioned, this was a significant period of
23 negotiation that went over on this, with lots of
24 different parties with lots of different interests
25 involved here. And I'd be, I think we'd be very

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2 happy to work with you and the council's office
3 with language that would make very, very clear the
4 specific authority that the Dept. of
5 Transportation had in consultation with the Dept.
6 of Buildings in this regard.

7 COUNCIL MEMBER GARODNICK:

8 Terrific, thank you very much.

9 CHAIRPERSON LIU: Thank you,

10 council member Garodnick. Questions from council
11 member Ignizio.

12 COUNCIL MEMBER IGNIZIO: Thank you

13 very much, commissioners, and you'll be surprised
14 to know that I do support the legislation. I know
15 you're, there are some of you who were
16 questioning, wondering where I was on this. I do
17 have a question in regards to a couple of the
18 provisions of the bill. What designates a plan?
19 Does it require a professional to do any
20 certification, do any submissions, or can current
21 in-house staff of commercial buildings and/or
22 residential, should it go there, can they submit
23 or draft this plan?

24 COMMISSIONER SADIK-KHAN: We have

25 in there that the plan has to be posted. There's

specific circumstances, what we're looking for in the plan. We would also in the form that we will put up on our website, should the legislation pass and be signed into law, that would include the entrances that would be affected, the designated areas. It provides, you know, that the freight elevator is available during regular operating hours, and it can be amended from time to time. So whether you have an in-house person that can do this or not.

COUNCIL MEMBER IGNIZIO: It doesn't require ...

COMMISSIONER SADIK-KHAN: The focus ...

COUNCIL MEMBER IGNIZIO: It doesn't require the hiring out of someone to bring them in to devise a plan.

COMMISSIONER SADIK-KHAN: The focus is on the adequacy of the plan, however you get there.

COUNCIL MEMBER IGNIZIO: Okay, and the plan has to be requested by someone in order for it to be posted?

COMMISSIONER SADIK-KHAN: Correct.

2 COUNCIL MEMBER IGNIZIO: I

3 appreciate that, because what I really think
4 occurred is you struck a very good balance between
5 all communities here in this bill. But in doing
6 so, I mean, I would advise that if there's going
7 to be plans made, I don't know, maybe it's me, but
8 why not just put the plans out? And I think
9 that's more ... that's less to you, I'm sure you're
10 supportive of that, and I'm sure there are others
11 in the other side of the world that are saying, we
12 don't want to put it out. But, you know, even
13 coming from my perspective, if you're going to
14 develop a plan, if there's going to be a plan,
15 well then, allow for people to see the plan and
16 thereby maybe utilize it. So that part of the
17 bill just doesn't make much sense to me, and I
18 recognize it's probably not coming from your side
19 of the world. You know, finally I just wanted to
20 clarify my colleague's point, Ollie, are you still
21 here?

22 COUNCIL MEMBER KOPPELL: Yes,

23 Ollie.

24 COUNCIL MEMBER IGNIZIO: With

25 regards to the spaces, I think he can answer

2 perhaps, the spaces there are not necessarily
3 going to be any reduction in spaces, because it is
4 eligibility for the amount of bicycles, even if
5 that's a rack and not necessarily an actual space.
6 Is that correct, Ollie?

7 COUNCIL MEMBER KOPPELL: Yes.

8 COUNCIL MEMBER IGNIZIO: Okay.

9 Thank you very much, that was my question.

10 COMMISSIONER SADIK-KHAN: Okay. I
11 just want to clarify one piece. The whole point
12 of having a tenant-driven process here is that the
13 tenant has to actually have the space to put the
14 bikes there. That's the reason why it was a
15 tenant-driven process.

16 CHAIRPERSON LIU: Thank you. And
17 thank you, council member Ignizio. Council member
18 Garodnick points out some very valid observations.
19 The bill right now talks about how the building
20 owner simply certifies on a form provided by the
21 Dept. of Transportation that the building's
22 freight elevator is not available, and includes
23 the reasons. But that's it. That, this
24 legislation seems to imply that all that is needed
25 is the form to be filed with the Dept. of

2 Transportation. It doesn't suggest that the Dept.
3 of Transportation actually has to make a decision.

4 COMMISSIONER SADIK-KHAN: I think
5 that the legislation would be very much
6 strengthened with additional language in that
7 regard. I really support that notion.

8 CHAIRPERSON LIU: Well, I'm with
9 you, commissioner. I think that the language of
10 the bill should be strengthened so that we can
11 remove, we can at least constrain the loophole so
12 it's not so massive. I mean, right now there is
13 no process for the Dept. of Transportation or
14 anybody to actually require a building owner to
15 put such a bicycle plan in place, a bicycle access
16 plan in place. Because right now somebody could
17 just certify that the freight elevator is not
18 available, too bad.

19 COMMISSIONER SADIK-KHAN: Well, we
20 would specify in what it is that we promulgated
21 that there would be, you know, we would be looking
22 at size.

23 CHAIRPERSON LIU: But no matter
24 what, and this is, I mean, I appreciate your
25 efforts, commissioner. But no matter what you

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2 promulgate, it would not be ... the law still would
3 say that the person simply has to file a piece of
4 paper. It will be on a form provided by the Dept.
5 of Transportation, but that they just have to file
6 the form.

7 COMMISSIONER SADIK-KHAN: Right.

8 CHAIRPERSON LIU: And certify, and
9 I don't know what that means, it just basically
10 says that the freight elevator is not available.

11 COMMISSIONER SADIK-KHAN: I
12 support, or I understand the concerns that you're
13 raising, and agree with them.

14 CHAIRPERSON LIU: All right, so I
15 think we probably need some more substantive work
16 on this bill before it comes to passage. At least
17 passage in a meaningful way, that will actually
18 expand bike access in these buildings. [pause]
19 Well, I certainly would be very happy to work with
20 both commissioners, of Transportation and
21 Buildings, on this bill, so that I can bring my
22 bike into 250 Broadway, for goodness sakes.

23 COMMISSIONER SADIK-KHAN: Well, Mr.
24 Chairman, I have to say that I think it's
25 wonderful that we can work to strengthen this

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2 piece of legislation, and if we can do it sooner
3 rather than later, so that we can get moving on
4 this.

5 CHAIRPERSON LIU: Okay.

6 COMMISSIONER SADIK-KHAN: That
7 would be great.

8 CHAIRPERSON LIU: Do it as quickly
9 as possible. Now, council member Yassky.

10 COUNCIL MEMBER YASSKY: No, I just
11 want to put in my two cents, I mean, Mr. Chairman,
12 your point about, you know, insuring that an
13 inaccurate declaration about the availability
14 cannot suffice to secure an exemption for a
15 building is obviously correct, and whatever
16 language that is necessary to make that clear
17 should be put in. I just want to emphasize, I
18 hope we don't let it drag out past the end of the
19 month, so that we get into the summer break,
20 because I sure, I think it has already taken up
21 quite a while for the bill to get to this point.
22 I think it's imperative that we get it passed now,
23 that it's ready, that there is substantive
24 agreement among all the various, you know,
25 interests here. So if there is work to be done, I

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2 just urge it be done right quick, so that it can
3 be passed this month. That's my two cents, thank
4 you.

5 CHAIRPERSON LIU: Thank you,
6 council member Yassky, we'll work on this bill as
7 quickly as we can. But I think if we are to truly
8 achieve the goals that the legislation purports to
9 achieve, we should put some substance behind it.
10 Let me talk a little bit about a concern that I
11 have on a broader level, which is why the Dept. of
12 Transportation is involved in this in the first
13 place. Commissioner Sadik-Khan has been a fierce
14 advocate, and I totally support her efforts to,
15 for all different reasons, to increase, to
16 encourage the use of bicycle and bicycle commuting
17 in NEW YORK CITY. I have concerns, though, about
18 why it is that the Dept. of Transportation is
19 responsible for ascertaining whether what happens
20 inside a building is sufficient. This is after
21 years of hearing testimony from the Dept. of
22 Transportation that the DOT is short-staffed, that
23 they cannot inspect missing or broken stop signs
24 on what we consider a more reasonable time frame,
25 that the potholes in the streets cannot be fixed

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2 as quickly as possible because there are budgetary
3 and personnel constraints. And that when we talk
4 about increasing pedestrian safety on sidewalks,
5 that the Dept. of Transportation has stated that
6 they are not able to inspect safety conditions on
7 sidewalks on a prompt basis, because it would cost
8 two million dollars a year. And yet, for some
9 reason, the Dept. of Transportation is now seeming
10 to be the senior agency over the Dept. of
11 Buildings with a matter, on a matter that pertains
12 to what happens inside a building. I have serious
13 problems with the way that is being conducted in
14 this administration. This is no criticism of
15 Commissioner Sadik-Khan, it's not a criticism of
16 Commissioner LiMandri, but we are entering, we are
17 setting precedent here, in terms of what the
18 authority of these two agencies actually should
19 entail. And I think that that's a concern that
20 has to be addressed for the public.

21 COMMISSIONER SADIK-KHAN: May I
22 respond?

23 CHAIRPERSON LIU: Please.

24 COMMISSIONER SADIK-KHAN: I want to
25 say first off that under this administration

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2 there's been an unprecedented investment in
3 transportation infrastructure. We are now
4 repaving one thousand lane miles a year, the
5 highest in recent history. We're just about on
6 record to fill our 275th thousandth pothole, the
7 most in recent history. Our bridges are in the
8 best condition they've ever been in in
9 generations. I think that this city is looked to
10 as a model nationally, if not internationally, in
11 terms of infrastructure investment. We've made
12 incredible strides in terms of safety. Our
13 traffic fatalities and injuries are the lowest
14 they've been since 1912. We've initiated an
15 unprecedented safe routes to schools program,
16 dealing with all of the elementary schools in the
17 city, we're now moving on to high schools. We
18 also have a safe routes for seniors program, we're
19 focusing on our most vulnerable senior
20 pedestrians, which we've rolled out in 25 areas
21 that have some issues. We're doing everything we
22 can to up our game in terms of sidewalk violations
23 and inspections, looking toward also technology in
24 terms of handheld inspections so we can do more
25 with less. We are doing every single thing that

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2 we are doing that we can to improve the condition
3 of our infrastructure, the quality of life, and
4 the safety of our citizens. So I feel very, very
5 strongly that this administration has done an
6 unbelievable job in putting its money where its
7 mouth is in terms of supporting the critical
8 programs that literally make this city thrive. As
9 to bike commuting, one of the things that we need
10 to do is look at our balanced transportation
11 network. And when you take a look at that, when
12 we're looking at what we need to do in terms of
13 bike ... improving the number of people that bike to
14 work and get around neighborhoods by bike, you
15 have to build in the bike lanes, and you have to
16 build in bike parking. Otherwise there's no point
17 to the exercise. The number one reason that DCP
18 said the people aren't biking to work is because
19 they don't have a safe place to park their bike.
20 So it's put an artificial ceiling on the
21 availability of spaces for that work. We are
22 working very much hand in glove with our
23 colleagues in the Dept. of Buildings, they have
24 the resident expertise when it comes to freight
25 elevators in buildings and we will be looking to

1
2 them for that expertise as we move forward.

3 CHAIRPERSON LIU: And I think that
4 makes perfect sense. And in fact, I'm not sure
5 why the authority would not then rest with the
6 Dept. of Buildings. And again, I'm not saying,
7 I'm not disagreeing with you at all, Commissioner
8 Sadik-Khan, with respect to the investments made
9 in the transportation infrastructure, that the DOT
10 is responsible for, with one major exception,
11 which I will go into in a little bit. But with
12 regard to this legislation, and the requirement
13 that buildings provide access to bicycles, I just
14 am not certain that the Dept. of Transportation is
15 the agency that has the expertise to make those
16 kinds of determinations. Even your testimony
17 before talked about the size of elevators, the
18 physical constraints, that to me would seem to be
19 better determined by the experts at the Dept. of
20 Buildings.

21 COMMISSIONER SADIK-KHAN: We will
22 be working with the Dept. of Buildings on all of
23 this. I have to underscore that we are doing
24 something new here. You know, this is a new
25 responsibility, gauging elevators for bike access

2 is not something that's been done before. So
3 there's no way to do this without giving somebody
4 new authority. But the process, and I want to
5 underscore this, the process revolves around the
6 tenant request, and it is complaint-driven, and we
7 don't really think ...

8 CHAIRPERSON LIU: Right.

9 COMMISSIONER SADIK-KHAN: ... the
10 workload is going to be that large associated with
11 that.

12 CHAIRPERSON LIU: Okay, I don't ...
13 I'm not trying to beat a dead horse here. What
14 you just said, I mean, tenants of buildings, they
15 would not think, it would be counterintuitive to
16 any New Yorker out there that a tenant of a
17 building that has a problem with the building
18 owner not complying with a request of the city has
19 to call the Dept. of Transportation, and not the
20 Dept. of Buildings. I mean, right now we
21 understand everybody just calls 311. But it's
22 just totally counterintuitive that the Dept. of
23 Buildings is not responsible for this.

24 COMMISSIONER SADIK-KHAN: Well, you
25 need to have both agencies. I mean, it requires

1
2 an understanding of bikes and elevators, that's
3 why both agencies are working together on the
4 implementation of the legislation.

5 CHAIRPERSON LIU: Okay, well, I
6 won't belabor it. But I, except to say that I
7 think it just makes more sense to have the Dept.
8 of Buildings. Given that it just makes more sense
9 to have the Dept. of Buildings in charge, given
10 that the Dept. of Transportation is so invested in
11 so many other priorities that most New Yorkers
12 would better understand the Dept. of
13 Transportation to be involved in, so let's talk
14 about the one area that I would still like to
15 raise some concerns about, and this predates your
16 tenure, commissioner, in the Dept. of
17 Transportation, and has to do with sidewalk safety
18 and safety for pedestrians, and the balance
19 between business needs, small business needs, and
20 the needs of pedestrians to actually be able to
21 walk on sidewalks. When we were pursuing
22 legislation that sought to enhance the safety of
23 pedestrians on sidewalks, the Dept. of
24 Transportation came here and basically testified
25 that that was more a concern for small businesses,

1
2 and that when the legislation was brought forth,
3 that turned out it was a piece of legislation that
4 I sponsored, that simply required that the Dept.
5 of Transportation provide some kind of
6 certification that a sidewalk, that the situation
7 around a sidewalk was safe enough for businesses
8 to use part of that sidewalk, the Dept. of
9 Transportation wanted nothing to do with that.
10 And they cited extreme personnel and costs that
11 would be involved in enforcing that. The Dept. of
12 Transportation did not want to have anything to do
13 with that sidewalk safety that was intended for ...
14 that sidewalk safety bill that was intended to
15 increase safety for pedestrians. Again, this
16 preceded your tenure in the Dept. of
17 Transportation. But nonetheless now the Dept. of
18 Transportation, under the same administration,
19 wants to get ... wants to actually have some
20 authority on what happens inside buildings. I
21 just feel that that is inconsistent. It's
22 inconsistent in public policy, it's a concern that
23 I have. You know, you don't have to answer that,
24 I will still work with you to craft legislation
25 that I think makes sense and actually provides a

2 greater access to buildings for people who want to
3 ride their bikes to work. But I do have to raise
4 that as a concern, that the Dept. of
5 Transportation under this administration has not
6 been consistent with regard to improving
7 pedestrian safety as well as increasing bike
8 access.

9 COMMISSIONER SADIK-KHAN: Well, I
10 completely disagree with you. Pedestrian safety
11 is at its highest levels in years, and we're doing
12 everything we can to increase that number. Our
13 goal and our strategic plan is to, you know, cut
14 injuries and traffic fatalities in half, and we're
15 trying to do everything we can to build out more
16 attractive, safer walking routes for pedestrians.
17 We are well aware of the demand, it's a complex
18 system, and in the city of New York, the city
19 Dept. of Transportation is bigger than two thirds
20 of the state DOT's in the country, so we have a
21 big portfolio, we care ... we're the largest
22 passenger ferry system ...

23 CHAIRPERSON LIU: I know the DOT
24 does a lot. Look, I was just going to leave it at
25 that, but if you want to completely disagree with

1
2 everything I've said, I'll ask you simply this.
3 That under the city's administrative code, when a
4 business owner applies for a stoopline stand, that
5 goes to the Dept. of Consumer Affairs. But
6 actually the Dept. of Consumer Affairs under the
7 code is required to receive some kind of
8 notification from the Dept. of Transportation that
9 there is no safety impediment if that, safety
10 impediment for pedestrians, if that stoopline
11 stand permit is issued. How many of these
12 certifications has the Dept. of Transportation
13 forwarded to the Dept. of Consumer Affairs over
14 the last two years?

15 COMMISSIONER SADIK-KHAN: I don't
16 know, I can get back to you on that, council
17 member.

18 CHAIRPERSON LIU: Okay, now, of the
19 2,000 stoopline stands there are, over 2,000 of
20 which had to be approved over the last two years,
21 because this is an issue that I consider paramount
22 to pedestrian safety. It has to deal with an
23 increasing competition for use of scarce sidewalk
24 space on our city streets. Every two years more
25 than 2,000 stoopline stands have to be renewed.

2 And in every one of those renewals, the Dept. of
3 Transportation is required to provide some
4 guidance to the Dept. of Consumer Affairs. Would
5 you say that half of these have been weighed in by
6 the Dept. of Transportation?

7 COMMISSIONER SADIK-KHAN: I would
8 say that this sounds like an issue that we should
9 talk about off-line, and I'd be happy to meet with
10 you and your staff to ...

11 CHAIRPERSON LIU: We tried to talk
12 about this off-line.

13 COMMISSIONER SADIK-KHAN: Well,
14 I've given you my word that that's what we will
15 do.

16 CHAIRPERSON LIU: Okay. I would
17 submit to you that the Dept. of Transportation
18 probably has not weighed in a whole lot. And the
19 point I am trying to make, I was going to let it
20 rest before, but you had to come back and disagree
21 with everything I said.

22 COMMISSIONER SADIK-KHAN: I didn't
23 disagree with everything you said, I disagreed
24 with some of what you said.

25 CHAIRPERSON LIU: You just said

1
2 that "I completely disagree with", so that's what
3 I'm saying. My statement was that there is
4 inconsistency with regard to the way that DOT has
5 handled matters of cycling and of pedestrian
6 matters. And if you're pledging right now that we
7 will work together on those sidewalk safety issues
8 for pedestrians, then I will accept that. Thank
9 you. There being ... oh, we have a question from
10 council member Brewer, sorry about that.

11 COUNCIL MEMBER BREWER: I'm for the
12 bicycles, as long as you're going in the right
13 direction, they have a helmet, bell, and something
14 on them stating where they're going and they're
15 off the sidewalks. But my question is, where you
16 have a bicycle-friendly building, is it possible
17 to think of an insignia or something on the
18 building's website, if there is one, that says
19 "bicycle friendly"? Is that part, should that be
20 part of the legislation, or is that something
21 you're considering, so that people who are
22 thinking about working there, working there, etc.,
23 would know?

24 COMMISSIONER SADIK-KHAN: I think
25 that's a great idea to consider, figuring out a

logo that would work.

COUNCIL MEMBER BREWER: Okay, so you'd need some kind of insignia and some kind of, like the sanitation department uses for the commercial waste carriers.

COMMISSIONER SADIK-KHAN: Right.

COUNCIL MEMBER BREWER: Okay.

COMMISSIONER SADIK-KHAN: I think that's a really good idea.

COUNCIL MEMBER BREWER: All right, so you'll add that, working it out in terms of the legislation? Thank you.

CHAIRPERSON LIU: Thank you, council member Brewer. I want to thank Commissioner Sadik-Khan and Commissioner LiMandri and their terrific staffs for joining us today.

COMMISSIONER SADIK-KHAN: I just want to add one little reminder is that these were the council's bills.

CHAIRPERSON COMRIE: We understand that.

CHAIRPERSON LIU: You're testifying here.

COMMISSIONER SADIK-KHAN: Right,

2 right.

3 CHAIRPERSON LIU: Thank you.

4 COMMISSIONER SADIK-KHAN: Thank
5 you. [pause]

6 CHAIRPERSON LIU: Sorry for the
7 diversion, we're going to proceed with this
8 hearing. We have a panel consisting of Joshua
9 Beanstalk, Vincent something, Vincent Petraro,
10 yeah, hey Vinnie, how are you doing? We'll work
11 on your handwriting later. Carlos Teleria and
12 Alan Marcus. Please join us at the witness table,
13 the makeshift witness table. [pause] Gentlemen,
14 please proceed. Please start off by stating your
15 name for the record.

16 VINCENT PETRARO: Thank you, Chair
17 Liu, members of the council. My name is Vincent
18 Petraro, and I represent the Metropolitan Parking
19 Assn. I'm here with my colleague, Joshua
20 Beanstalk. The Metropolitan Parking Assn. is a
21 trade association of the majority of the parking
22 operators in NEW YORK CITY. On behalf of the
23 Metropolitan Parking Assn. , we thank you for
24 soliciting our input, and I'd like to say that we
25 spent a great deal of time talking to our various

1 operators, no small feat, as we have operators
2 with one facility, some with two or several, up to
3 those with over a hundred facilities. We believe
4 we have balanced the operators' interests in
5 accommodating bicyclists, with their interests in
6 insuring the safety of staff, bicycle owners, car
7 owners and the bikes and cars to be stored. We
8 believe, and have for some time, that bicycle
9 parking is important and needed in parking
10 facilities. We want to open our comments by
11 saying that we have an immediate solution, which
12 can begin quickly, while the proposed legislation
13 is reviewed and fine tuned, which we think it
14 should be. We began our discussions with the
15 Mayor's office and the NEW YORK CITY Dept. of
16 Transportation a year and a half ago, and at that
17 time offered a pilot program of over 100 parking
18 facilities in Manhattan south of 96th Street.
19 These locations are at prime areas, which would be
20 able to handle bicycles in a safe manner for both
21 the bicycle rider and the parking operator and
22 their employees. We have a very big issue, many
23 older parking facilities do not lend themselves to
24 safely parking bicycles, due to the design of
25

1 ramps, be they be long, narrow, or both, or the
2 design of the parking intake floor. The
3 Metropolitan Parking Assn. is also concerned
4 about liability, and we raised that issue when we
5 met with the Mayor's office and they understood
6 the issue and we still have that concern. But its
7 members are willing to work with the Dept. of
8 Consumer Affairs and the city council to implement
9 the pilot plan forthwith. As stated, we can start
10 with at least 100 locations, and then revisit how
11 the locations are working, and how to improve and
12 expand the program. I have to say that the
13 situation at every parking facility is different,
14 and that's really a major problem, and there's too
15 many unforeseen things that might happen in one
16 facility versus another. But I think we just have
17 three quick comments on the present bill, and some
18 suggested changes. One, we believe that garages
19 should be treated the same way as parking lots, in
20 that once you hit 200, and go over 200, it should
21 be one space per 100 spaces over 200, not continue
22 the 10%. Two, the exception that, right now, that
23 you look to see whether it results in a violation
24 of zoning regulations, I think the exemption has
25

2 to be more than just that. We have some, such as
3 structural reasons and ramp design and the like.
4 I mean, we have, I could think of a garage that
5 has a narrow ramp with a steep slope that goes
6 down very deeply into the bowels of the building,
7 and that garage is never going to be able to
8 handle bicycles properly. I think that we need a
9 broader exemption than just zoning regulations.
10 And then we have to really look at these
11 facilities one by one. Three, and I'm not 100%
12 sure, and I want to check, I do see in the
13 legislation that parking spaces have to be,
14 bicycle parking spaces have to be accessible to
15 the same extent as spaces are accessible to car
16 owners. Well then, my issue with that is if you
17 have a valet garage, why would you need racks? If
18 a valet attendant is going to take the bicycle
19 back into the garage at some place off where the
20 consumer is, why is a rack needed? Or maybe I'm
21 misreading it, maybe a rack is not needed. We
22 think that the parking operator should be able to,
23 if they're valeting, to park it in any, you know,
24 nook and cranny that they have where they could
25 safely park it, without having to put racks in if

2 they don't believe they're necessary. And
3 basically we think that this, as I said, this
4 legislation has to be tweaked a little bit for
5 these issues, but we are ready, our members are
6 ready to provide spaces for ... to provide
7 facilities, excuse me, at least 100, for a pilot
8 program of parking bicycles. Thank you very
9 much, and I'm open to any questions.

10 CHAIRPERSON LIU: Thank you. Mr.
11 Beanstalk?

12 JOSHUA BEANSTALK: I defer to Mr.
13 Petraro.

14 CHAIRPERSON LIU: Okay. Mr.
15 Teleria?

16 CARLOS TELERIA: Good morning,
17 Chairmen Comrie and Liu, my name is Carlos
18 Teleria, a portfolio manager for Newmark Knight
19 Frank, the fourth largest real estate
20 owner/manager in New York. I'm chairman of the
21 transportation subcommittee for the Building
22 Owners and Managers Association of Greater New
23 York, Inc., which represents more than 850 owners,
24 property managers, building professionals, who
25 either own or manage 400 million square feet of

1 commercial space. We're responsible for the
2 safety of over three million tenants, generate
3 more than 1.5 billion in tax revenue and oversee
4 annual budgets of more than \$4 billion. The
5 proposed Intro #780-A and Intro #871-A are well-
6 intentioned, but do not take into account a number
7 of management realities and the fact that every
8 building in New York has different and unique
9 tenant and security needs. Before addressing
10 those unique needs, let me make it clear that a
11 number of BOMA New York's members have decided to
12 provide bicycle access and storage. This was done
13 to remain competitive with the market place and to
14 respond to their tenants' needs. The decision to
15 provide access and storage was made freely by the
16 owner/manager, and while we firmly stand behind
17 the concept of greening our city, we do that every
18 day in the buildings we own and manage. In this
19 particular case, the choice to implement bicycle
20 access and storage is best left with owners and
21 managers, as only they know their buildings'
22 physical and fiscal ability to make such an
23 accommodation. After studying the bills in
24 committee, we noted fifteen areas which the bills
25

do not address. These include the first set of items I will mention, which are practical, operational details. They are, 1. how to screen bicycles and bicyclists for sufficient activity, 2. regulating where bicycles may enter the building to freight elevators to minimize risk of injury or damage to others, 3. the risk and dangers with bicycle traffic mixed with deliveries and other traffic at loading docks, 4. prohibiting bicycles from entering high pedestrian areas, for example, lobbies, common space and passenger elevators, 5. specifying the hours of usage, 6. whether only tenants, and not visitors, should have this privilege, 7. bicyclists' responsibility for damage to a tenant or visitors, or the building premises, 8. right to added rent from tenant to recover for losses caused by bicyclists, 9. landlord immunity from theft, for liability for theft, loss or damage to any bicycle, or injury to a person or property resulting from the bicycle, 10. insurance provisions to address liability issues. In addition, our committee found five ways in which this legislation will lead to higher costs and lost revenue: 1. loss of rentable square

2 footage, 2. frequent use of freight elevator and
3 expanding the hours of operation, 3. higher
4 insurance premiums for owners and managers, 4.
5 increased costs related to security, for lighting,
6 cameras and personnel, 5. potential damage to
7 building infrastructure on floors, doors,
8 elevators and walls. I stated before, BOMA New
9 York and its members want to contribute to the
10 goals of a greener, cleaner city, however our
11 experience shows that the best route is not
12 through legislation, but by building owners and
13 managers voluntarily providing means for bicycle
14 access and storage. We believe that our members
15 reserve the right to make the decision based on
16 their buildings' budgets and tenants'
17 requirements. In conclusion we look forward to
18 working with the Bloomberg administration,
19 transportation advocates, and the city council, to
20 find a solution that is amenable to our members,
21 tenants and all of New Yorkers. Thank you.

22 CHAIRPERSON LIU: Thank you, Mr.
23 Teleria. Is there any testimony from Mr. Marcus?

24 ALAN MARCUS: Yes, if I could.

25 CHAIRPERSON LIU: Okay, please

1
2 proceed.

3 ALAN MARCUS: Good morning, thank
4 you for inviting me here today. My name is Alan
5 Marcus, I'm with Edison Park Fast, we operate over
6 twenty parking lots and garages in NEW YORK CITY.
7 I have distributed this bill amongst my peers and
8 some of the senior management in the company, and
9 we've come up with a few concerns or suggestions.
10 We would of course be grateful for your
11 consideration, and we look forward to continuing
12 to provide you feedback as that arises. It would
13 seem that the rule for lots with reduced per car
14 numbers of bikes required after the 200, to a
15 ratio of one to 100 should also apply to the
16 garages, as mentioned earlier. Just as an
17 example, I have a garage with a capacity of 650
18 spaces in midtown, and we would need to dedicate
19 65 spaces for bicycles, which would amount to
20 approximately nine or ten spaces for cars. The
21 number of bike spaces that is required has no
22 connection to actual demand at this point. It
23 seems like there should be a staged provision that
24 would allow fewer spaces to be set aside until
25 some level of occupancy is attained with existing

spaces. If we do in fact need 65 spaces in the abovementioned garage, and no one brings their bikes in, it's decreased revenue for us, and decreased taxes to the city. The signage requirements have also not been clearly defined, which would be ... and it would be advantageous for parking operators if they were consistent with the parking DCA requirements. But I think it needs to be mentioned somewhere in the bill, or at least within the DCA. And also the changes in capacity have not been defined. If we're obviously going to be taking over one space to replace it with eight or nine bicycle, then that's going to change the capacity. That's it, thank you for your time.

CHAIRPERSON LIU: Thank you very much. We have questions from council member Brewer.

COUNCIL MEMBER BREWER: I just have a question. Are there any other cities, like overseas, perhaps, that you work with, that this works effectively? I know that not every city has such large buildings, not every city has the kinds of congestion and so on, but I just was wondering if there is anyplace else you know of where there

2 are some good examples, good models? Okay, thank
3 you.

4 CHAIRPERSON LIU: Thank you,
5 gentlemen, for your testimony today.

6 COUNCIL MEMBER KOPPELL: I might
7 observe, Mr. Chairman, we've ... since I'm the main
8 sponsor of the garage bill, we'll look at the
9 comments of the garage owners and see whether we
10 believe that those concerns need to be addressed.
11 The one area I think particularly that resonates
12 with me is if, I'm not sure the bill requires that
13 bicycles be locked if people don't have access to
14 them. It says it has to be a rack to which the
15 bicycle can be locked, I don't think it requires
16 them to be locked. If that interpretation is
17 there, then I would have no problem making it
18 clear that where the public doesn't have access,
19 the bicycle doesn't have to be locked from that
20 point. If we don't require a certain minimum
21 number of spaces, we might as well not do the
22 bill, as far as I'm concerned. The idea here is
23 to encourage the bicycle use. But again, we
24 changed the bill so that the spaces could be even
25 provided on a wall or other place, where it

1
2 wouldn't diminish the number of parking spaces
3 available for cars. And if we don't provide for a
4 certain minimum number of spaces, I can see an
5 operator charging \$50 a day to park a bicycle and
6 he certainly won't have any bicycle business. So
7 we want to leave the free market, but we don't
8 want to have a free market that makes it so
9 expensive to park a bicycle that nobody's going to
10 be parking them. And if we don't have a minimum
11 number of spaces ... if we have a minimum number of
12 spaces, there's going to be incentive to price it
13 so that people use it. If we don't have a minimum
14 number of spaces, there'll be an incentive to
15 price it so that people don't use it. So that's a
16 problem.

17 CHAIRPERSON LIU: Thank you,
18 council member Koppell. Thank you very much,
19 gentlemen. The next panel consists of Paul Sealy
20 White, Robin Vitale, Michelle Bonnan, Josh
21 Nackowitz and Nathan Stodola. This panel will be
22 followed by a panel consisting of David Rensburg,
23 Gary Riley, David Harris, Marian Imperatore and
24 Janet Liff. We've been joined by council member
25 Eric Ulrich of Queens, council member Jim Gennaro

2 of Queens and council member Diana Reyna of
3 Brooklyn and Queens. I don't see Paul, so
4 somebody go first.

5 mx1 Good morning.

6 CHAIRPERSON LIU: And identify
7 yourself for the record.

8 PETER GOLOSTER: Good morning,
9 Chairman, my name is Peter Goloster and I am the
10 general counsel at Transportation Alternatives. I
11 will be speaking on behalf of Paul Sealy White,
12 our executive director, today. Again, thank you
13 for having us today and holding this hearing. I
14 am speaking today in support of Intro 871, a bill
15 that would mandate reasonable provisions for
16 bicycle access to existing commercial buildings.
17 There are a number of straightforward reasons to
18 support this bill. The most obvious is that
19 cycling is good for New York City's traffic, its
20 environment and its citizens, and the lack of
21 secure bike parking is the number one deterrent
22 for would be cyclists, according to numerous Dept.
23 of City Planning surveys. Quite simply, people
24 are less likely to ride their bike to work if they
25 think it will be stolen, damaged or vandalized

1
2 when it's locked outside. This piece of
3 legislation has the potential to significantly
4 increase the number of commuter cyclists in NEW
5 YORK CITY by addressing the number one concern of
6 would be bike commuters, that's good for our
7 traffic-clogged streets, our overcrowded buses and
8 subways, and the health and quality of life of the
9 city's residents and visitors. And it brings me
10 great pleasure today to hear that so many of you
11 sitting in front of me today are also supportive
12 of the bill. Transportation Alternatives, elected
13 officials, members of the real estate industry,
14 everyday cyclists and scores of other advocacy
15 groups have encouraged the passage of similar
16 legislation since 2004. This latest iteration,
17 first heard on December 8th, 2008, has now been
18 informed by months of negotiations by relevant
19 stakeholders, including the Real Estate Board of
20 New York, producing a bill which is by far the
21 best to date, because it focuses solely on bicycle
22 access. This means that neither the building nor
23 its tenants are required to provide bicycle
24 storage. It simply establishes that if the
25 tenants themselves wish to allow their employees

1
2 to bring their bikes into the office, building
3 owners cannot uniformly and summarily deny them
4 access. In other words, it allows tenants to
5 choose how to use the space allotted to them,
6 space they pay for and oversee in almost every
7 other way. Clearly, all commercial buildings are
8 not the same. That's why this bill includes
9 specific exemption protocols to address potential
10 situations where building ownership or management
11 believes it cannot provide bicycle access. Put
12 more simply, this bill allows for legitimate
13 exceptions to the rule, while encouraging healthy
14 sustainable low-carbon transportation.

15 Practically speaking, bicycles are not much
16 different than strollers, food carts or delivery
17 dollies. All of these are welcome in office
18 buildings. Can you imagine the fuss if they
19 weren't? So why are bicycles a problem? Some
20 have mischaracterized this piece of legislation as
21 a bike parking bill, mandating property owners or
22 tenants to hand over space. It's not. All it
23 does is insure that if tenants choose to allow
24 bicycles in their space, the building management
25 will work with them to determine an appropriate

2 strategy for facilitating bicycle access and
3 egress. Others have claimed that, in light of the
4 recently passed Dept. of City Planning bicycle
5 zoning text amendment, this legislation is
6 redundant. Nothing could be further from the
7 truth. The DCP requirements mandate bicycle
8 storage in new commercial and residential
9 buildings, helping to guarantee that our city's
10 future building stock will be able to support
11 sustainable and healthy modes of transportation.
12 However, as noted in plan NEW YORK CITY, by 2030
13 only 15% of city buildings will be subject to this
14 requirement. Accordingly Intro 871 and the
15 recently passed zoning amendment perfectly
16 complement each other, facilitating commuter
17 cycling, regardless of when a specific building
18 was built. Those who oppose this commonsense
19 legislation may try to frustrate its passage with
20 a thousand cuts, citing small instances and
21 certain gray situations where things are tricky.
22 But the real aim of this legislation is simply to
23 allow access and egress of an object potentially
24 welcome by tenants. That the object happens to be
25 a bicycle ought to have no more significance than

2 if it were a musical instrument, a box of files or
3 platters of food. Finally, in reviewing the
4 totality of the proposed legislation, there is
5 questions as to whether a limitation of freight
6 elevator access to normal operating hours, as
7 opposed to normal business hours, is the most
8 effective choice. In addition, in regard to the
9 usage of passenger elevators upon approval of
10 building management, it is TA's position that de
11 facto assumptions that these elevators are not
12 suitable for access or egress for the bicycle
13 should not be adopted. And the last paragraph
14 which says that Paul recently gave birth, I'm
15 clearly not going to read, however, the gist of it
16 will apply to me come November 15th, because I too
17 will be a father and I am confident that myself or
18 my wife would like to enter the buildings with a
19 stroller as well. So I will leave it at that.
20 Thank you for taking the time to hear our
21 testimony today.

22 CHAIRPERSON LIU: Thank you very
23 much.

24 ROBIN VITALE: Thank you, Chairman.
25 My name is Robin Vitale from the American Heart

1
2 Assn., thank for this opportunity to both the
3 chairmen and the members of the committee. The
4 American Heart Assn. is the largest voluntary
5 health organization dedicated to pursuing a world
6 free of heart disease and stroke, and our
7 organization strongly supports every effort to
8 motivate a more physically active lifestyle in NEW
9 YORK CITY. We that the proposed Intro 871 is a
10 valuable component towards becoming an even more
11 bicycle-friendly region. The reason why we're
12 supporting this Intro is simple. Cardiovascular
13 diseases, the number one cause of death in New
14 York, are largely preventable. In many instances,
15 heart disease and stroke occur as a result of poor
16 lifestyle behaviors, and indeed obesity and being
17 labeled as overweight are a leading cause of heart
18 disease and stroke. I include some information in
19 my written testimony that talks about what being
20 obese would lead to, as far as the impact on your
21 heart health, I encourage you to look at that in
22 length, but in the interests of time, I'll skip
23 forward to perhaps a compelling concern regarding
24 the fiscal impact on obesity for our state.

25 Motivating a more physically active lifestyle does

1
2 more than just improve the long term quality of
3 life for NEW YORK CITY residents, healthy, more
4 physically fit individuals are less likely to
5 require expensive medical intervention. According
6 to a 2004 study on state level obesity-
7 attributable medical expenditures, New York State
8 spends 6.1 billion annually to treat obesity-
9 related illnesses. New York State had the highest
10 obesity-attributable Medicaid spending of all 50
11 states. In 2004, New York State Medicaid spent
12 five and a half billion to treat people with
13 diabetes. Increased rates of physical activity
14 will not only lead to a healthier city, but would
15 help to offset the cost of health care as well.
16 So whether you're motivated by the trimming of
17 waistlines or the trimming of government dollars,
18 a more active NEW YORK CITY population makes good
19 sense. The American Heart Assn., the American
20 Stroke Assn., supports this proposed Intro as part
21 of an overall goal to motivate New Yorkers to
22 become more physically active, and we appreciate
23 the council's interest in this same goal, and we
24 look forward to your support of Intro 871 as well.
25 Thanks very much.

2 CHAIRPERSON LIU: Thank you,
3 Ms.Vitale. Who's next? Michelle Bonnan.

4 MICHELLE BONNAN: Good morning. My
5 name is Michelle Bonnan, I'm the regional director
6 of advocacy for the American Cancer Society.
7 Thank you for the opportunity today. The Cancer
8 Society supports Intro 871, which would mandate
9 reasonable provisions for bicycle access to
10 existing commercial buildings for similar reasons.
11 The health argument is clear to us, we can reduce
12 people's cancer risks by increasing their physical
13 activity. Obesity, poor nutrition and physical
14 activity are second only to tobacco as a major
15 risk factor for cancer, responsible for a third of
16 cancer deaths, approximately 189,000 of those
17 deaths every year in the United States. New
18 Yorkers can significantly reduce their risk of
19 death for colon, breast, prostate and other
20 cancers through engaging in regular physical
21 activity, and we know this to be true. Reducing
22 cancer incidence, disability and death, the
23 American Cancer Society supports all strategies to
24 prevent and reduce obesity, foster healthy
25 behaviors and remove barriers to healthy living in

1
2 all populations. We believe Intro 871 provides a
3 simple and effective way to help curb our growing
4 obesity epidemic and cut the risk of cancer. One
5 of the things the Cancer Society does is release
6 guidelines. We have released guidelines on
7 nutrition and physical activity for cancer
8 prevention, and we recommend 30 to 45 minutes of
9 moderate to vigorous physical activity on five or
10 more days of the week. Furthermore we release
11 guidelines for the community, for community
12 action, and we support creating social and
13 physical environments that help people adopt and
14 maintain healthful nutrition and physical activity
15 behaviors, including providing for safe,
16 physically-active transportation, such as biking
17 and walking, and recreation in communities. We
18 believe thousands of New Yorkers want to
19 incorporate this healthy exercise into their daily
20 commute, but are blocked because of a lack of
21 safe, secure places to store their bikes.
22 Government can play a meaningful role in the
23 health of these individuals and our communities by
24 removing this barrier and empowering New Yorkers
25 to incorporate bike commuting into their busy

2 lives. The Cancer Society endorses this cost-
3 effective and sensible bill as a way to build a
4 healthier future for New York. We know that
5 healthy living is an individual decision, but we
6 can act now to empower individuals to make that
7 choice. Thank you.

8 CHAIRPERSON LIU: Thank you very
9 much. Mr. Nackowitz.

10 JOSH NACKOWITZ: Thank you, Mr.
11 Chairman. Good afternoon, my name is Josh
12 Nackowitz, I am the state policy director for the
13 New York League of Conservation Voters. I'm here
14 today to testify in support of Intro #871. This
15 legislation is a simple and commonsense solution
16 that will go a long way towards making our city
17 greener and more livable, with little or no
18 economic impact. Bike commuting both reduces the
19 emissions of harmful exhaust gases and helps to
20 relieve pressure on our already overtaxed mass
21 transit system. As the environmental and economic
22 costs of transportation become more and more
23 apparent, bicycling and other alternative forms of
24 transportation become more practical and more
25 attractive to average New Yorkers. Unfortunately,

2 New York City's built environment is not nearly as
3 friendly toward bikes as it could be.

4 Transportation planners have spent decades
5 building an urban environment geared towards
6 facilitating automobile-based transportation uses.

7 NEW YORK CITY lags behind other North American and
8 European cities in the movement to encourage new
9 forms of transportation. As with any form of

10 transportation, the bicycle needs some sort of
11 destination terminal. A biker has ridden to work,
12 he or she must have somewhere to conveniently park

13 their bicycle, and it is this simple problem that
14 Intro 871 seeks to address. This legislation is

15 the first important step towards creating a
16 citywide infrastructure to support new and

17 pollution-free forms of transportation. We urge
18 you to swiftly adopt this important legislation

19 and look forward to continuing to work with the
20 council on this and other important efforts to

21 make New York greener and cleaner. Thank you.

22 CHAIRPERSON LIU: Thank you very
23 much, and I ... does this mean that Nathan Stodola
24 is no longer here? Okay, well we certainly
25 understand if he had to get going, and we want to

2 thank you, we thank you for your testimony today.
3 Although, I will admit, and actually I do have a
4 question for Peter. Your testimony, Peter, on
5 behalf of Paul White, states on the second page,
6 it says here, "This bill includes specific
7 exemption protocols to address potential
8 situations where building ownership or management
9 believes it cannot provide access. Put more
10 simply, this bill allows for legitimate exceptions
11 to the rule." Have you read the bill lately?

12 PETER GOLOSTER: Thank you,
13 Chairman. I have read many versions.

14 CHAIRPERSON LIU: Right. I know
15 there have been many versions, so I understand
16 where you're coming from here. But I would
17 encourage you to read.

18 PETER GOLOSTER: Yes.

19 CHAIRPERSON LIU: Read the bill as
20 stated right now.

21 PETER GOLOSTER: I believe that
22 some of the concerns that yourself and council
23 member Garodnick raised about the perhaps over-
24 broad nature of some of the exemptions, that
25 language that we included in there was based on

2 the assumption that the DOT, in conjunction with
3 the DOB, would be producing the forms which would
4 require the explanations to be given by the
5 building management to support the assertion that
6 they could not enter or exit. Clearly we support
7 language which would make it more difficult to
8 simply say you can't do it, so.

9 CHAIRPERSON LIU: All right, so ...

10 PETER GOLOSTER: And I appreciate
11 you raising that concern.

12 CHAIRPERSON LIU: Yeah, I mean, I
13 would encourage all of you to work with the DOT to
14 come up ... and the Dept. of Buildings, let's not
15 forget them, because I know they're really key
16 here, to make sure that in fact ... I mean, right
17 now what would be required under the bill would be
18 simply the building owner filing a piece of paper
19 with the Dept. of Transportation. And that's it.
20 So let's get some ...

21 PETER GOLOSTER: It's certainly not
22 our ...

23 CHAIRPERSON LIU: You know, let's
24 make sure that we are actually going to increase
25 access to bicycles in buildings.

2 PETER GOLOSTER: Thank you.

3 CHAIRPERSON LIU: Thank you. Our
4 next panel would consist of David Rensburg, Gary
5 Riley, David Harris, Marian Imperatore, and Janet
6 Liff. Please join us in the front row. They'll
7 be followed by Teela Duhome, Rachel Erlich,
8 Sabrina Lau, David Kulik, Karen Perrine, and
9 Jillian Smith. All right Mr. Rensburg, please
10 proceed when you're ready.

11 DAVID RENSBURG: Hello, my name is
12 David Rensburg, I'm here to speak on behalf of
13 Intro 871. I'm the associate director of Outdoor
14 Adventures for Hazon, a New York based nonprofit.
15 We're the largest dedicated environmental
16 organization in the American Jewish community.
17 One of our main program areas is environmental
18 outdoor adventure, in particular bicycle rides.
19 Since the year 2000, twenty five hundred riders
20 have participated in our rides, and have raised
21 \$2.5 million for Jewish environmental
22 organizations in the U.S. and a couple of other
23 countries. In the fall of 2007 we began leasing
24 office space from American Jewish World Services,
25 AJWS, led by former Manhattan borough president

1
2 Ruth Messenger. The floor that we were moving
3 into was being renovated, and before we moved in,
4 we had many discussions with Ruth and AJWS, as
5 well as the building owners, regarding bicycles.
6 At our request, AJWS altered their floor plans to
7 create bicycle storage and a bathroom with a
8 shower. At first they were skeptical about how
9 many people would use the arrangement, we've now
10 discovered that many employees of all the
11 organizations in the building did indeed want to
12 bike to work, but had not previously because there
13 was no system in place for bicycle storage or
14 access. Once we agreed on a potential storage
15 solution with our office space, we talked to the
16 building owners regarding bicycle access, and they
17 agreed that during hours when the freight elevator
18 was open, that we should use the delivery
19 entrance, but at other times we could use the
20 front door. However, after a short time, the
21 doorman realized that bringing in bicycles through
22 the front door was not a problem, and now we
23 regularly do so. Those who bike to work recognize
24 that if there are long lines or people waiting for
25 the elevator, that we either take the freight

1
2 elevator or wait in the lobby until the lines
3 subsides. Despite glass front doors, bikes have
4 made no damage to the doors over the past 18
5 months, although one door was shattered recently
6 by an errant delivery cart. As I mentioned
7 before, once this system was in place, many
8 employees from our shared office space have
9 started to bike to work. I've even noticed
10 cyclists who work for other companies in our
11 building now ride to work, since they have learned
12 that the building is bicycle friendly.

13 Personally, despite being an avid cyclist, I
14 rarely biked to work during my first three years
15 working in New York. Once we moved into this new
16 office last summer, I began commuting to my office
17 almost daily. Since our members and volunteers
18 know that we have facilities for cyclists, we've
19 had various volunteers and board members bike to
20 evening meetings in our offices as well, sometimes
21 from as far away as New Jersey. I have now been
22 riding to work for over a year, and I've been
23 riding around NEW YORK CITY both recreationally
24 and for work-related activities for three years.
25 Just this past year I've noticed how much easier

1
2 it is to get around the city by bike, due to new
3 and improved bicycle lanes and specific bike signs
4 directing cyclists over the many bridges in the
5 city. I've often discussed these new improvements
6 with recreational cyclists who are excited that a
7 potential bike commute to work is now easier and
8 safer than it has been in the past, although many
9 still lack bike access to their buildings.

10 Finally, while on-street parking is an option all
11 over the city, since bike theft is common, many
12 cyclists, including myself, use that as a last
13 resort, or only when running into a store for a
14 quick errand, certainly not for all-day parking.

15 While I would agree that having secured parking in
16 a garage, as discussed today, is a viable option
17 that may be grounds for exemption, simply because
18 an outdoor bicycle rack is covered would not
19 entice me to park there all day. I refrain from
20 locking my bike up outside, not because I worry
21 about it getting rained on, but because of theft.

22 Because the transportation sector uses more fossil
23 fuels than any other sector in the U.S., it has a
24 huge impact on global climate change, threatening
25 our environment and the health and safety of all

2 inhabitants. Jewish tradition not only reflects
3 in our past, but also helps us look at the present
4 and towards our future, which is why Hazon feels
5 that this legislation will be good for
6 individuals, businesses and NEW YORK CITY. Thank
7 you.

8 CHAIRPERSON LIU: Thank you. Mr.
9 Riley.

10 DAVID HARRIS: Actually I'm Mr.
11 Harris.

12 CHAIRPERSON LIU: Mr. Harris.

13 DAVID HARRIS: There seem to be
14 some gaps, so I filled it in. My name is David
15 Harris, I'm the president and chief executive
16 officer of the CBOE Stock Exchange. The CBOE
17 Stock Exchange is one of nine nationally
18 registered securities exchanges in the United
19 States. We are owned 50% by the Chicago Board
20 Options Exchange, and 50% by large broker dealers,
21 some of whom are located in NEW YORK CITY. I have
22 offices on Broadway, and I have offices in
23 Chicago, which gives me the kind of unique
24 privilege of commuting to two different cities
25 essentially every other week. And when I'm in New

1
2 York, I commute in from Ridgewood, New Jersey,
3 which is approximately 25 miles away. I really
4 support the bike access to the building bill. I
5 support it for three primary reasons. First of
6 all, I really believe that fit employees are more
7 productive employees. My competitors are the New
8 York Stock Exchange and NASDAQ, and so it's a very
9 gruesome environment, and I believe that when my
10 employees are fit, they have an edge both mentally
11 and physically. Secondly, I think it's very good
12 for New York business. I've been commuting in
13 from Ridgewood for the last ten years. I've had
14 buildings where they've allowed me to bring my
15 bikes in, I've had buildings where they denied it.
16 My current building actually denies it, so when
17 our lease is up in a couple of years, we will not
18 be renewing the lease unless they change their
19 policy on bike access. And there are some
20 ancillary benefits in effects to buildings not
21 allowing bike access. When I had a building where
22 they would allow me to bring my bike in, I
23 actually had a membership in a local gym. In the
24 current building, because I had no bike access, I
25 actually cancelled my gym membership in lower

2 Manhattan, which subsequently, not because of my
3 gym membership, the gym actually went out of
4 business. And then finally, and I think probably
5 the most important reason I support it, and it's a
6 very intangible reason, but one that was
7 underlined to me this morning. I started riding
8 in with two other guys, and the group has now
9 grown to fifteen guys from Ridgewood. And I
10 actually think the number could easily triple. I
11 know a lot of people that are willing to ride in.
12 And as we were coming up 38th Street today, the guy
13 that I ride in with, after riding through, you
14 know, ten miles of rain, he looks over to me and
15 says, "I can't believe how lucky we are to ride
16 our bikes into New York." And so I think, you
17 know, that kind of underscored the importance of
18 the quality of living that biking brings to me
19 personally, and I think if you allow bikes into
20 the building, it's going to remove an impediment
21 for a large number of cyclists. Thank you.

22 CHAIRPERSON LIU: Thank you, Mr.
23 Harris. Ms. ... well, I don't want to guess which
24 one you are. Can you identify yourself for the
25 record?

2 MARIAN IMPERATORE: Marian
3 Imperatore.

4 CHAIRPERSON LIU: Okay, please
5 proceed.

6 MARIAN IMPERATORE: I am policy
7 director for the New York chapter of the Institute
8 of Architects, and I'm here to testify today on
9 behalf of Sherida Paulson, president, and Rick
10 Bell, executive director of the AIA New York,
11 which is a professional organization with over
12 forty four hundred architects and public members.
13 We applaud the city council committee for their
14 impressive effort to achieve a more bicycle-
15 friendly city through the proposed intros #780A
16 and 871A. We enthusiastically support this
17 proposed legislation, because it makes good public
18 policy for several reasons. These bills will
19 encourage more commuters to bike to work. More
20 bicycles on the street means fewer cars, less
21 congestion, and less carbon emission. And that
22 gets us closer to reaching the goals of the
23 mayor's Plan NEW YORK CITY and the New York Dept.
24 of Transportation's new street design manual for a
25 greener, more livable city. The second public

benefit is that bicycling promotes public health. In New York there's an epidemic of obesity and diabetes. AIA New York has partnered with the New York City Dept. of Health on a series of fit city conferences that engage the architecture and public health communities to promote active living in the design of healthier buildings, streets and neighborhoods. At our recent fit city conference on June 8th, the city's new active design guidelines were announced, and bicycling is a key component. We offer the following suggestions in regard to the proposed legislation. For Intro 780A, we'd like that garages have the option to convert excess unused parking spaces to bicycle parking, and we suggest that garage bicycle parking be made highly visible, requiring the Dept. of City Planning bicycle parking symbol to be incorporated, so that the signage is consistent. As for 871A, we think it's important to have access by both passenger and freight elevators, because freight elevators often are less desirable, due to their limited hours, remote locations and less safe conditions. We suggest revising language to add the word "secure" covered

1
2 off-street or indoor bicycle parking, so that
3 building owners cannot easily get around the
4 requirements of 871A. And we also feel that
5 extending the commercial bicycle access
6 requirement to manufacturing use buildings and
7 districts would be a good thing, because they're
8 often less accessible to public transportation
9 than other uses and are likely to have a larger
10 amount of space. We support establishing a task
11 force to develop sheltered bicycle storage in
12 public/private - -, but with the following
13 caveats. Bundling is good; for example, if one
14 building can provide better quality bicycle
15 parking for a nearby building, say, an unused
16 retail space, that's a good thing. But it
17 shouldn't be an excuse for buildings to provide
18 access. Finally, we are concerned with using
19 public space for sheltered bicycle storage in
20 public plazas, because that may be less desirable
21 to bicycle commuters who want enclosed or secure
22 storage for optimal safety. And we just point out
23 that since public space is at a premium in our
24 city, we have to be careful about having space
25 taken up by storage shelters, especially ones that

1
2 may not be fully utilized. The scale of the
3 public space, and its ability to accommodate
4 storage shelters esthetically and functionally,
5 should be considered. Central Park can
6 accommodate bicycle storage more easily than a
7 neighborhood pocket park. Finally we suggest that
8 the city council review this legislation in five
9 years, to insure that it is truly fulfilling its
10 purpose. Thank you for the opportunity to
11 testify, and we strongly support the city council
12 in its efforts to make New York a more bicycle-
13 livable place. Thank you.

14 CHAIRPERSON LIU: Thank you very
15 much. We have questions from council member
16 Brewer.

17 fv2 Thank you very much. I first
18 say hi to Ruth, and second is, well, how does it
19 work in Chicago? If it works at all, in terms of
20 support for bicycles parking.

21 DAVID HARRIS: Chicago is a very
22 bike-friendly place, in that, just like NEW YORK
23 CITY, they spend a lot of money with their trails,
24 especially along the lakeside. What I've noticed
25 that they have that I don't think we have, is

1 they, when they finished Millenium Park, they
2 built secured, and when I say "secured", I mean
3 essentially private bike parking spaces with
4 shower facilities that I understand is very nice.
5 Because I am not an Illinois resident, they won't
6 let me in it, but I inquired about it, because I
7 want to park a bike in Illinois. My perception is
8 also that a lot of the buildings, we own our own
9 building in Chicago, so I have access through the
10 loading dock, and I secure whatever bike I have at
11 the time in the loading dock, but my perception
12 is, the buildings are more bicycle-friendly. I go
13 and I visit a lot of traders, and the nature of
14 traders now is they're all wearing shorts, but I
15 see in their offices, you know, that they've biked
16 into work. And they've brought their bikes, and
17 their bikes are nicely ensconced in their office.

18
19 fv2 Okay, thank you.

20 CHAIRPERSON LIU: Thank you,
21 council member Brewer. Questions from Chair
22 Comrie?

23 CHAIRPERSON COMRIE: I have a
24 couple of questions for the lady representing AIA.
25 Are you an architect, or are you a spokesperson?

2 MARIAN IMPERATORE: I actually am
3 an architect, but I'm the policy director, so I'm
4 the spokesperson.

5 CHAIRPERSON COMRIE: As you know, a
6 lot of the parking facilities in NEW YORK CITY are
7 very sloped on entrances and exits. Do you think
8 that it would be safe for bicycles to move up and
9 down those sloped exits, or what do you perceive
10 as the most safe way to insure that those ... that
11 the storage for bicycles at that facility could
12 happen, if they could happen?

13 MARIAN IMPERATORE: If you wouldn't
14 mind, I would like to refer that question back to
15 our committee and submit it ... I mean, to the
16 committee people that worked on this and are
17 really knowledgeable about the particulars of the
18 garage conditions.

19 CHAIRPERSON COMRIE: Okay.

20 MARIAN IMPERATORE: And if we could
21 submit it to you in writing.

22 CHAIRPERSON COMRIE: That's why I
23 asked you that at the beginning of the question,
24 so.

25 MARIAN IMPERATORE: Yes, I'm not ...

2 CHAIRPERSON COMRIE: So okay, and
3 I'm also concerned about, did you hear the
4 testimony from the members from the parking ... the
5 people that represented the parking industry
6 concerning their issues of storage and alternate
7 storage and if you could come back to us with an
8 opinion on that as well?

9 MARIAN IMPERATORE: Okay.

10 CHAIRPERSON COMRIE: Whether or not
11 the racks are necessary. They felt the racks were
12 not necessary. And also if you could come back to
13 us with the issue of whether or not that you think
14 it's proper or makes sense to look at a de minimis
15 cap for garages that are under 60 vehicles, or
16 under 100 vehicles, and whether or not that would
17 make sense at all.

18 MARIAN IMPERATORE: Okay, we'd
19 certainly be happy to get the responses back to
20 you.

21 CHAIRPERSON COMRIE: Thank you, I'd
22 be interested in knowing the architects' opinion
23 on it, since they design most of the garages in
24 the area.

25 MARIAN IMPERATORE: We will

1
2 certainly get that to you, thank you.

3 CHAIRPERSON COMRIE: Thank you.

4 And just also from the gentleman that lives in New
5 Jersey. And you said that when you're in Chicago,
6 do you ... you can tell by visually that the bike
7 access is friendlier? But do you ... but you don't
8 have a specific law that you could speak to? Or
9 you said your own building is accessible because
10 you own the particular building, but you're not
11 sure ... can you give us some type of estimate on
12 how many people you think bike in per day,
13 percentage-wise?

14 DAVID HARRIS: Unfortunately I
15 can't.

16 CHAIRPERSON COMRIE: Okay.

17 DAVID HARRIS: I'm really more of a
18 New Yorker than I am a Chicagoan. It was really
19 just based upon ...

20 CHAIRPERSON COMRIE: I like that
21 part.

22 DAVID HARRIS: Yeah. It was just
23 based upon my observations.

24 CHAIRPERSON COMRIE: Okay. And I
25 appreciate all of you for coming and testifying

2 today, and thank you for being here. Thank you.

3 CHAIRPERSON LIU: Thank you,
4 Chairman Comrie. Thank you very much for joining
5 us today. We'll now call a panel consisting of
6 Teela Duhame, Rachel Erlich, Sabrina Lau, Dave
7 Kulik, Karen Perrine, and Jillian Smith. Please
8 join us in the front row. Is Ms. Duhame here?

9 TEELA DUHAME: That's me.

10 CHAIRPERSON LIU: Okay, please
11 proceed.

12 TEELA DUHAME: Good afternoon,
13 chairman, committee members. My name is Teela
14 Duhame, I am a community organizer for the upper
15 west side streets renaissance campaign. In that
16 work I speak to people and I teach them to
17 advocate for changes in city streets and public
18 spaces that they think would make their lives
19 better and their community better. And one thing
20 that I spend a lot of time talking about is
21 cycling and bike infrastructure here. And one
22 common concern that I hear is that people don't
23 ride their bikes more often, because they don't
24 trust their bikes to be there, at least all in one
25 piece, when they are ready to ride it back home.

1
2 The people I talk to are largely council member
3 Brewer's constituency, are largely enthusiastic
4 about the bicycle access bill. In fact my own
5 physician told me last month that he would ride
6 his bike to work if he could just bring it inside
7 his office building. For six years I worked in
8 Rockefeller Center and building management there
9 would not permit me to bring my bike into the
10 building, and consequently I did not ride my bike
11 to work. I'm lucky now in that my current office
12 allows bike access, and as a consequence I ride my
13 bike almost everywhere I go, including to the
14 office. It's simple cause and effect, encouraging
15 this kind of infrastructure encourages people to
16 cycle more. Now you can imagine the public outcry
17 if motorists in this town found it necessary to
18 either drive a rusty jalopy that no one in their
19 right mind would want to take, or instead,
20 whenever parking their vehicle on the street, to
21 remove their headlights, taillights, odometer, and
22 the driver's seat, and to take these items with
23 them. It's an untenable situation, and yet these
24 are the conditions that NEW YORK CITY cyclists
25 endure almost every day. You can further imagine

1
2 the outcry if one could expect her car or some key
3 component, like the wheel, to be stolen about once
4 every five years, and face less than a 2% chance
5 of recovery. Intro 871 is a necessary measure to
6 address rampant property crime against cyclists,
7 it is a problem which has persisted for years
8 without abating, and with the citywide increase in
9 cycling promises only to worsen. This bill is a
10 boon to cyclists of all stripes, not to mention
11 the ancillary community benefits from encouraging
12 cycling in general, and does not impose a
13 significant burden on building owners or managers.
14 It deserves your support. Thank you very much.

15 CHAIRPERSON LIU: Thank you very
16 much. Ms. Erlich?

17 fv5 Hi, I'm Rachel Erlich, and I'm
18 here to testify in strong support of Intro 871,
19 the bike access bill. I commute by bike from
20 Green Point, Brooklyn to midtown Manhattan, where
21 I work at Dattner Architects. By riding my bike
22 to work every day, I shorten my commute time, I
23 save money on metro cards, I stay fit without a
24 gym membership, and I engage with the city streets
25 and the bustle and flow of people and traffic

1 every day. For all these reasons I often
2 encourage my friends and coworkers to ride too.
3 Unfortunately I have at least three coworkers who
4 choose not to ride to work because they're afraid
5 of locking their bikes on the street all day.
6 Aside from navigating Queen's Plaza and midtown
7 traffic, the most difficult part of riding my bike
8 to work is locking up to a street sign outside my
9 building. The building owner will not permit
10 cyclists to enter the building with their bikes.
11 My firm is willing to work with me to find parking
12 either in our office or in the yard behind our
13 building, but I can't get past the front door, or
14 the freight door for that matter. In the
15 meantime, delivery truck doors and thieves with
16 wrenches have done over \$500 worth of damage to my
17 two bikes over the last two years. After the
18 first theft, a stolen saddle, I walked all over
19 the neighborhood looking for a parking garage that
20 I could lock my bike in during the day. Of the
21 six I visited, none would accept my bike, and I
22 had to settle for the same old sign post, where
23 I've since accrued more costly damages to my bike.
24 My architecture firm is a member of the United
25

1
2 States Green Building Council, and I'm certified
3 as a lead accredited professional. We have a
4 corporate philosophy of promoting green building
5 and sustainable lifestyles, and I'm proud to
6 practice what we preach. With Intro 871, city
7 council has the opportunity to help dramatically
8 increase the number of New Yorkers choosing to
9 bicycle to work. On behalf of current and future
10 bike commuters all over the city, I strongly
11 encourage you to support Intro 871, and to pass
12 the bike access bill as soon as possible. Thank
13 you very much.

14 CHAIRPERSON LIU: Thank you Ms.
15 Erlich. Ms. Lau?

16 KAREN PERRINE: My name is Karen
17 Perrine.

18 CHAIRPERSON LIU: Okay, please
19 proceed.

20 KAREN PERRINE: Thank you for the
21 opportunity to speak. My name is Karen Perrine, I
22 am a Staten Island representative of the New York
23 Motorcycle Task Force. I commute by both
24 motorcycle and bicycle, and I support Intro 780,
25 but it does not go far enough. I am here today to

1 point out that bicycles already get their own
2 traffic lanes, park pathways and now, with 780,
3 mandated space in parking lots and garages, and
4 with 871, even office buildings. Intro 780 could
5 include motorcycles and scooters, but as it is now
6 written, it does not. I would like to know where
7 the city and DOT thinks motorcycles and scooters
8 should park. Many parking lots and garages do not
9 allow motorcycles and scooters to use their
10 facilities. As we discussed last week, muni
11 meters do not work for motorcycles. We are not
12 allowed to chain up to bike racks, and we are
13 knocked down in the street if we park in the
14 street parking. NEW YORK CITY has completely
15 eliminated every single free-of-charge motorcycle
16 and scooter parking island and areas. In May
17 2009, the last place under the FDR in Wall Street
18 was taken away to create a pedestrian plaza. In
19 NEW YORK CITY motorcycles fall in a void between
20 cars and bicycles, and are ignored by the DOT.
21 Meanwhile the Department of Transport in London
22 recently conducted a study to find ways to
23 increase motorcycle usage by providing incentives
24 like bus lane use and free secure parking. London
25

2 is actively working to make their city friendlier
3 to motorcycles and scooters because, like
4 bicycles, they reduce city congestion, fuel
5 consumption and greenhouse gases. Also, like
6 bicycles, they require a fraction of the parking
7 space a car uses. Parking for bicycles is a great
8 idea, but don't forget to include motorcycles and
9 scooters. Thank you.

10 CHAIRPERSON LIU: Thank you very
11 much, and I suppose this would be Ms. Smith?

12 JILLIAN SMITH: The past four years
13 I've been riding my bike to work, traveling from
14 Brooklyn to SoHo during the rush hour traffic. On
15 the first day four years ago that I rode my bike
16 to work, I parked outside of my office building
17 and my back tire was stolen. After that, I
18 inquired about bike parking in my office and was
19 told that there was space in the basement with a
20 bike rack. Since then my bike hasn't suffered a
21 single loss during my work hours. Bike riding in
22 New York can be dangerous, even with the many
23 addition bike lanes added over the past couple of
24 years it can be a stressful process. It begs the
25 question of why I ride my bike to work, and why my

1
2 company should want me to ride my bike to work.
3 Overlooking the less concrete reasons of my bike
4 rides giving me a better sense of place, better
5 connecting me to the community and allowing me to
6 see the city from a different angle, bike riding
7 keeps me healthy and happy and that makes me a
8 more productive employee. New Yorkers work long
9 hours, often at the expense of other things. I
10 get a half an hour of exercise in before work, and
11 a half an hour after work, I'm healthier now than
12 I was four years ago. The bike parking in my
13 office is under a staircase behind the messenger
14 center. This isn't space that would be otherwise
15 used as office space, it's not glamorous, but
16 that's not the point. It works and keeps my bike
17 safe and secure. There are about 20 bicycle
18 commuters that park there each day. Our bikes are
19 sheltered from the weather and sheltered from
20 roving hands. When I started parking there, I
21 assumed all office buildings offered indoor
22 parking, bike parking. It seemed like such a
23 simple thing for such a large payoff.

24 CHAIRPERSON LIU: Thank you very
25 much, Ms. Smith. And with that we want to thank

2 you for participating in today's hearing, and your
3 important input. Thank you.

4 JILLIAN SMITH: Thank you.

5 CHAIRPERSON LIU: There being no
6 other witnesses, today's hearing of the city
7 council's joint hearing on Consumer Affairs and
8 Transportation is adjourned.

9

C E R T I F I C A T E

I, Richard A. Ziats, 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 _____ July 21, 2009 _____