

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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November 27, 2018
Start: 1:28 p.m.
Recess: 3:15 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

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

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

Leon Heyward, Deputy Commissioner for Sidewalk
Inspection Management, Department of Transportation,
DOT

Rebecca Zack, Assistant Commissioner for
Intergovernmental and Community Affairs, Department
of Transportation

Patrick Wehle, Assistant Commissioner of External
Affairs, Department of Buildings, DOB

Oleg Chernowski, Executive Director of Legislative
Affairs, NYC Police Department, NYPD

Michael Pilecki, Deputy Chief, Transportation
Enforcement District, NYC Police Department, NYPD

Eric McClure, Executive Director of StreetsPAC

2 [sound check] [pause]

3 CHAIRPERSON RODRIGUEZ: Thank everyone.

4 We will—I want to recognize also we've been present
5 here by Council Member Salamanca, Diaz, Reynoso,
6 Deutsch, Menchaca, and Richards. Good afternoon.

7 First of all, thank you to the members of the
8 Administration for their delay (sic). Welcome to
9 this hearing of the City Council Committee on
10 Transportation. I'm Ydanis Rodriguez the Chair of
11 this committee. Today we will be hearing testimony
12 on 11 pieces of legislation relating to curbs and
13 sidewalks. Please don't come to you because all of
14 them would be open to continue working, and see how
15 we can address those 11 pieces of legislation. They
16 have—they are focused on driveways, curb cuts, but
17 first, well, I already acknowledge colleague. Intro-
18 intro 131 introduced by Council Member Lander will
19 require the Department of Transportation to order a
20 property owner to discontinue the use of a curb cut
21 and restore the curb where the curb cut is
22 inconsistence with the requirements of the city's
23 Building Code or Zoning Resolution. Additionally, it
24 will require construction permit applications to
25 certify that if construction would cause a curb cut

2 to be non-compliant, a plan must be—must exist to
3 restore the curb. Intro 285 introduced by Council
4 Member Richards will require DOT to clean and
5 maintain all medians at least once a year, and create
6 a web based system to track its progress. Next, we
7 have three bills that I have introduced. The first,
8 Intro 327 will require DOT to establish a curb—curb
9 extensions program to identify intersections where
10 extensions may be implemented to enhance pedestrian
11 safety, and implement at least five curb extensions
12 per borough per years. Everyone know that 70% of the
13 crashes in New York City happen in intersections.
14 Intro 329 will require DOT to prepare a report
15 detailing the condition of bridges, sidewalks and
16 ferries under the jurisdiction of DOT. Finally, my
17 Intro 330 will require DOT to provide a list of
18 sidewalk for which it is responsible for moving the
19 snow or making repairs. Council Member
20 Constantinides' Intro 438 would allow property owners
21 to paint—authorize curb cuts. Intro 939 introduced
22 by Council Member Holden will prohibit the Police
23 Department from issuing a violation to a vehicle for
24 illegally parking in a driveway unless the police
25 officer first confirms that the driver—driveway was

2 legally constructed or modified. Intro 953
3 introduced by Council Member Yeger will require
4 property owners to correct illegally created curb
5 cuts, and if the property owners does not correct it,
6 DOT will be required to do so and then recover the
7 cost from the property owner. Additionally, the
8 community board will be notified of any application
9 to create a curb cut within the community district.
10 Council Member Ulrich's Intro 1015 will require the
11 Department of Buildings to—within two days of
12 receiving a complaint regarding a curb cut for which
13 the department has not issued a permit to forward the
14 complaint to the appropriate police department.
15 Council Member Deutsch consider—consider—considered
16 intro will require the city to paint curb adjustments
17 to fire hydrants and bus stops in order to alert
18 drivers to where they may not legally park.
19 Finally, my resolution 103 will call on the Port
20 Authority of New York and New York City to widen the
21 George Washington Bridge sidewalks. I now, if there
22 is any—the sponsor of this bill to deliver the
23 opening statements. Council Member Deutsch, do you
24 have? No? Okay, no. I would like to welcome the—I
25 would like to welcome the representatives of the

2 Administration who are here with us today. Thank you
3 for being here and your patience. I now ask the
4 committee counsel to administer the affirmation, and
5 then invite you to deliver your statement.

6 LEGAL COUNSEL: Please raise your right
7 hand. Do you affirm to tell the truth, the whole
8 truth and nothing but the truth in your testimony
9 before this Committee and to respond honestly to
10 Council Member questions?

11 DEPUTY COMMISSIONER HEYWARD: I do.

12 ASSISTANT COMMISSIONER WEHLE: Yes, I do.

13 LEGAL COUNSEL: Thank you.

14 DEPUTY COMMISSIONER HEYWARD: Good
15 afternoon Council-Chairman Rodriguez and members of
16 the Transportation Committee. On behalf of
17 Commissioner Trottenberg, I am Leon Heyward, Deputy
18 Commissioner for Sidewalk Inspection Management, and
19 I am joined with Rebecca Zack, Assistant Commissioner
20 for Intergovernmental and Community Affairs. I am
21 also joined by Patrick Wehle, Assistant Commissioner
22 of External Affairs at the Department of Buildings,
23 Oleg Chernowski, the Executive Director of
24 Legislative Affairs at NYPD, and Deputy Chief Pilecki
25 from the Transportation Enforcement District. Thank

2 you for inviting us here on behalf of Mayor de Blasio
3 to discuss the bills that are before the committee
4 today. First, two bills regarding the painting of
5 curbs. The preconsidered intro by Council Member
6 Deutsch previously Intro 23 would require DOT to
7 paint curbs red in all bus stops and the distance on
8 either side of fire hydrants from which parking,
9 standing or stopping is prohibited, which is 15 feet.
10 I want to start by saying that maintaining hydrant
11 access for a fire department and facilitating
12 efficient movement for our city's many bus riders are
13 both very high priorities on our streets. Hence, the
14 importance of both of these regulations. DOT
15 understands that the intent of the bill's sponsors is
16 to make life easier for drivers trying to figure out
17 where they may or may not park. However, DOT
18 strongly opposed curb painting as a solution because
19 of serious maintenance challenges and the potential
20 for tampering, which has a significant impact on its
21 effectiveness. To regulate the use of our many
22 millions of feet of curb space, a combination of
23 signage and rules is the most accurate, effective and
24 cost-efficient method to inform drivers where they
25 are allowed to park. While it is universally

2 understood not to park in front of a hydrant, painted
3 curbs is subject to being worn and scarred. Use of
4 painted curbs is also susceptible to unauthorized
5 tampering by property owners or others painting their
6 own curb markings. Curb painting also conflicts
7 with the preservation of historic bluestone curbs or
8 the use of other distinctive curbing material, nor is
9 it compatible with the use of bioswales or the use of
10 other distinctive curbing material. Nor is it
11 compatible with the use of bioswales. In addition,
12 the lengths and location of bus stops and other
13 parking restrictions are sometimes modified. In
14 these cases, signs are easier to relocate than
15 painted curbs. For these reasons, DOT currently does
16 not paint curbs to designate their use and do-and
17 doing so would require an entirely new set of
18 specifications and standard, and a new operational
19 unit. With approximately 110,000 hydrants citywide
20 at 15 feet on each side, this proposal would require
21 DOT to paint nearly 3.3 million linear feet of curb,
22 and with approximately 16,000 bus stops citywide at
23 an average length of 100 feet would require DOT to
24 paint 1.6 million linear feet for a total of nearly 5
25 million linear feet. All tolled this constitutes over

2 900 miles of curb. In other words about the distance
3 from here to Saint Louis. As DOT previously
4 testified in September of 2017, complying with the
5 requirements of the bill would cost several million
6 dollars for installation and recurring maintenance
7 costs of over a million dollars annually. This
8 considerable diversion of resources for street
9 painting operations would distract from our two vital
10 Vision Zero priorities when it comes to markings
11 creating new safety projects and redesigns and
12 refreshing our existing markings and thereby affect
13 our ability to make progress on eliminating traffic
14 deaths and serious injuries. For all of these
15 reasons, DOT opposes the intro. The second bill
16 dealing with painting curbs---painting curbs, Intro
17 438 by Council Member Constantinides, would make it
18 legal for a property owner to paint an authorized
19 curb cut, which is currently a violation of the New
20 York City Administrative Code on street defacement
21 including the curb. DOT conducts enforcement to
22 encourage this--to discourage this practice because it
23 can be misconstrued to indicate where it may or may
24 not be legal to park, and contradiction to traffic
25 rules and posted regulations and can, thereby, cause

1 confusion and be subject to abuse. So, DOT opposes
2 sanctioning this practice. In the case of
3 enforcement, our inspectors issue a notice of
4 defacement to give the property owners a chance to
5 correct the condition before imposing a violation.
6 Regarding Intros 131 by Council Member Lander, 939 by
7 Council Member Holden, 953 by Council Member Yeger,
8 and 1015 by Council Member Ulrich, DOT defers to the
9 Department of Buildings' authority to approve curb
10 cuts for private driveways and we defer to NYPD on
11 the enforcement of illegal parking in a driveway in
12 violation of New York City Traffic Rules. For DOT's
13 part, in the case of an unauthorized curb cut, Intro
14 953 would require us to issue a Commissioner's Order
15 for an illegal curb cut and restore such a curb to
16 our specifications within six months at the expense
17 of the property owner if not first restored by the
18 property responsible. First, it must be emphasized
19 that DOB and not DOT reviews construction documents,
20 which indicate that a curb cut will be created before
21 issuing a permit. DOT also issues violations for
22 illegal curb cuts and requires restoring the sidewalk
23 and curb to the original condition. Second, while
24 DOT understands that unauthorized curb cuts are a
25

2 significant problem with effects on both the use of
3 the street and on safety, meaning such a requirement
4 within the time frame opposed would like require a
5 significant new contract and resources for DOT and
6 should be weighed against all the competing needs of
7 their agency to hand safety and mobility and maintain
8 our street infrastructure in good repair. Now,
9 turning to some bills on cleaning, condition and
10 maintenance of our streets and other transportation
11 infrastructure. First, Intro 285 by Council Member
12 Richards would require DOT to clean and maintain all
13 medians once a year and create a web best system to
14 track our progress? The existing Division of Labor
15 among city agents for cleaning various city property
16 takes into account the similarity of various tasks to
17 the other work performed by various agencies, ability
18 of the personnel and equipment and potential for each
19 agency to integrate the cleaning of particular
20 properties into their regular operations. According
21 to this Division of Labor, DOT is responsible for 200
22 miles of arterial highways such as the Brooklyn
23 Expressway and the Belt Parkway and the 2400
24 landscaped acres of the New York City Arterial
25 System. At the same time, on our street network,

2 unlandscaped center medians, malls, traffic islands
3 and triangles are the responsibility of Sanitation
4 while such areas, which are landscaped are generally
5 maintained by Parks. DOT would be happy to discuss
6 any particular location with elected officials or
7 community boards in collaboration with our Sanitation
8 and Parks Department partners to think creatively
9 about available resources. However, taken into
10 account all our existing responsibilities cleaning
11 every median once a year as proposed is beyond the
12 limit of DOT's current capabilities and we,
13 therefore, oppose this bill. Intro 329 by Chair
14 Rodriguez would require an annual report on the
15 condition of DOT bridges over a quarter mile in
16 length, our ferries and sidewalks under the exclusive
17 jurisdiction of the department meaning those adjacent
18 to our properties and on our bridges and overpasses.
19 DOT already produces a Bridge and Tunnel Annual
20 Conditions Report as mandated under the New York City
21 Charter. In addition to reporting summary
22 information on the state of bridge repair in the
23 Mayor's Management Report. The Division of Bridges
24 manages the city's Capital Bridge Program, conducts
25 bridge inspections, and monitoring and keeps the

2 entire bridge network in a state of good repair. Our
3 inventory includes all the iconic East River Bridges,
4 which are well over a hundred years old requiring
5 continual care and attention. The remaining network
6 of nearly 800 bridges includes the Harlem River
7 Bridges, the Bell Parkway Bridges and elevated
8 roadways and pedestrian bridges serving the
9 neighborhoods across the city, which is subject to
10 the continuing effects of heavy traffic and rough
11 winters with long cycles of ice, snow, rain, sleet
12 and deicing activities. DOT conducts regular
13 maintenance of these bridges to prevent decay and our
14 Ten-Year Capital Plan includes approximately \$8.8
15 billion for bridge reconstruction and major
16 rehabilitation. DOT has a rich tradition of bridge
17 design, construction, maintenance and administration,
18 and will continue to use its resources and attract
19 additional funds to provide safe spans that meet the
20 needs of all 8.4 million New Yorkers. While bearing
21 in mind that information that is already provided in
22 the Mayor's Management Report, DOT would be happy to
23 discuss the goals of this bill when it comes to
24 reporting on the condition of our ferry fleet and
25 sidewalks at DOT facilities. Our Ferries Division

2 conducts an extensive maintenance program to keep our
3 fleet operating in excellent condition to transport
4 over 23 million passengers a year with over 90% on-
5 time performance. All maintenance is in accord—is in
6 accordance with the U.S. Coast Guard Regulations, and
7 the Class Standards of the American Bureau of
8 Shipping. The U.S. Coast Guard conducts quarterly
9 inspections of vessels and issues a Certificate of
10 Inspection without which the vessels cannot operate.
11 The Ferries Division goes above and beyond what is
12 required by the U.S. Coast Guard and maintains all
13 vessels to the class standards of the American Bureau
14 of Shipping. As you know, we are well under way with
15 the procurement of three new 4,500 passenger capacity
16 Ollis-Class Vessels, a major investment for the future
17 that will allow us to retire some older vehicles.

18 When it comes to sidewalks adjacent to DOT
19 properties, we strive to maintain them in a condition
20 free from defects. Our Sidewalk Programs typically
21 repair over a million square feet of sidewalk
22 annually through in-house and contract work. To
23 enhance our accessibility and mobility across every
24 neighborhood in the city under Mayor de Blasio we
25 have doubled our investment in this work from \$20

2 million to \$46 million annually, some of which is
3 recruited from property owners. Under the program we
4 prepare both sidewalks abutting 1, 2 and 3-family
5 homes at the expense of owners—at the expense of the
6 owner, city property—and city property. Last year we
7 repaired approximately 341 square feet on city-owned
8 property including both DOT and other city agencies
9 particularly the New York City Housing Authority.
10 Finally, Intro 330 by Chair Rodriguez would require a
11 regularly updated list of sidewalk locations for
12 which DOT is responsible for snow removal. These
13 locations include step streets and pedestrian
14 overpasses and walkways and sidewalks in our
15 municipal parking fields and at our ferry terminals.
16 As you know, in addition to these locations, DOT
17 contributes resources to a coordinated snow removal
18 plan for New York City including general street
19 cleaning and de-icing under the direction of
20 Sanitation during large snow events. DOT is happy to
21 further discuss the goals of this bill with the
22 Chair. Last, I will discuss a Vision Zero related
23 bill, Intro 327 also by Chair Rodriguez, which would
24 require DOT to install curb extensions at minimum of
25 five intersections per borough annually. Extending

2 curb-extending the curb is a standard part of DOT's
3 Vision Zero toolkit. We frequently employ it to
4 shorten pedestrian crossing distances, enhance
5 visibility and as part of safer traffic
6 configurations and we appreciate your support for
7 this proven approach. The last calendar year we
8 installed curb extensions or as we call them, neck
9 downs at approximately 50 locations citywide.
10 However, at any given time in a particular borough we
11 may be doing a higher amount of the kind of work
12 involved in the creation of curb extensions while at
13 other times interventions may focus on signal timing
14 or other treatments, and the amount of work we do in
15 each borough overall varies in proportion of the size
16 of each borough and the makeup of its streets. Under
17 Vision Zero we are reducing traffic related serious
18 injuries and fatalities by the following-by following
19 the data, utilizing the most effective and
20 appropriate treatments from our whole toolkit based
21 on our engineering judgment and dramatically
22 increasing our productivity. So, having to spend
23 time and resources to follow a particular formula, or
24 evaluate treatments that may not be tailored, is not
25 helpful to the success. Bearing all this in mind, we

2 are happy to work with the bill's sponsor on the
3 bill. In conclusion, the ongoing management of our
4 vital street network including curbs and curb cuts,
5 cleaning, snow removal and parking regulation as well
6 as the maintenance of other transportation-
7 transportation infrastructure such as Staten Island
8 Ferry and the bridges that serve as critical links in
9 our network for millions of trips each day are all
10 vitally important. DOT is always striving to provide
11 world class streets to New Yorkers and we look
12 forward to continuing to work collaboratively with
13 the Council to achieve that goal. After you hear
14 from our colleagues, we will be happy to answer any
15 questions. Thank you.

16 ASSISTANT COMMISSIONER WEHLE: Good
17 afternoon, Chair Rodriguez and members of the
18 Transportation Committee. I am Patrick Wehle,
19 Assistant Commissioner for External Affairs at the
20 New York City Department of Buildings. I am pleased
21 today and offer testimony on three of the bills
22 before this committee, Introduction Nos. 131, 953 and
23 1015. Introduction No. 131 would require the
24 department to order that the use of a driveway be
25 discontinued and that a curb and sidewalk be restored

2 where it finds that curb cut does not comply with the
3 New York City Building Code or the Zoning Resolution.
4 It would also require that owners certify to the
5 department that any proposed construction will not
6 cause a curb cut to be not in compliance with the
7 Building Code or Zoning Resolution, and if such
8 construction causes such non-compliance that the curb
9 and sidewalk will be restored. The department
10 enforces both the Building Code and the Zoning
11 Resolution as it relates to curb cuts. If
12 construction documents submitted to the department
13 indicate that a curb cut will be installed, the
14 department ensures through the review of plans that
15 any proposed curb cut complies with the Building Code
16 and Zoning Resolution before issuing a permit.
17 Additionally, when the department receives a curb cut
18 complaint, the department performs an inspection,
19 which includes checking for compliance with the
20 Building Code and Zoning Resolution. Where non-
21 compliance is discovered, the department issues a
22 violation and curing the violation requires restoring
23 the sidewalk and curb if such a violation was issued
24 for illegally creating a curb cut. Further, as part
25 of an application to the department to perform work,

2 owners are already required to certify that they will
3 comply with all applicable laws, rules and
4 regulations. The department's enforcement of curb
5 cut regulations and existing owner certification
6 requirements are in keeping with what is proposed in
7 this bill. Therefore, the department does not
8 believe this bill will improve existing processes.
9 Intro 953 would require the department to notify
10 community boards within seven days of receiving an
11 application for a permit to install a curb cut. The
12 Community Board would then have 60 days to submit
13 comments and recommendations to the department with
14 the-with respect to such permit application. The
15 total-the department then must consider such comments
16 and recommendations before granting or denying the
17 permit. The bill would also require the department
18 conduct an inspection before issuing a permit for a
19 curb cut. Given the significant impact construction
20 could have on New Yorkers, the department recognizes
21 the importance of sharing information with the
22 public. As such, the department has made enormous
23 strides in improving the public's access to its data
24 with the goal of every building construction project
25 having a clear and transparent status. Building on

2 My Block, which is a searchable online database that
3 is organized by Community Board for easy reference
4 allows users to search by property address or
5 Community Board to find major projects near them.
6 The Building Information System or BIS or the DOB now
7 public portal allows users to see the latest
8 developments at construction sites of interest
9 including complaint, violation, application and
10 permit information. In accordance with the Open Data
11 Law, the department is also publishing daily updates
12 to all job applications and permits on the New York
13 City Open Data Portal, which allows users to access
14 the latest status of any construction project or
15 group of projects. As I mentioned earlier in my
16 testimony, the department ensures that any proposed
17 curb cut complies the Building Code and Zoning
18 Resolution before issuing a permit, and if such
19 proposed curb cut complies, it is obligated to issue
20 a permit. While the department welcomes feedback
21 from communities impacted by construction, it does
22 not support delaying a permit—delaying permit
23 issuance for two months for construction work that
24 can be performed as-of-right. The department is also
25 not supportive of performing an inspection prior to

2 issuing a permit to install a curb cut. Illegal curb
3 cuts are typically installed absent department
4 scrutiny and, therefore, without a permit. As such,
5 performing an inspection prior to permit issuance
6 would add little value and strain the department's
7 limited resources. The department regulates the safe
8 and lawful use of over 1 million buildings in 45,000
9 active construction sites at any one point in time.
10 In addition to the over 100,000 complaints it
11 responds to, the department performs nearly 190,000
12 development inspections each year. The department's
13 mandate has expanded rather dramatically of late to
14 include performing inspections to ensure that workers
15 have appropriate safety training under Local Law 196
16 along with inspections to ensure tenants are
17 protected from construction as harassment. The
18 department estimates that performing an inspection
19 before issuing a permit to install a curb cut could
20 result in an additional 1,500 inspections per year.
21 The department believes that it can effectively
22 enforce curb cut regulations through plan exam and
23 complaint response as its existing practice without
24 performing an inspection prior to permit issuance.
25 Intro 1015 would require the department to share curb

2 cut complaints with the relevant police department
3 precinct within 2 days of receiving such complaints
4 where it has not issued a curb cut permitted location
5 that is subject of the complaint. Last year the
6 department performed nearly 3,000 inspections in
7 response to curb cut complaints, which resulted in
8 the issuance 04 violations. As a matter of practice,
9 the department responds to every complaint that it
10 receives irrespective of whether a permit has been
11 issued at the location that is the subject of the
12 complaint. Further, while the department is not
13 opposed to sharing information with the Police
14 Department, the department fails to see how sharing
15 curb cut complaints with them would be useful
16 particularly when only 17% of complaints result in
17 the issuance of a violation. Thank you for your
18 attention and the opportunity to testify before you
19 today. Once the Police Department testifies, I
20 welcome any questions you may have.

21 OLEG CHERNOWSKI: Good morning, Chair
22 Rodriguez and members of the Council. I'm Oleg
23 Chernowski the department's Executive Director of
24 Legislative Affairs, and I'm joined here today by
25 Deputy Chief Michael Pilecki from the NYPD's Traffic

2 Enforcement District. On behalf of Police
3 Commissioner James P. O'Neill, we are pleased to
4 testify on two of the proposed bills, which are of
5 interest to the department. Intro 939 requires the
6 department to confirm the legality of a curb cut
7 prior to issuing the summons for violation of Section
8 4-08 of Title 34 of the Rules of the City of New
9 York. As the primary law enforcement agency in the
10 city, the department is tasked with among other
11 things, the enforcement of traffic laws including
12 parking violations. In carrying out these duties,
13 the department emphasizes in its training sessions
14 for both officers and traffic enforcement agents that
15 they be certain that a legal basis exists before
16 issuing a violation. The department does not want to
17 reward illegal curb cuts, which take away on-street
18 parking spots in neighborhoods where parking is
19 already limited. However, TEAs do not have the
20 ability to-to determine which curb cuts have been
21 created legally versus those that result from illegal
22 actions. There exists no easily searchable database
23 available to make sure a determination. Even if a-
24 even if such a database were to exist, TEAs who are
25 primarily tasked with the issuance of parking

2 summonses, are not equipped with the technology such
3 as department issues cell phones to run such a check.
4 Nor would it be practicable to require TEAs to travel
5 back and forth to a precinct to run the check on the
6 department computer each time they encounter a
7 vehicle parked in front of the driveway. While the
8 department supports the goal of this legislation and
9 look forward to working with Council Member Holden on
10 this issue, the department would be incapable of
11 complying with Intro 939 as written. Intro 1015
12 requires the Department of Buildings when in receipt
13 of a complaint for an illegal curb cut to forward the
14 complaint to the appropriate precinct within two
15 days. This legislation presumably requires the
16 complaint to be validated prior to it being forwarded
17 to the department. It, however, raises the same
18 concerns that I have raised regarding Intro 939.
19 Where the department -were the department to receive
20 this information, there currently is no mechanism to
21 compile the data and allow it to be accessed by
22 members of the service particularly TEAs in the field
23 for the same reasons I have previously mentioned.
24 Although we support the common goal of these bills,
25 we have concerns with the legislation as written, and

2 ask that serious consideration be given to the
3 operational implications and impediments we have
4 highlighted today as we work together in developing a
5 workable solution to the issues you have raised.
6 Thank you and we look forward to answering any
7 questions you may have.

8 CHAIRPERSON RODRIGUEZ: Thank you. I'd
9 like to acknowledge-recognize that we've been joined
10 by Council Member Yeger and Council Member
11 Constantinides. I have a few questions. Of course,
12 intersections and sidewalks are a priority of me as
13 another for-the administration, too. We've been
14 working together with DOT and NYPD with this issue as
15 also together with Transportation Alternatives and
16 Families for Safe Streets, but we know that we have a
17 big responsibility to continue reviews and the number
18 of crashes in our street, and most of them happening
19 in intersections. What is the data when we compare
20 crashes in intersections today compared to 2017?

21 OLEG CHERNOWSKI: [off mic] The crashes.
22 All that information is compiled at our Traffic
23 Management Center, and the Transportation Bureau, and
24 it's reviewed at the department's weekly Traffic Stat
25 meetings with the individual borough commander and

2 precinct captains. So, all that information is
3 reviewed and discussed the regard to, you know, high
4 profile locations, accident prone locations. We
5 discuss engineering solutions, enforcement solutions,
6 education solutions so all this data I don't—I don't
7 have, the accident data before me now, but I could
8 tell you that it's gone over thoroughly by our Chief
9 of Transportation, and similar to the COMPSTAT
10 Meetings that I utilize to reduce crime, Traffic
11 State means they're utilized to bring accidents down.

12 CHAIRPERSON RODRIGUEZ: I—I would like to
13 see by any chance you guys can try to get those data
14 before we end this hearing because if we are
15 discussing about policy, potential legislation and
16 making arguments on why we should or should not move
17 some legislation, and one of the approaches is
18 intersections. And in the previous hearing we also
19 all recognized by DOT, NYPD but still today 70% of
20 the crashes are happening in intersections. I would
21 like first of all to reconfirm if that number has
22 changed from previous conversations or if still that
23 number is the same?

24 ASSISTANT COMMISSIONER ZACK: We can work
25 on confirming that. [background comments/pause]

2 Could you—Chair, could you clarify which bills from
3 the last hearing that you're referring to that we
4 were discussing, and I'm—I'm drawing a blank. You
5 referred to the last hearing that we were--

6 CHAIRPERSON RODRIGUEZ: [interposing] No
7 I said that--

8 ASSISTANT COMMISSIONER ZACK:
9 [interposing] Oh, I'm sorry, I might have
10 misunderstood.

11 CHAIRPERSON RODRIGUEZ: No, I said that
12 in the past as we've been having--

13 ASSISTANT COMMISSIONER ZACK:
14 [interposing] Oh, okay.

15 CHAIRPERSON RODRIGUEZ: --conversation
16 with the Commission and the Deputy Commissioner and
17 we're addressing the progress that we have made from
18 Vision Zero--

19 ASSISTANT COMMISSIONER ZACK: Right.

20 CHAIRPERSON RODRIGUEZ: --but we also
21 recognize that crashes mainly continue happening in
22 intersections, and as far as I recall, the average is
23 that 70% of the crashes still today are happening in
24 intersections.

1 COMMITTEE ON TRANSPORTATION

28

2 ASSISTANT COMMISSIONER ZACK: Right. So,
3 you-we want to confirm that--

4 CHAIRPERSON RODRIGUEZ: [interposing]
5 Okay.

6 ASSISTANT COMMISSIONER ZACK: --if it's
7 still at that threshold.

8 CHAIRPERSON RODRIGUEZ: Okay, so--

9 ASSISTANT COMMISSIONER ZACK:
10 [interposing] We'll work on that.

11 CHAIRPERSON RODRIGUEZ: [interposing] So,
12 and I think it's important to know that information
13 because if we want to maintain the same plan of
14 working on curbs and sidewalks, then under what data
15 are we making--take position because if the number is
16 going down, then we can say, you know, we can
17 continue the same pace--

18 ASSISTANT COMMISSIONER ZACK: Right.

19 CHAIRPERSON RODRIGUEZ: --but if we know
20 that the crashes--

21 ASSISTANT COMMISSIONER ZACK:
22 [interposing] Right, I don't think we see--I don't
23 think we see ourselves like slowing down a pace. I
24 mean obviously since you've been the chairs under
25 this Administration, the installation of curb

2 extensions and our entire toolkit under Vision Zero
3 has increased. Your threshold is 25. We just wanted
4 to highlight that we've done 50 and, you know, we
5 absolutely love how supportive that you are of those
6 efforts and want to make sure that it-it-you know,
7 those-those efforts stay in place. We will check the
8 stat as quickly as we can. I can't guarantee I can
9 get it while we're sitting here, but we'll do it as
10 quickly as we can. We understand that you want to
11 make sure that you can kind of codify that what's
12 been happening will continue to happen. We just
13 wanted to highlight that we-we've-we've met the-the
14 threshold that you're proposing, and gone way above
15 that, and I think that's why you're seeing the-the
16 traffic that's decreased every-every year.

17 CHAIRPERSON RODRIGUEZ: [interposing]

18 Oka. So, I-I think again if we can look or any point
19 that you can share with us based on--

20 ASSISTANT COMMISSIONER ZACK:

21 [interposing] Yeah.

22 CHAIRPERSON RODRIGUEZ: --the NYPD data
23 on how are we doing today compared to 20-to last year
24 2017 when it came to crashes so that I think that
25 give us some ideas on how should we continue with our

2 plan. You know, I'm not in the business here to make
3 the life better for anybody else, more than
4 pedestrians and cyclists. So, even our ideas and all
5 legislation that my colleagues that are here are
6 addressing some initiatives on painting the hard dry
7 and the bus stop is not driver-centered, but it's
8 about being fair. And by my case, you know, I'm
9 happy that we can continue discussion our ideas and
10 how to look at Intro 327 that will require DOT to
11 establish a curb extensions program. Because for me
12 it's about all of us, and I know that it's a
13 community that advocates for individuals with
14 disability. Like how—what is the plan? What is the
15 plan that we have, in this case, DOT has in
16 coordination with other agencies for the disabled
17 especially during the snow. I mean looking at this
18 as a—I mean how do we—what is the plan that we have
19 when it comes to intersection, curbs and sidewalks to
20 make them more accessible especially for individual
21 with disability, especially when we have the now
22 season.

23 ASSISTANT COMMISSIONER ZACK: I mean
24 I'll—I'll defer to Leon here to talk about our
25 extensive curb grant program.

2 DEPUTY COMMISSIONER HEYWARD: So, over
3 the past couple of years, we've been building up our-
4 our resources so that we can begin to upgrade all of
5 the corners to make sure that all of the ramps are
6 ADA compliant so that we're—we're definitely well on
7 our way on getting off the ground on full steam to
8 doing that, and we're presently following our
9 surfacing operation and wherever we resurface, we are
10 focused on those corners to bring those corners up to
11 ADA compliant. In regard to you mentioned the snow,
12 you know, there are a number of different resources
13 that are brought to bear during the snowstorm and
14 then after during the cleanup and we work with
15 Sanitation to distribute resources where they feel
16 they are most focused, and Sanitation as well as DOT.
17 We also get people to come on and hire for day work
18 to help us address some areas that we know that we
19 don't normally get to us as quickly as we normally—as
20 we should.

21 CHAIRPERSON RODRIGUEZ: But we—I agree.
22 I hope that we recognize that still there's a lot
23 more work that has to be done.

24 DEPUTY COMMISSIONER HEYWARD: Absolutely.
25

2 CHAIRPERSON RODRIGUEZ: That yes we have
3 to have made progress, but still today, you know,
4 especially in many intersections, but I can say
5 especially in disadvantaged communities we still face
6 challenges where yes the Sanitation or whoever men
7 and women they are hiring locally to remove the snow
8 in the morning, five hours after, snow is back there.
9 I can tell you that even close to where I live in
10 Inwood, I can see how there have been some new work
11 doing the intersection, but whoever had been doing
12 the work, they didn't take into consideration I can
13 tell you Bay Street and Broadway, Arden and Broadway
14 and I live in those intersections when we get water,
15 those water turn ice because there was not the work-
16 the way you had the work-were done was not taking
17 into consideration what happened whose intersections
18 get the water and the snow.

19 DEPUTY COMMISSIONER HEYWARD: Right.

20 CHAIRPERSON RODRIGUEZ: So and I-and I do
21 understand that that, you know, that it is a good
22 intention. It is a good plan. I think that it's
23 better than before, and we should not only rely on
24 when the elected officials bring those things to our
25 attention. Sometimes I feel I am tired. This is the

2 third hearing that I'm bringing and I'll bring it
3 again. I have a big issue on the sidewalk. Saint
4 Nicholas Avenue between 180 and 181st like I see
5 people taking no real follow-up, and still just
6 imagine 181st and Saint Nicholas Avenue where we had
7 like seven buses that they cross from 181st to the
8 Bronx. You think about that sidewalk, Saint Nicholas
9 between 180 and 181st, and this not about ones that
10 have to be done in the sidewalk. This is about we,
11 DOT, NYPD, or whoever no enforcing for pedestrians to
12 have most of the sidewalks for them to walk. This is
13 a business owner--

14 ASSISTANT COMMISSIONER ZACK: Right.

15 CHAIRPERSON RODRIGUEZ: --where he parked
16 the three trucks. If you send someone from the 34
17 that and take a photo right now, you will see that
18 person taking most of the sidewalk to have other
19 mentions in the street another three feet.

20 ASSISTANT COMMISSIONER ZACK: Right.

21 CHAIRPERSON RODRIGUEZ: Because we
22 couldn't--instead of fending the 15 and the small
23 business is supposed to have three. They probably are
24 two feet to the pedestrians, and wherever they do it

2 right now, they have most of the merging in the
3 street. Where is the NYPD? Where is the DOT?

4 ASSISTANT COMMISSIONER ZACK: So, I've
5 been—since the last hearing and—and you brought that
6 up, I've been coordinating with the Department of
7 Health and DCA. I know that there have been recent
8 violations that have been issued. I think it would
9 be best if offline I connected because it's—it's much
10 than DOT. DCA has a piece. Department of Health has
11 a piece.

12 CHAIRPERSON RODRIGUEZ: [interposing] But
13 what—what are—are you--

14 ASSISTANT COMMISSIONER ZACK:
15 [interposing] And I'd like to—to highlight for them
16 all--

17 CHAIRPERSON RODRIGUEZ: [interposing]
18 It's like—it's like two—it's like two years. It's
19 like, you know, it's two years.

20 ASSISTANT COMMISSIONER ZACK: Violations
21 have to be--

22 CHAIRPERSON RODRIGUEZ: [interposing]
23 It's about—it's about—it's about, you know, think
24 about it. Most of, you know, in Washington Heights
25 181st is a heavy intersection, the whole block and

2 the person she have the business. She has most of
3 the merchandise on the sidewalk. She takes the-right
4 now--

5 ASSISTANT COMMISSIONER ZACK:

6 [interposing] Right.

7 CHAIRPERSON RODRIGUEZ: --she still have
8 two trucks parked in the street and she even take the
9 other side of Saint Nicholas Avenue. The Business
10 Improvement District every woman trying to do
11 something. When are we sending the message to the
12 8.5 million New Yorkers that we live in the city of
13 law that people should--and especially in my case
14 about I had it for me because I care for the
15 pedestrians and cyclists. I've been working with you
16 guys citywide. How I go to Brooklyn, Queens and
17 other places seeing that pedestrians and cyclists is
18 my priority. When I have two years bringing it to
19 your attention. It should not take one more day or
20 week, and I know questioning your effort.

21 ASSISTANT COMMISSIONER ZACK:

22 [interposing] That's right.

23 CHAIRPERSON RODRIGUEZ: But it's about
24 enforcement. That's not enforcement there, but for
25 me again like my concern is about sidewalk, and I

2 want to go back into this like, you like to other
3 attention, and I pass it to my colleague. We have to
4 do better. We have--this Administration has, you
5 know, three more years, and I think that this is
6 about--I'm proud to say that I've been working with
7 all of you guys' agency making a lot of improvement,
8 Chief Chan and all of you, Margaret, you know, and--
9 and the halting (sic) of the agency together with the
10 advocates. We've been reducing crashes. We've been
11 saving lives, but there's intersections continue
12 being places that it's not still accessible as they
13 should be for people with disability. The
14 intersection continues being the place of over 7% of
15 the crashes happening in the street. Intersections
16 continue being places where drivers are turning in 50
17 miles per hours. So, I just hope that as we're
18 looking or redesigning and thinking about, you know,
19 having a more aggressive plan, just think about it
20 that we have a few ears in this administration. We
21 don't know that is the approach of the new Mayor.
22 What about if that person doesn't take into the
23 Vision Zero? So, I just would like to invite all of
24 you to-

2 ASSISTANT COMMISSIONER ZACK:

3 [interposing] You know, I--

4 CHAIRPERSON RODRIGUEZ: -- work together

5 ASSISTANT COMMISSIONER ZACK: You know,
6 I-I-I think, you know that we are kind of bucking the
7 national trend when it comes to traffic deaths.
8 Almost everywhere else it's going up, and the efforts
9 through this Council, this Administration, this
10 agency and multiple agencies have seen that good
11 work. So, the number speak to that. I-I can't
12 imagine anyone wouldn't want that work to continue,
13 and we, you know, have always worked together to do
14 that, and I-I expect that we'll be doing that the
15 next three years, well, you know, pretty effectively.

16 CHAIRPERSON RODRIGUEZ: [interposing]
17 Yeah, but I have issues.

18 ASSISTANT COMMISSIONER ZACK:
19 [interposing] It is done effectively.

20 CHAIRPERSON RODRIGUEZ: [interposing] I-I
21 do My issue is that when we tried to have a more
22 aggressive plan on establishing a number of-of-of
23 extensions and related to the curbside and sidewalk.

24 ASSISTANT COMMISSIONER ZACK:
25 [interposing] Okay, I think you-I think what--we

2 could probably build this out number a little bit
3 more holistically from the beginning of the—the Mayor
4 de Blasio Administration to now. I know we just
5 talked about 50 in 2017 in terms of curb extensions.
6 Let me build out that information for you a little
7 bit more because I—I think—I—I know we're—if we're
8 not hitting your number in the past we were exceeding
9 it. I just—we know—I mean we—you know we have
10 communities that ask for it. We have communities
11 who, you know, some people don't really want it, you
12 know, coming into their districts and doing these
13 things. So, it's a complicated dance in terms of the
14 street improvement projects that we're doing every
15 year, but I think together with you and—and we love
16 your aggressive approach to this, and we—and we think
17 that works well for us. So, we appreciate that, but
18 let us build up the number since the beginning of the
19 Administration not just 2017.

20 CHAIRPERSON RODRIGUEZ: That's fair.

21 ASSISTANT COMMISSIONER ZACK: Okay, thank
22 you.

23 CHAIRPERSON RODRIGUEZ: And—and my last—
24 my last concern a matter related to the DOT, but—
25 well, on—on painting the bus stop and the—and the

2 hard dry—hard dry. It doesn't make sense like I know
3 about—people should obey the law. I don't know how
4 many when we are not working, when you—when we are
5 not—no, when we are just parking a vehicle like how
6 many times when you have to be standing in the hard
7 dry and company [off mic] to see to be sure that you
8 have all the necessary that's smart. It is not
9 painting. What is the signal? What is—how are we
10 allowing people to know if we have efficiency you
11 would be there seeking. (sic) But how are—and this
12 is about weather. This is not about—this is not
13 about safety, sir. [on mic] This is not about
14 safety. This is about revenue because let me put it
15 this way: Bus Stop 202 on 10th Avenue, I was able to
16 get—be able to work with DOT, work with the MTA and
17 get the M100 to go through Broadway and Bagman, go to
18 10th Avenue so that the senior citizen population
19 would be able to have access to buses. How do
20 drivers of anyone know what is the distance that they
21 have to park—not to park a vehicle so that they get a
22 ticket? [pause]

23 DEPUTY CHIEF PILECKI: [off mic] [on mic]
24 I'm sorry, Mr. Chairman. I oversee the 3,000 traffic
25 agents throughout the city. They're all trained to

2 utilize the sidewalks as a reference, and that each
3 box on the sidewalk represents five feet. So that
4 they're told you have to have three boxes, and those
5 boxes have to be clear, and anyone parking closer
6 than that, is parking closer than 15 feet. I could
7 tell you that our motto in the Traffic Enforcement
8 District is move traffic, reduce collisions, move
9 traffic, protect pedestrians, move traffic save
10 lives, move traffic, move traffic, move traffic. We
11 take it so seriously that every meeting that we have
12 at my place, we start off with that motto. We've had
13 flyers printed up, and they're posted in all our
14 facilities, large posters. Every single locker,
15 every one of my people has a locker sticker with that
16 motto on it. We talk about public safety all the
17 time and the summonses that we focus on we call
18 traffic flow violations. Those are the summonses
19 that more than others increased the-increased the
20 likelihood of a collision and obstruct traffic the
21 most. Those would be bus stops, double parkers,
22 parking-

23 CHAIRPERSON RODRIGUEZ: [interposing]

24 Okay, that-sir-sir.

25 OLEG CHERNOWSKI: So, when you say it's-

2 CHAIRPERSON RODRIGUEZ: [interposing]
3 Listen-listen. Okay, I-you-you're giving, you're
4 giving all the data. I agree. I've been a partner
5 with you guys, Chief Chan and all of you improving
6 safety for pedestrians and cyclists. My concern is
7 what don't we put a mark where it is to allow people
8 to know that if you park in this area you get a
9 ticket. Why?

10 OLEG CHERNOWSKI: [off mic] Well, that's
11 not a-[on mic] Not that' not a-I'm just letting you
12 know what the current reference is that we utilize
13 and the traffic agents are trained to utilize.

14 CHAIRPERSON RODRIGUEZ: But my-is that
15 asking about why. The whole concern about no we
16 should be leaving. (sic) It's like my-I know about
17 drivers show the ticket. I know when I have mine
18 parked, where I cannot park, and I would never do it
19 where I cannot park because for me it's about we need
20 to enforce the law, but here we see that it is 15
21 feet, the distance. When does someone know that
22 that's the 15 feet?

23 OLEG CHERNOWSKI: So, I can't state how
24 people know, but the fact that parking at a hydrant

2 is a violation is universally no. It is also one of
3 the areas that put PD enforcers very heavily.

4 CHAIRPERSON RODRIGUEZ: [interposing] But
5 let—let me stop you there.

6 OLEG CHERNOWSKI: [interposing] And
7 regards to the--

8 CHAIRPERSON RODRIGUEZ: Let me—let me—let
9 me—let me—let me stop you there. Let's double the
10 fine for people who park in front of the fire
11 hydrant. I'm not talking—I'm not addressing that.
12 We should double the fine. The question is should
13 people know the distance that they should not be
14 allowed to park? And we have to—Look, I have—I get
15 it. We need this revenue. I have a bill. Let me
16 put it this way, I have a bill that would allow
17 drivers to park their vehicle at the Sanitation part
18 of the street. You know what I've been told? If we
19 pass this bill, we'll reduce the revenue by \$38
20 million. So, being fair to everyone all I'm asking
21 is bus stop, the one that—the fire drive no one
22 should be parking in front. Drivers should have a
23 double ticket, and I think about how drivers know
24 when they shouldn't be allowed, where they shouldn't
25 be allowed to park. It is our responsibility of

2 government. To do—to be fair to everyone. How 10th
3 Avenue 201 we put a bus stop and there's not any mark
4 that marked the distance with a sign saying from here
5 to there this is a bus stop. So what?

6 OLEG CHERNOWSKI: So—so we—we do put
7 signs at all of our bus stops. If there's a sign
8 missing and we are aware of it, we will come and
9 replace them.

10 CHAIRPERSON RODRIGUEZ: No, you have a
11 sign that's saying this the bus stop in this
12 direction. That direction can go two blocks. You
13 don't have a sign where—where that distance finish.

14 OLEG CHERNOWSKI: Unless a sign is
15 missing, we—we will have where the bus stop begins
16 and where the bus stop ends.

17 CHAIRPERSON RODRIGUEZ: Oh, let me put it
18 in my community. In my community--

19 OLEG CHERNOWSKI: [interposing] We will--

20 CHAIRPERSON RODRIGUEZ: --it looks like
21 they've been missing most of the sign. I can take
22 your right now—I can take you to Broadway and Tenth
23 Street and someone can look and look at it right now.
24 Someone can go to 10th Avenue at 202 and that sign has
25 not been put in there. So, I want to leave it there,

2 because for me I think that it brings us to do we
3 need to put sensors? How do we measure? How does
4 DOT know how many signs are missing? It's all about
5 being fair to everyone.

6 ASSISTANT COMMISSIONER ZACK: I-I just
7 want to say that it's--the--the bus line has a
8 directional arrow that--that means it goes to the end
9 of the block, the bus. That's so you're not supposed
10 to park to the end of the block. I did want to just
11 clarify that.

12 CHAIRPERSON RODRIGUEZ: [interposing]
13 Okay, and--an--

14 ASSISTANT COMMISSIONER ZACK:
15 [interposing] I-I-I under-I-I-I understand. I
16 understand where you're coming from.

17 CHAIRPERSON RODRIGUEZ: Tenth Street and
18 Broadway, you can go there. The Tenth Street is
19 there. It is fair to go from the bus stop in that
20 direction to the Taylor Street. That's only probably
21 like--

22 ASSISTANT COMMISSIONER ZACK:
23 [interposing] You said Tenth Street and Broadway?

24 CHAIRPERSON RODRIGUEZ: Tenth. Tenth
25 Avenue 202--

2 ASSISTANT COMMISSIONER ZACK: Tenth
3 Avenue.

4 CHAIRPERSON RODRIGUEZ: --and Broadway
5 and--but I think that my colleagues can talk about
6 different places. This is about--this is not about my
7 community. This is about again, and I'm for
8 pedestrian cyclists. Let's be clear. I'm not here
9 for promoting making the life better for car owners.
10 I'm all about making life fair to everyone. So, with
11 that, I want to give now--give the opportunity to my
12 colleagues that has questions, but I hope again that
13 when--when you look to the arguments about we should
14 not paint it. Why? Because it will cost \$7 million.
15 How many revenue do we collect with those tickets by
16 because--because consumers they don't know because we
17 are not giving them the information on the distance
18 that they should not be allowed

19 ASSISTANT COMMISSIONER ZACK: We are--

20 CHAIRPERSON RODRIGUEZ: [interposing]
21 Let's paint it and let's include the penalty.

22 ASSISTANT COMMISSIONER ZACK: We also
23 think that it opens up maybe some ingenious New
24 Yorker to go down to Home Depot and buy a can of
25 paint and maybe paint their own curb. We do think

2 that opens it up a little bit that, you know, you
3 would have people painting curbs because they see
4 that curbs are painted—you know, that they city is
5 going around and painting curbs around hydrants and—
6 and bus stops that they would paint their own curbs,
7 which is something that we go out and send inspectors
8 for now. So, I—I completely understand the sentiment
9 in which your comments are.

10 DEPUTY COMMISSIONER HEYWARD: We already
11 have a defacement of curb problem as well. The over
12 3,000 complaints come in of people deciding to paint
13 their own curbs, and we have to out--

14 CHAIRPERSON RODRIGUEZ: --And I didn't
15 feel that—as we are talking about technology and
16 there is this conversation you know, technology in
17 the city, and I am for the city being more pro-
18 technology. I think that there's a lot of
19 information on sensors, there's more information on
20 apps. There's all the information that all work
21 mechanisms that we should put in place. This is all
22 about being an advocate for the consumer, for people
23 that they should know what is it that they're getting
24 into. If I cross this line, I get a ticket, but how
25 are we voting that information to individuals?

2 That's my concern on—it doesn't have to be painted.

3 It's about any signal, but it's about being fair and

4 transparency, and that information. How does New

5 Yorkers know on the condition of the bridges? You

6 say that this is a public information. Like people

7 go online and they can find out right now the grading

8 of the bridges?

9 DEPUTY COMMISSIONER HEYWARD: Yeah we-we
10 actually produce an annual report—

11 CHAIRPERSON RODRIGUEZ: [interposing] But
12 my question is how does the 8.5 million New Yorkers
13 just say they report there, but sometimes when it
14 needs to be FOIL. Sometime the reports are put in
15 now. How—for us it's about the 8.5 million New
16 Yorkers—

17 ASSISTANT COMMISSIONER ZACK:
18 [interposing] It's on our—it's on our website. Our
19 Bridges Report is on our website. It's a public
20 document.

21 CHAIRPERSON RODRIGUEZ: Is it—is it for
22 New Yorkers to get into—

23 ASSISTANT COMMISSIONER ZACK:
24 [interposing] Yes. Absolutely.

1 COMMITTEE ON TRANSPORTATION

48

2 CHAIRPERSON RODRIGUEZ: --one area. They
3 go there and they get it?

4 DEPUTY COMMISSIONER HEYWARD: Yep.

5 CHAIRPERSON RODRIGUEZ: Which is the
6 worst bridge that we have right now? Based on the
7 grading. You're doing the assessment.

8 ASSISTANT COMMISSIONER ZACK: I'm-I'm not
9 the bridge person, but we can get back to you and let
10 you know.

11 CHAIRPERSON RODRIGUEZ: Okay.

12 ASSISTANT COMMISSIONER ZACK: We can—we
13 can get you that. Yeah.

14 CHAIRPERSON RODRIGUEZ: Okay. Thank you.

15 ASSISTANT COMMISSIONER ZACK: You
16 generally don't have to do it in terms of the--

17 COUNCIL MEMBER YEGER: Thank you, Mr.
18 Chairman. I found that it's helpful to frame this
19 debate a little bit. So, before I start with my
20 questions, this Council has been in session for 11
21 months short three days. Have other or any of your
22 agencies ever come before this Council and said
23 hello, Council Members. This bill that you're
24 proposing is genius. We love it and we look forward
25 to its imminent passel—passage? [pause]

2 ASSISTANT COMMISSIONER ZACK: I can't
3 recall every time that we-that we testified, but I
4 guess shortly before that.

5 COUNCIL MEMBER YEGER: [interposing] Do
6 you recall ever having come before this Council and
7 saying--

8 ASSISTANT COMMISSIONER ZACK:
9 [interposing] I know that-I know that-the words that
10 you just listed.

11 COUNCIL MEMBER YEGER: Other than the-
12 other than the Speed Camera Bill, do you recall any
13 time where you came before this Council and said this
14 was a good idea. We look forward to this bill
15 passing immediately?

16 OLEG CHERNOWSKI: I guess. (sic)

17 COUNCIL MEMBER YEGER: You-you think
18 about and we'll go to the Police Department, the
19 Police Department any time that you ever thought that
20 a bill that came out of this Council was a good idea
21 and should happen immediately, and you came here and
22 supported it?

23 OLEG CHERNOWSKI: Sure. I meant the-the
24 first one that comes to mind was the Revenge Polling
25 Legislation. We testified in favor of it.

2 COUNCIL MEMBER YEGER: Excellent.

3 OLEG CHERNOWSKI: Yeah.

4 DEPUTY COMMISSIONER HEYWARD: The answer
5 is yes, not in those exact words, but we have come
6 before this Council in support of legislation that is
7 introduced.

8 COUNCIL MEMBER YEGER: Yeah, you--that as
9 it was written you were supportive?

10 DEPUTY COMMISSIONER HEYWARD: There might
11 have been some drafting changes that were required,
12 but substantially yes.

13 COUNCIL MEMBER YEGER: My question is did
14 you ever come before this Council in a first hearing
15 and say the bill as drafted is perfect. We look
16 forward to it being passed?

17 DEPUTY COMMISSIONER HEYWARD: I'd have to
18 take a look to double check.

19 COUNCIL MEMBER YEGER: Okay. So, you
20 can't recall yes? No agency can recall yes?

21 ASSISTANT COMMISSIONER ZACK: Yes. So--

22 COUNCIL MEMBER YEGER: [interposing]

23 There we go.

24 ASSISTANT COMMISSIONER ZACK: --955 by
25 Council Member Garodnick that raise the caps on

2 construction fines, the Car Share Pilot that was
3 introduced by Council Member Levine.

4 COUNCIL MEMBER YEGER: A revenue bill.

5 Got it. Okay, perfect. I just wanted to make sure we
6 framed that properly. We had this conversation the
7 last time--

8 ASSISTANT COMMISSIONER ZACK:

9 [interposing] We have that the Car Share Pilot is
10 not a revenue bill.

11 COUNCIL MEMBER YEGER: It's fine bill?

12 ASSISTANT COMMISSIONER ZACK: No, it's
13 the--the--

14 COUNCIL MEMBER YEGER: [interposing]

15 Increases what?

16 ASSISTANT COMMISSIONER ZACK: --the Car
17 Share Pilot in terms of--

18 COUNCIL MEMBER YEGER: You said it
19 increases fines?

20 ASSISTANT COMMISSIONER ZACK: No, there's
21 955 that was introduced by Council Member Garodnick.
22 That increases fines for construction sites.

23 OLEG CHERNOWSKI: I think that's right.

24

25

2 ASSISTANT COMMISSIONER ZACK: And then
3 the next bill was the Car Share Pilot introduced by
4 Council Member Levine, too.

5 COUNCIL MEMBER YEGER: Okay, and you
6 perfect what the delay was.

7 OLEG CHERNOWSKI: Yes.

8 COUNCIL MEMBER YEGER: It's good to know.
9 Okay. You had this conversation the last time you
10 were in front of the Council and--

11 ASSISTANT COMMISSIONER ZACK:
12 [interposing] Yes, I remember.

13 COUNCIL MEMBER YEGER: Okay, perfect.

14 OLEG CHERNOWSKI: Another came to mind
15 was Council Member Deutsch's bill about getting
16 accident reports online. We testified in favor of
17 that bill.

18 COUNCIL MEMBER YEGER: As it was written.

19 OLEG CHERNOWSKI: Yes.

20 COUNCIL MEMBER YEGER: You liked the way
21 it was?

22 OLEG CHERNOWSKI: Yes.

23 COUNCIL MEMBER YEGER: Excellent. Very
24 good. Okay. There are ten bills in front of this
25

2 committee today and one resolution. Any of your
3 agencies support any of them as written?

4 ASSISTANT COMMISSIONER WEHLE: For the
5 bills that affect the Building Department, the answer
6 is no.

7 COUNCIL MEMBER YEGER: Okay. Police.

8 OLEG CHERNOWSKI: As written no.

9 COUNCIL MEMBER YEGER: Alright.
10 Transportation. I've got to have that answer.

11 DEPUTY COMMISSIONER HEYWARD: As written,
12 no.

13 COUNCIL MEMBER YEGER: No. Alright.

14 ASSISTANT COMMISSIONER ZACK: But I think
15 we expressed a willingness to want to work with the
16 sponsors of the legislation.

17 COUNCIL MEMBER YEGER: Sure.

18 ASSISTANT COMMISSIONER ZACK: So, I just
19 want to make that clear.

20 COUNCIL MEMBER YEGER: Excellent. Police
21 Department, you've indicated that your traffic
22 enforcement agents do not have the ability to
23 determine which curb cuts have been created legally
24 versus those that result from illegal actions. What
25

2 kind of equipment do your traffic enforcement agents
3 carry, Department issued?

4 OLEG CHERNOWSKI: Well, the -the Traffic
5 Agents what are the-the handheld devices.

6 DEPUTY CHIEF PILECKI: The assistant
7 ones.

8 OLEG CHERNOWSKI: Yeah, the handheld
9 devices that are use--

10 COUNCIL MEMBER YEGER: [interposing]
11 Wireless, right.

12 OLEG CHERNOWSKI: --that they use to
13 scan.

14 COUNCIL MEMBER YEGER: They can scan a
15 registration, search into the database, pull up the
16 information about the plate registration-
17 registration, print it out on a summons. They also
18 have a wireless printer attached to their hip,
19 correct? Several piece of equipment. The City of
20 New York, the Department of Buildings, you're right
21 there. You can tell me if I'm lying, but it's in our
22 committee report. The Department of Buildings has a
23 Buildings Information System, and can search for
24 properties by the house number to determine if a curb

2 cut permit was obtained. It's on your--on your
3 system--in your systems.

4 ASSISTANT COMMISSIONER WEHLE: That is
5 correct.

6 COUNCIL MEMBER YEGER: I can sit at my
7 desktop, take a look, you know. One Center Street is
8 there a curb cut and it will tell me.

9 OLEG CHERNOWSKI: That's correct.

10 COUNCIL MEMBER YEGER: Is there a reason
11 that your traffic enforcement agents can't do that
12 from their wireless machines?

13 OLEG CHERNOWSKI: The wireless machines a
14 couple of--a couple of issues, right. So, the fact
15 that a permit may have been issued to a particular
16 residence. For example, let's say they have a legal
17 curb cut. Let's say they made a second curb cut,
18 which is illegal. Let's say that an individual
19 complained about the illegal curb cut, and the
20 violation was issued by DOB. That would register in
21 whatever the database is that you're mentioning. I'm
22 not familiar with it, but there is a legal curb cut
23 there. A housing agent or a police officer for that
24 matter could go in to distinguish between the two
25 separate probe cuts. The other issue is that you

2 mentioned the device used by the traffic agents.
3 It's a device with a limited purpose. Now, its
4 ability to enter in and do Google searches or
5 whatever types of searches it would require to go
6 into the DOB database to figure that piece out,
7 they're incapable of doing whether we're able to
8 upgrade those particular devices to do that or we
9 would have to actually expend monies to create new
10 devices we're able to do that, and that's assuming
11 that we figured out the first issue which is being
12 able to distinguish what is legal versus what is
13 illegal.

14 COUNCIL MEMBER YEGER: Okay.

15 OLEG CHERNOWSKI: Maybe that's something
16 then that needs to be looked into.

17 COUNCIL MEMBER YEGER: The-the-the
18 database that I'm referring to is on nyc.gov. It
19 belongs to the City of New York I believe, right.

20 OLEG CHERNOWSKI: You're referring to BIS
21 I presume.

22 COUNCIL MEMBER YEGER: I'm referring to
23 BIS. Okay. So that's a city database. I assume,
24 but I'm not a tech guy, but I assume that the
25 machinery that can wirelessly link into searching a

2 plate and coming back with the information about the
3 registrant can similarly be retrofitted somehow
4 without expending an enormous amount of money so that
5 it can simply go into the Department of Buildings'
6 Tools. Your testimony is the department would be
7 incapable of complying with Intro 939 as written,
8 incapable. That basically says your hands are tied.
9 There is nothing you do to make this work.

10 OLEG CHERNOWSKI: As—as the bill is
11 written today with the technology that we utilize
12 right now, that is true.

13 ASSISTANT COMMISSIONER WEHLE: More to—
14 more to your point, Council Member if I may.

15 COUNCIL MEMBER YEGER:

16 ASSISTANT COMMISSIONER WEHLE: The
17 information that's contained in BIS while there's
18 some of that information is there, it's not entirely
19 comprehensive.

20 COUNCIL MEMBER YEGER: Okay.

21 ASSISTANT COMMISSIONER WEHLE: To the
22 extend that that curb cut permit was issued recently,
23 that would be included there, but for many of our
24 older buildings prior to the existence of a
25 certificate of occupancy in 1938, information on curb

2 cut permits and the like may not be contained in
3 this.

4 COUNCIL MEMBER YEGER: Great. When—when
5 traffic enforcement agents—agent or a police officer
6 issues a summons, they affirm under the penalty of
7 perjury that they personally observed the violation
8 that they're in charge. Is that correct?

9 DEPUTY CHIEF PILECKI: Yes.

10 COUNCIL MEMBER YEGER: Yes. Are you
11 comfortable with your—having your agents and police
12 officers affirm under the penalty of perjury a guess
13 that it is a violation when they're writing a summons
14 for something that is not actually a violation but
15 guess.

16 OLEG CHERNOWSKI: I wouldn't—I wouldn't
17 agree with that characterization.

18 COUNCIL MEMBER YEGER: Okay, how would
19 you characterize it?

20 OLEG CHERNOWSKI: I don't believe that
21 they're guessing. I believe what's happening is
22 they're making a good faith determination based on
23 the existence of--

24 COUNCIL MEMBER YEGER: Well, let's
25 explore that a little bit, sir. When somebody parks

2 in front of his own driveway, he has as stated in the
3 Traffic Rules the right to do so. Right, so if a
4 traffic agent comes upon that car, and sees it parked
5 in front a driveway, and then writes a summons, he's
6 guessing that that person had no right to park there.

7 OLEG CHERNOWSKI: That's-that's no right.

8 COUNCIL MEMBER YEGER: It's not a guess?

9 OLEG CHERNOWSKI: No.

10 COUNCIL MEMBER YEGER: Okay, what is it?

11 OLEG CHERNOWSKI: Well that's just not
12 the accurate state of affairs of what's happening.

13 COUNCIL MEMBER YEGER: Okay, tell me.

14 OLEG CHERNOWSKI: So, based on the AD
15 Code, what we would we--the--so let's take a step back.
16 Summonses issued for blocking a driveway are
17 complaint driven summonses, right. So, we would need
18 a complainant, which would be the building owner or
19 the premises owner would be calling and saying I have
20 a vehicle blocking my driveway. That individual is
21 what's bringing us there. An agent is not always--

22 COUNCIL MEMBER YEGER: [interposing] Can
23 you pause for one second while I just on that point
24 and then you can continue. You do not require as a
25 matter of policy that the complainant be present and

2 state his or her name for the issuing officer to
3 write on the summons or keep a record complaint given
4 by Mrs. Jones at such and such address. You don't
5 require that, and how do I know that? I know that
6 because I have a constituent that received two
7 summonses in the last month for parking in front of
8 his own driveway presumably because a neighbor didn't
9 like him and made a call. I don't have a driveway.
10 It wasn't me, but it-it was-it is not necessary-it is
11 complaint driven. I agree with that. I don't
12 believe that the traffic enforcement agents are going
13 around looking for driveways. I-I do give you that,
14 and I'm accusing the department of doing otherwise,
15 but it is complaint driven in the sense that you
16 respond to a complaint, but it's also not required
17 that the complainant be listed or identified in
18 anyway. So, there's no verification that the
19 complainant is actually the person whose house is
20 having the driveway blocked. So, the purpose of this
21 bill is to require that the department verify in some
22 way before issuing the summons that they're not
23 guessing that the person who's parked there is
24 unlawfully doing so.

2 OLEG CHERNOWSKI: So, Council Member, I
3 mean in the same testimony that you're referring to
4 I'm saying that this is a valid issue, and I offered
5 to work Council Member Holden who's the sponsor of
6 the bill on figuring out a solution to that. Now,
7 having traffic agents or police officers doing
8 property record searches at a driveway is not the
9 solution to this issue. Now, we can work together
10 and figure out what the right--

11 COUNCIL MEMBER YEGER: [interposing]
12 What's--so what do you suppose would be the solution?

13 OLEG CHERNOWSKI: I think that's
14 something that we can--

15 COUNCIL MEMBER YEGER: [interposing] This
16 bill was introduced months ago. You're here today
17 and you don't have a proposed solution what you think
18 might--I mean you came her to say that you want to
19 work with Councilman Holden to come up with a good
20 solution.

21 OLEG CHERNOWSKI: Right.

22 COUNCIL MEMBER YEGER: His bill was
23 introduced several months ago. Have you come up with
24 a good solution to offer up to Councilman Holden?

2 OLEG CHERNOWSKI: I mean certainly there
3 are processes and there's penalties in place to-that
4 have curb cut--curb cuts examined and building owners
5 fined for having illegal curb cuts. Part of that
6 penalty and--I mean DOB can correct me if I'm wrong,
7 would be the requirement that there's a restoration
8 of the curb by the--

9 COUNCIL MEMBER YEGER: [interposing] I'm
10 going to get to that in a minute, but I'm talking
11 about the violation on the car that's parked there
12 and this bill would require that before that car get
13 a ticket--it's an expensive ticket--that the issuing
14 officer be certain that he--that he or she is
15 affirming under the penalty of perjury and not
16 committing perjury.

17 OLEG CHERNOWSKI: Well, I don't--I don't
18 believe that an officer and traffic agent are
19 committing perjury by issuing a summons for an
20 existing curb cut. The legal--the legality--

21 COUNCIL MEMBER YEGER: [interposing] If
22 they--if they don't know that it's a violation--that--
23 that parking there is itself a violation, they have
24 to have reasonable suspicion.

2 OLEG CHERNOWSKI: They do have reasonable
3 suspicion. There's a curb cut there.

4 COUNCIL MEMBER YEGER: And what's the
5 probable cause to issue the summons?

6 OLEG CHERNOWSKI: The existence of a curb
7 cut.

8 COUNCIL MEMBER YEGER: So, without having
9 verified that curb cut is lawful, they are able to
10 have probable cause that the curb cut is lawful, and
11 that the person therein parked is committing a
12 violation of the code?

13 OLEG CHERNOWSKI: The existence of the
14 curb cut is what gives them probable cause to issues
15 a summons.

16 COUNCIL MEMBER YEGER: So, it sound to me
17 like you need this bill to help you.

18 OLEG CHERNOWSKI: Again, as I've--

19 COUNCIL MEMBER YEGER: [interposing]
20 Okay.

21 OLEG CHERNOWSKI: --stated in my
22 testimony we are more than happy to work with the
23 Council Member on figuring out the right solution.

24 COUNCIL MEMBER YEGER: Alright, but yet--
25 but-but, as I said, you haven't--you haven't come here

2 in several months of the bill being introduced with a
3 solution ready to say hey, you know, Council member--

4 OLEG CHERNOWSKI: [interposing] We'll sit
5 down with--

6 COUNCIL MEMBER YEGER: [interposing] You
7 guys think you're so smart, Council, but we have a
8 better solution. Here it is.

9 OLEG CHERNOWSKI: We'll sit down with the
10 member and figure something out.

11 COUNCIL MEMBER YEGER: Okay, the
12 Department of Buildings, the bill would require the
13 department to conduct an inspection before issuing a
14 permit for a curb cut.

15 ASSISTANT COMMISSIONER WEHLE: Uh-hm.

16 COUNCIL MEMBER YEGER: I'm not like that.

17 ASSISTANT COMMISSIONER WEHLE: Not
18 support of that. No.

19 COUNCIL MEMBER YEGER: Okay. I know why
20 because I read it. You call it as-of-right. As-of-
21 right is a term of ours (sic) and I agree it's as-of-
22 right in some cases when--when--when an application is
23 being submitted and the permit is being granted, but
24 it's not really, really as-of-right in the sense that
25 they have to ask for permission. They can't just go

2 cut it. I have as-of-right to pick up this pen and
3 put it in my pocket because I brought it here and,
4 you know, counsel the committee is not going to say
5 you just stole my pen. So, that's my as-of-right,
6 but as-of-right when it come to cutting a curb it's
7 not really as-of-right because they have to go to you
8 for permission. Wouldn't it be prudent to require
9 that the department take a look before issuing the
10 permit?

11 ASSISTANT COMMISSIONER WEHLE: So, it is
12 as-of-right in the sense that when the application is
13 filed with the department, and assuming that
14 application and what's requested—in this case a curb
15 cut, complies with the Building Code and the Zoning
16 Resolution. The department is obligated, is required
17 to issue that permit. Now, like the Police
18 Department mentioned, we're not here to not
19 acknowledge that a problem exists here. There
20 certainly is a problem. We look forward to working
21 with you and the Council to try and find remedies to
22 do that. As it relates to illegal curb cuts, the
23 problem that we have today isn't for those jobs that
24 go through the department's process and our scrutiny.
25 It relates to work that's performed without a permit.

2 So, when someone is submitting an application to the
3 department seeking to install a curb cut, they go
4 through the motions, and they either get their
5 approval or they get their disapproval. When we go
6 out to perform inspections as it relates to
7 complaints related to illegal curb cuts,
8 understanding that the vast majority of them don't
9 result in the issuance of a violation. When
10 violations are, in fact, issues-issued, it's for
11 installing the curb cut without a permit. It's for
12 installing that curb cut without department scrutiny,
13 without submitting an application for approval,
14 without securing a permit. So, to require an
15 inspection prior to the issuance of a permit for a
16 curb cut application, we feel doesn't really get at
17 the heart of the problem.

18 COUNCIL MEMBER YEGER: [interposing]

19 Well, the--

20 ASSISTANT COMMISSIONER WEHLE:

21 [interposing] The heart of the problem is the work
22 that's being performed without a permit.

23 COUNCIL MEMBER YEGER: The purpose and
24 intent and the manner in which 953 was written is to
25 address the situation of illegal curb cuts that are

2 already there, and this is in effect a method to
3 permit a legalization, if you will, of some of these,
4 which is-is arguable whether or not that's a good
5 idea, but it's my bill so I guess I have to take
6 ownership of it. But the point of that is for the
7 department to know what is actually there before this
8 legalization process of an unlawful curb cut be-be
9 thought about--

10 ASSISTANT COMMISSIONER WEHLE: Uh-hm.

11 COUNCIL MEMBER YEGER: --and the idea is
12 to ask community boards to opine, and to give
13 community boards 60 days in-within which to do so.
14 You don't like that either.

15 ASSISTANT COMMISSIONER WEHLE: We-I mean
16 in terms of providing a 60-day window for community
17 boards to provide input, recommendations. In terms
18 of providing notification to community boards,
19 there's clearly no harm in that. We routinely react
20 with them-interact with them. This information is
21 all available publicly.

22 COUNCIL MEMBER YEGER: [interposing]

23 Right but--

24 ASSISTANT COMMISSIONER WEHLE:

25 [interposing] But sir, I'm sorry.

2 COUNCIL MEMBER YEGER: Yeah, I know. So,
3 I—I don't mean to be flip, but nobody needs
4 notification--community boards don't need
5 notification that the--that the big behemoth city of
6 New York is about to descent upon them and throw
7 something bad in their neighborhood. That doesn't
8 help them. Now they know something bad is going to
9 happen in their neighborhood. Congratulations. The
10 reason that we--that we do things like community board
11 notification is so that there could be a legitimate
12 interaction between the community board, which is the
13 closest to the ground level of government, the one
14 frankly that the constituents beat up more than--more
15 than your agency, and--and the people. So, notifying
16 the Community Board that, you know, 17 curb cuts were
17 just approved by your department. Then they are
18 going to be installed probably within the next couple
19 of weeks, be on the lookout, isn't really the purpose
20 that we're trying to achieve here. What we're trying
21 to achieve is that the community board can say hey
22 don't approve this curb cut. The guy cut it
23 illegally. He shouldn't have it. He should repair
24 it, and frankly the number of curb cuts on a
25 particular block are such that you can't even park at

2 a curb any more because they're every three feet. You
3 can't fit cars in between some of those curb cuts,
4 and that's the problem that--this is not a bill that--
5 that I invented. This is a bill that has a
6 predecessor. In the last Council it was actually
7 first introduced I believe by Council Member Vincent
8 Gentile four years ago. So, it has a longevity, and
9 I'm hopeful that, you know, during the last four
10 years your agency would have been able to come here
11 with some kind of a plan of we recognize the problem,
12 and your bill is dumb, but here's a better way to do
13 it.

14 ASSISTANT COMMISSIONER WEHLE: So, I
15 understand, Council Member, the intent of the
16 legislation, and the sort of checks that you
17 referenced that a community board or someone from the
18 community might ask the department to do. We're
19 doing those checks now. So, we're--we're making sure
20 prior to issuance of the permit that the request for
21 the installation of a curb cut complies with Code and
22 Zoning. If it complies with Code and Zoning--

23 COUNCIL MEMBER YEGER: [interposing] But
24 you're looking to see if it's already there. You're
25 not doing the visual inspection. You don't want to.

2 ASSISTANT COMMISSIONER WEHLE: If it's a
3 legalization job—if it's a legalization work, an
4 inspection is going to need to be performed after the
5 fact.

6 COUNCIL MEMBER YEGER: After, its—the
7 work is done, but what we're suggesting is that
8 somebody is coming and with an application saying
9 wow, this—this—this law was just passed and these
10 crazy Council Members want to do this thing, and if I
11 don't get this done, I'm going to get fined. So, I
12 better put in this application. Don't you want to
13 come and check to see that these are bad actors?
14 Don't you want to come and check and see what they're
15 doing?

16 ASSISTANT COMMISSIONER WEHLE: I don't
17 exactly understand what you mean by bad actors, but
18 again--

19 COUNCIL MEMBER YEGER: [interposing] They
20 have—they have a curb cut without a—without
21 authorization. They're coming for a legalization of
22 something that exists--

23 ASSISTANT COMMISSIONER WEHLE:
24 [interposing] Correct.

2 COUNCIL MEMBER YEGER: --without
3 permission.

4 ASSISTANT COMMISSIONER WEHLE: In order
5 to legalize that curb cut, meaning that it's a curb
6 cut that can lawfully exist under Code and Zoning,
7 absent the fact that they failed to secure a permit,
8 they're seeking legalization in the department. To
9 correct that condition, they need the permit. Once
10 again, that job will go through scrutiny. Code and
11 Zoning a violation like every other job does. We'll
12 make sure where it is in relation to other curb cuts
13 on the block. We'll get--

14 COUNCIL MEMBER YEGER: [interposing]
15 Okay.

16 ASSISTANT COMMISSIONER WEHLE: --taken,
17 you know, where it is, where it stops to hydrants and
18 bus stops. This is an analysis that's already being
19 performed as a matter of course.

20 COUNCIL MEMBER YEGER: [interposing] What
21 if this is a discretionary curb cut in the sense that
22 it's not something that--that is--is typical for a
23 build-for a project or a building in that particular
24 zoning, but the owner is applying for one, and would
25 like the department to approve it. And in that case,

2 we have the same process where the—where the
3 department would give notification to the community
4 board, the community board would have 60 days within
5 which to respond. Would you support that?

6 ASSISTANT COMMISSIONER WEHLE: Our
7 approvals aren't discretionary. They're based on an
8 analysis of Code and Zoning and if Code and Zoning
9 reveals it's permissible, we're obligated to issue
10 the permit.

11 COUNCIL MEMBER YEGER: Okay, so the issue
12 is that—that the—so—so you're offering the solution
13 to the bill, which is that we should change it, and
14 say that you're—that you shouldn't have the authority
15 to issue curb cuts any more.

16 ASSISTANT COMMISSIONER WEHLE: No, and
17 that's not what I'm saying. If—if the—if the
18 application to install a curb cut meets the
19 requirement of Code and Zoning, the department is
20 obligated to issue that permit. If it does not, we
21 will deny the application and not issue a permit.

22 COUNCIL MEMBER YEGER: Okay. DOT. While—
23 while I'm looking for my notes on this, DOT you issue
24 permits also, right?

2 DEPUTY COMMISSIONER HEYWARD: [off mic]

3 We do.

4 COUNCIL MEMBER YEGER: Okay.

5 DEPUTY COMMISSIONER HEYWARD: [on mic]

6 Yes, we—we issue construction permits, yes.

7 COUNCIL MEMBER YEGER: You issue—you
8 issue permits for storage of equipment on streets
9 from time to time?

10 DEPUTY COMMISSIONER HEYWARD: Yes, we do.

11 COUNCIL MEMBER YEGER: You issued a
12 permit for the storage of a diesel generator in my
13 district directly across the street from the school
14 that's been there for several weeks spewing fumes
15 into the school building poisoning children in my
16 neighborhood. We have attempted through your borough
17 office to address that. They have sent out a team.
18 One—apparently a violation was issued, and then
19 subsequent thereto, another member of your staff said
20 well actually that violation may not have been
21 properly issued because the permit allows for the
22 generator to be stored there. So, my question is
23 what is the name of the person who issues permits of
24 this nature, and—and whether or not a—it's two
25 questions—and one, and whether or not a visual

2 inspection of the site is done prior to authorizing
3 the installation and the storage of a diesel spewing
4 generator on a residential street?

5 ASSISTANT COMMISSIONER ZACK: We have an
6 entire division that's issuing permits. I don't--
7 there's several--several people that will still have
8 it.

9 COUNCIL MEMBER YEGER: [interposing]
10 Several people?

11 ASSISTANT COMMISSIONER ZACK: I mean I
12 don't even know if it's hundreds that work in the
13 permitting division, but it's a lot and we have the
14 name of the person who--

15 COUNCIL MEMBER YEGER: [interposing] Are
16 we able to track one particular permit to a name? Do
17 you have the technology that allows you to do that?
18 Are you able to backwards with that?

19 ASSISTANT COMMISSIONER ZACK: I don't
20 know if I need technology for that if I can--if I can
21 make a phone call for that.

22 COUNCIL MEMBER YEGER: Okay.

23 ASSISTANT COMMISSIONER ZACK: I'm aware
24 of this issue. Just so you know, I've been looking
25 at emails all the same knowing that we are under--

1 COMMITTEE ON TRANSPORTATION

75

2 COUNCIL MEMBER YEGER: [interposing] The
3 children are at school today.

4 ASSISTANT COMMISSIONER ZACK: --under-
5 under-understanding that.

6 COUNCIL MEMBER YEGER: [interposing] And-
7 and yesterday.

8 ASSISTANT COMMISSIONER ZACK: And I know
9 that I was going to see you today that that-and it
10 was likely that you were going to bring it-bring it
11 up. So, it's--

12 COUNCIL MEMBER YEGER: [interposing] You
13 know me well.

14 ASSISTANT COMMISSIONER ZACK: --at my
15 level, which is-I'm sorry?

16 COUNCIL MEMBER YEGER: You know me so
17 well.

18 ASSISTANT COMMISSIONER ZACK: Well, we're
19 learning. So, I-it's at my level now, which I know
20 isn't--

21 COUNCIL MEMBER YEGER: [interposing]
22 Thank you.

23 ASSISTANT COMMISSIONER ZACK: --the
24 highest level at the agency, but I'm--

25

2 COUNCIL MEMBER YEGER: [interposing] As
3 high as I'm going to get.

4 ASSISTANT COMMISSIONER ZACK: I don't
5 agree with that, but you never know, but I'm pushing
6 to try and get you an answer--the answers that you're
7 seeking as quickly as possible.

8 COUNCIL MEMBER YEGER: We just want it
9 removed, and that's always said--

10 ASSISTANT COMMISSIONER ZACK:
11 [interposing] Yeah, and I can't tell you that that's
12 something that can happen right now.

13 COUNCIL MEMBER YEGER: [interposing] Four
14 times, four times DOT said that they're--that they're
15 going to send out an inspection--an inspector, and we
16 just want it removed because every single minute of
17 the day 24 hours a day, it's spewing fumes into the
18 air, and we have a school that--that houses children
19 for--

20 ASSISTANT COMMISSIONER ZACK:
21 [interposing] Right.

22 COUNCIL MEMBER YEGER: --for
23 approximately 12 of those hours every single day
24 including by the way when everybody was, you know,

2 having Thanksgiving dinner. Schools open in that
3 neighborhood on Thanksgiving.

4 ASSISTANT COMMISSIONER ZACK: Right.

5 COUNCIL MEMBER YEGER: Schools open on-on
6 Sundays. The children are there and they're
7 breathing in these fumes every single day, and it's
8 been going on for weeks.

9 ASSISTANT COMMISSIONER ZACK: So, let me--
10 anything else can do with you by the end of the day--

11 COUNCIL MEMBER YEGER: [interposing] We
12 can talk off line. It's not the purpose of the
13 hearing--

14 ASSISTANT COMMISSIONER ZACK: --but I-I-
15 it's--

16 COUNCIL MEMBER YEGER: -I--I don't want
17 to take up-I don't want to take the chair's--

18 ASSISTANT COMMISSIONER ZACK:
19 [interposing] It's definitely-it's in my in-box.

20 COUNCIL MEMBER YEGER: I don't want to
21 take the Chair's time on this, but I-I appreciate
22 that.

23 ASSISTANT COMMISSIONER ZACK: Thank you,
24 thank you Council Member.

2 COUNCIL MEMBER YEGER: You—you testified—
3 Chair and I'm going to wrap up real quick. I know
4 that there are other members who wish to inquire.
5 You testified that—that DOT understands the
6 unauthorized curb cuts issue. I'm not going to read
7 back the whole thing, but I'm going to read the part
8 that I underlined. It would likely require a
9 significant new contract and resources for DOT and
10 should be weighed against all the competing needs of
11 the agency to enhance safety and mobility and
12 maintain our street infrastructure in good repair,
13 and a little bit of what I just read and the
14 frustration I'm about to display is—relates to my
15 Chair's frustration I think in that, you know, DOT is
16 a big agency. It's one of the largest ones, right, in
17 the city. You know, there's the top several and DOT
18 is up there, and, you know, there—there are things
19 that we ask for like a curb—a speed hump in the
20 middle of the street, and it takes us like a year and
21 a half to get it. I'm still getting answers from my
22 predecessor's request. I call him up when I get an
23 answer that he was denied for a speed hump that he
24 asked for, you know, in 2017 and, you know, he's as
25 happy as I am unfortunately. And you're—you—you told

2 the Council that you required this significant new
3 contract and resources for DOT, and this relates to
4 repairing the illegal curb cuts, but tell us how
5 much. Tell us what the issue. Let us know what is
6 it that you would need to make this work? What is it
7 that you would need to make the Chair's requests
8 work? Because ultimately at the end of the day that
9 the budget is supposed to be a negotiated project
10 between the Mayor and the legislator—Legislative
11 branch and the—your budget comes to this Council done
12 on you side of City Hall. It's—the—the Chairman—
13 Chair of the Transportation Committee doesn't write
14 up the budget for the Transportation Department. You
15 write up the budget. So, what do you need?

16 DEPUTY COMMISSIONER HEYWARD: So, from—
17 from out point of view in terms of repairing illegal
18 curbs, one of the things, as you know, we have a very
19 robust Sidewalk Violation Program, and—and we go from
20 community board to community board, and sometimes it
21 takes anywhere between 3 to 5 years to get back to
22 another community board. Now, if we could somehow
23 get a list of all these illegal curbs, and include
24 them into our Sidewalk Program, we would be able to
25 incorporate it in that program and do it while we're

2 going through community boards dealing with sidewalk
3 defects. So, our concerns--

4 COUNCIL MEMBER YEGER: [interposing] What
5 we're suggesting--what we're suggesting, though, is
6 since you do this work and you do this in our
7 neighborhoods and walk up and down the streets, and
8 mark off the--the--the flag that--

9 DEPUTY COMMISSIONER HEYWARD:
10 [interposing] The flags on the sidewalks.

11 COUNCIL MEMBER YEGER: --need to be
12 repaired, you're right there. I'm not saying you
13 could hit every neighborhood on the day after this
14 bill is enacted, but I'm saying that during the
15 course of your work, look at the curb, and if the
16 curb cut is cut--if there's a curb cut, access Mr.
17 Building Department's wonderful database, and check
18 it out and see what happens or take a note and look
19 at it later. I'm saying come up with some kind of--

20 DEPUTY COMMISSIONER HEYWARD:
21 [interposing] Yeah, so--

22 ASSISTANT COMMISSIONER ZACK:
23 [interposing] Our bigger concern is your timeframe.
24 It is we don't think we could do that within six
25 months considering we cycle through the entire city

2 community by—community board by community board over,
3 you know, a several year cycle. So, one thing, and
4 so that's one thing we are saying that we would want
5 to work with the Council on and directly with you is
6 in terms of that timeframe. It doesn't mean—so if we
7 get—you know there's—we're working in community
8 boards 17 and 18, right, but we would—the goal would
9 be and we would have to work together and all of this
10 isn't flushed out and it's not final or even near
11 final, but how we could include restoring those
12 illegal curb cuts within the sidewalk work that we're
13 already doing right now.

14 COUNCIL MEMBER YEGER: Okay. I want to
15 do—

16 ASSISTANT COMMISSIONER ZACK:
17 [interposing] I truly thing that's the path forward
18 here, but it's your six-month timeframe that we don't
19 think is tenable.

20 COUNCIL MEMBER YEGER: I want—I want to
21 yield this back to the Chair because there are other
22 members who want to talk, and I'm hopeful that in a
23 round two we can pick up exactly where we left off.
24 Mr. Chair, thank you very much for indulging me.

2 CHAIRPERSON RODRIGUEZ: Okay. Council
3 Member Holden.

4 COUNCIL MEMBER HOLDEN: [off mic] Thank
5 you, thank you. [on mic] Hi. Got it. I want to
6 thank Councilman Yeger for asking a lot of questions,
7 and getting some strange responses, but I'm glad you
8 argued this, Councilman Yeger. It's a very, very
9 important subject in my community and most
10 communities these illegal curb cuts, and we're—we're
11 trying to address a problem that's, you know, as we
12 know, as we you all know that parking is a premium,
13 is at premium in certain neighborhoods, and people
14 are desperate. Homeowners are desperate. So,
15 they're cutting illegal curb cuts. Some of them are
16 obvious to see that they're illegal because they have
17 two, sometimes more. Sometimes they park in front of
18 their door blocking their door. They've gotten so
19 desperate. Yet, it's a Building Department
20 Complaint. Try to get the Building Department to
21 come out when they're—somebody is parked in front of
22 the door, and on a nightly basis. It just doesn't—it
23 doesn't happen, but the illegal curb cuts that we're
24 seeing sometimes they're very obvious. So, we're
25 asking that the Police Department have another layer

2 of just checking to see if a curb cut is illegal
3 before they issue a summons because once they issue
4 an illegal summons or a summons that's wrong, then
5 the person who is innocent has to go through—jump
6 through hoops to try to provide that this curb cut
7 was illegal. Now, I've had that. I've had people
8 complaining in my neighborhoods. So, we're trying to
9 address a problem that exists in the city of New
10 York. What we need is cooperation from both the
11 Police Department and the Building Department,
12 Department of Buildings. We need cooperation, we
13 need a solution, and not just we can't do it. We
14 need something, some feedback from you—from you guys
15 to say okay, we could try this, we could try that.
16 We're not hearing that. We're hearing just against
17 these—these—these bills. Some of the curb cuts are
18 quite obvious that they are illegal like somebody
19 puts a board at the—at the curb, and that's how—
20 that's what they're using and—and sometimes they just
21 put asphalt in—in the street to the curb. Sometimes
22 there is no curb. We have many neighborhoods that
23 have no sidewalks or curbs in Queens County in my
24 district which I've complained about. This is the
25 21st Century. Why can't we have sidewalks and curbs

2 on all streets, but we—what we're seeing today is
3 desperation by homeowners that will try anything, and
4 again, it's the agencies that are not really
5 cooperating with, you know, residents in the
6 neighborhood. So, we have the technology. Everybody
7 carries it with them to check. Asking a police
8 officer before they issue an expensive summons to
9 just check that this is legal, and when in doubt, but
10 the way, you said that sometimes that sometimes there
11 are two curb cuts and there is some doubt, well at
12 least you have another layer. If they make a
13 mistake, they make a mistake, but at least there's
14 another layer to check oh, there's only one curb cut
15 that's approved here. Which one is it? But we got
16 it. It's complaint driven. We got a complaint.
17 Let's act on the complaint and you can issue a
18 summons. If you're wrong, that will be fought, but
19 certainly issuing a summons to an illegal, you know,
20 somebody is parked in the illegal curb cut is wrong.
21 It's definitely wrong. So, all we're asking is the
22 system to check, and come up with one, and we came up
23 with an idea. A bunch of us came up with ideas on
24 the deal with the curb cuts. So, we need some
25 cooperation from the agencies. So, I'd like to see—

2 I'd like—I still haven't heard why we can't issue-
3 have somebody check, an officer check, take 2
4 minutes, 3 minutes to check to see if a curb cut is
5 legal or not. Thank you.

6 CHAIRPERSON RODRIGUEZ: Council Member
7 Cabrera has any questions? No. So, I—yes, so I
8 would like to acknowledge that Council Member Rose
9 was here. I think my colleague has another--?

10 COUNCIL MEMBER YEGER: [off mic] I only
11 have two questions. (sic)

12 CHAIRPERSON RODRIGUEZ: But only three
13 minutes.

14 COUNCIL MEMBER YEGER: [on mic] Okay,
15 perfect. I want to—I want to just go back to the
16 police for a second and to continue on Councilman
17 Holden's line. Chief, I assume from time to time in
18 your—the previous part of your career, you've pulled
19 people over for driving.

20 DEPUTY CHIEF PILECKI: Yes.

21 COUNCIL MEMBER YEGER: Okay, and when
22 they give you a license, you look at the license. It
23 looks like it's okay, but you don't write the summons
24 right away. You take the license back to the car.
25 You run the license to make sure it's still valid

2 because I could have a driver's license, but the guys
3 at the computer typed in that it's revoked, and then
4 I'd be driving without a license. Why do you not
5 believe that that's something we can ask our TEA
6 agents to do a similar check, if you will, on a
7 property by simply punching in an address, and even
8 if it takes a little work to get the tech, you know,
9 between buildings and—and police to, you know, with
10 an app or something, kids today they're building apps
11 every single day. Apps have been built while I'm
12 sitting here talking to you that were started this
13 morning. There's no reason that the city of New York
14 with an agency like DOITT working together with your
15 Tech Department, which is renowned and with Buildings
16 maybe less so, but together perhaps the geniuses
17 would figure this out. Why can't that be done?

18 OLEG CHERNOWSKI: You know, Council
19 Member I hope I didn't leave you with the impression
20 that I said it can't be done, right and I'm just—I
21 was speaking clearly to what the current capability
22 is and if this bill were to pass tomorrow as drafted,
23 we are incapable of complying with it.

24 COUNCIL MEMBER YEGER: How long would it
25 take you to-

2 OLEG CHERNOWSKI: [interposing] I mean,
3 look just like you said

4 COUNCIL MEMBER YEGER: [interposing] I
5 understand. I'm not—I'm not going to lawyer the doc.
6 I realize

7 OLEG CHERNOWSKI: [interposing] Right.

8 COUNCIL MEMBER YEGER: --you wrote the
9 word incapable. I understand your intent is not that
10 you're forever permanently incapable, but that--

11 OLEG CHERNOWSKI: [interposing] We
12 landed a Rover on Mars yesterday. I think--

13 COUNCIL MEMBER YEGER: [interposing] Got
14 it.

15 OLEG CHERNOWSKI: --we're capable of
16 doing the right thing.

17 COUNCIL MEMBER YEGER: [interposing] How
18 long would it take you?

19 OLEG CHERNOWSKI: I'm sorry.

20 COUNCIL MEMBER YEGER: Sometimes we write
21 in a bill this--this law will take effect in 180 days
22 after enactment, 90 days after enactment, 30 days.

23 OLEG CHERNOWSKI: I think--

24 COUNCIL MEMBER YEGER: [interposing] What
25 do you need?

2 OLEG CHERNOWSKI: Well, I—I think it's—
3 there—there are a few different parts to this, right.
4 So, first we're not the keepers of the curb cut data.
5 So we would have to work with the DOB. Secondly, to
6 make sure that there would be some sort of a database
7 that would be easy enough for a traffic agent or a
8 police officer to simply hit a button the way they
9 scan a registration barcode and have the answer pop
10 up and have it be a reliable answer. Secondly, we
11 would have to ensure that the technology that we
12 used, the equipment we're currently using is actually
13 capable of accessing this database were it to be
14 built.

15 COUNCIL MEMBER YEGER: [interposing] I'm
16 on a clock, and—and you're not. So, let me—let me do
17 it a different way. How long do you need to—to have
18 in order to come back to Councilman Holden and tell
19 him how long you need to know how long it can take
20 you to build it out? How about that? Like do you
21 need a week to talk to Buildings and figure out how
22 quickly, and then you can come back again and it will
23 take us a year to build it.

24 OLEG CHERNOWSKI: No, I think—I—I think—I
25 think the right way to look at it is that, and what I

2 said in my testimony is I'm more than happy, and I'm
3 looking forward to working with Council Member Holden
4 on figuring out what the right solution is. Maybe
5 this is the right solution where we build a database,
6 and upgrade technology that could access it. Maybe
7 that's the solution. Maybe we can work together and
8 figure out a solution that's less complicated to do
9 that's less costly to do, that can get the same
10 result. So, that's the point that I'm trying to make
11 because I think--

12 COUNCIL MEMBER YEGER: [interposing] I
13 just want to point out to you that right now parking
14 violations can't dismiss a summons in the interest of
15 justice. They have to have the--they have to have
16 sufficient facts [bell] demonstrated by the
17 respondent to--to--to combat the evidence that the--the--
18 I guess the--the--the Prima Facie evidence that are the
19 summons because obviously the ticket writer is not
20 there. So, if somebody gets a summons for this, the
21 likelihood that they can get it dismissed--maybe it's
22 50/50. Maybe it's 80/20, but it's not 100% and--and
23 that's--that's where I think some of this frustration
24 comes where you're seeing these--and I'll wrap up, Mr.
25 Chairman. Thank you and it will be my last comment,

2 and it's not question, but you're seeing these—these
3 driveways that you know intuitively because we're New
4 Yorkers all our lives, you could—I could smell and
5 illegal driveway from a legal driveway. You see it,
6 you know it. You see the other houses. You see that
7 it's a carport. It's not a driveway. A lawn used to
8 be there. Come on, we all know that, and then the
9 guy is parked in front of it, and then he gets a
10 summons and then it—the burden is on him. It's a
11 burden shifter, and you don't get those summonses
12 dismissed to 100% certainty. Maybe it's a success
13 rate of 80%, but I know that in my office right now
14 we had a case where a constituent has two summonses.
15 He lives in the premises. He does not have a single
16 piece of ID that says that he lives in the premises.
17 So, he can't even walk into Parking Violations Court
18 OATH or DOF or whatever they call it with his
19 driver's license. He has to have his driver's
20 license as another place because he doesn't live—
21 didn't live there until three months ago. He has to
22 walk in with the lease, and a whole bunch of other
23 stuff and then roll the dice that the judge agrees
24 with him. That's where this is coming from, and so I
25 need—you know, I know Council Member Holden wants to

2 get this bill done, but really, you know, some of
3 this frustration that I started with at the beginning
4 of my line of inquiry in the first round is that, you
5 know, the agencies come here and, you know, this is a
6 bad bill, and then give us something more to work
7 with.

8 OLEG CHERNOWSKI: Well, again, I-I didn't
9 say this is a bad bill. What I said was this is a--

10 COUNCIL MEMBER YEGER: [interposing]
11 Yeah, I know, you can't work with that. (sic)

12 OLEG CHERNOWSKI: No, beyond the work,
13 beyond working together, I said that this is a real
14 issue--

15 COUNCIL MEMBER YEGER: [interposing]
16 Okay.

17 OLEG CHERNOWSKI: --and I'm not denying
18 that this is an issue-this is an issue.

19 COUNCIL MEMBER YEGER: [interposing] I
20 really do thank you and I-and I hope my tone doesn't
21 indicate the lack of respect for the work that you
22 do. I really do. It's just that, you know, some of
23 the--some of the--especially I guess maybe in three
24 years I'll be a little more jaded, but in the first--
25 the first year of our time together and Councilman

2 Holden and I have had many, many conversations about
3 some of these middle-class frustrations in some of
4 the neighborhoods we represent, and we really do need
5 to try to do something to ease the burden on people.
6 Thank you, Mr. Chairman.

7 OLEG CHERNOWSKI: Thank you.

8 CHAIRPERSON RODRIGUEZ: Council Member
9 Cabrera have-

10 COUNCIL MEMBER CABRERA: Thank you, Mr.
11 Chair. I apologize. I got here late, but I was
12 chairing another hearing with Council Member Daneek
13 Miller, and we just finished over there. This
14 question goes more to the Department of Buildings.
15 We have a gas station that has, you know, an
16 entrance, the curb and entrance and then an exit and
17 they took it upon themselves to literally take the
18 entire side—both sides and made it all an exit. Cars
19 were coming. There were accustomed to parking there.
20 We have a lot of parking problems that are
21 multiplying literally I'm not exaggerating. Every
22 year we have more and more parking problems. So,
23 they were getting tickets. They had to go, you know,
24 and try to get them dismissed. Some were dismissed.
25 Some were not and to be honest with you, I don't

2 blame the Police Department because it looked like
3 it's an exit, right, but there's a sign that on the
4 top it says you could park here during certain hours,
5 and to this day, I haven't seen Department of
6 Buildings do something there. I'll tell you exactly
7 where it's act. It's on Tremont and Dr. Martin
8 Luther King Boulevard. It's the only gas station
9 there. We have very few in the area. If you guys
10 could attend to that because it send a mixed message.
11 It's very confusing, very—and it's illegal what the
12 gas station did. You know, they created their own—
13 there was no permits. We know that for a fact. We
14 did the full investigation. It was—it was all over
15 the news. So, if you guys could follow up with that,
16 and—and get back to me, and—and they're the ones who
17 deserve a ticket for doing that. So, my people in my
18 community, you know, they totally ignore you guys
19 like you didn't matter, and they're not considering
20 our constituents in the district. And so my—I guess
21 my next logical—my—my first logical question would be
22 what would you do in that case?

23 DEPUTY COMMISSIONER HEYWARD: Thank you
24 for bringing it to my attention. I personally am not
25 familiar with it, but we'll look at it right away and

2 get back to you next week or this week rather. In
3 terms of our response, we'll go out there and perform
4 and inspection to see what exists. We'll also refer
5 to Building Code and the Zoning Resolution to
6 understand what is permissible in that specific area.
7 We'll see if there are any permits pulled to do any
8 work related to curb cuts and all that activity will
9 form what, if any, violations we issue. Certainly
10 it's possible there could be violations issued for
11 work without a permit, for installation of curb cuts
12 without a permit from the department. There could be
13 violations issued for violations of the zoning
14 resolution placing a curb cut in a zoning district
15 where a curb cut is not permissible. So, depending
16 on what we see and observe both at the location
17 [bell] and through our research of records, to the
18 extent that we have them, we'll be able to issue
19 violations and take appropriate action.

20 COUNCIL MEMBER CABRERA: But can you
21 force them—can you force them to create the curb like
22 it was before? Because they'll say, oh, I'll pay the
23 500 bucks or whatever it is. I think it's \$500 and
24 then just ignore you.

2 DEPUTY COMMISSIONER HEYWARD: So, the-the
3 penalties associated with violations are generally
4 more than that. When we issue a violation,
5 correction of that violation requires restoration of
6 the curb of the curb cut. If they fail to do so,
7 upon re-inspection if the curb cut has not been
8 restored, we issue additional violations with what we
9 call aggravated or higher penalty amounts.

10 COUNCIL MEMBER CABRERA: And is it-what
11 class of violation would this be considered?

12 DEPUTY COMMISSIONER HEYWARD: Well, they
13 can escalate as high as a Class 1 violation.

14 COUNCIL MEMBER CABRERA: Okay. Okay,
15 looking forward to working with you. We have sent
16 information to whoever was handling that, but I'm
17 glad I brought it up to you--

18 DEPUTY COMMISSIONER HEYWARD:
19 [interposing] So am I.

20 COUNCIL MEMBER CABRERA: --and glad you
21 will be able to follow up. I appreciate it. It means
22 lot. Thank you so much. Mr. Chair, thank you so
23 much.

24 CHAIRPERSON RODRIGUEZ: So, with that, I
25 think that overall we agree that important progress

2 has been made. We've been working together. You
3 know, the Boyer (sic) Avenue and other places we've
4 been there in many events, you know, celebrating that
5 for the first time there is a reduction of death or
6 great New Yorkers, but as we know, it's not about a
7 person, it's about we as a legislative body and
8 agency. Sometimes, you know, we don't like to be
9 told what to do and, you know, it's better to have
10 all that flexibility. I feel that we have to be more
11 aggressive to continue being a strong advocate for
12 pedestrians, you know and working with Transportation
13 Alternatives, Families for Safe Streets, and all of
14 you that's (sic) in the city, you know, that's like
15 close to 900,000 New Yorkers with disability.
16 Tomorrow we can join the family, and when we look at
17 intersections, no doubt that we have to continue
18 making those particular areas where most New Yorkers
19 come to together to cross the street. It's not in
20 the middle of the block, are-is in those
21 intersections. So, whatever we can do, and new
22 policy that we can put in place to work with specific
23 numbers, and I know that we've been working together
24 with some goal, but I feel that now it's time for us
25 to look at how are we doing those goals, and I'm not

2 saying that we're not moving in the right direction,
3 but it's more can we be more aggressive? Can we
4 identify a larger numbers of sidewalks that we
5 should, you know, enhancing and working with
6 extension to identify those intersections where
7 extension may be implemented to enhance. When it
8 comes to knowing which sidewalk for which DOT is
9 responsible also to be moving the snow, making
10 repairs, I think that those data are important, and
11 at the moment it's not about—I'm not questioning if
12 the agency doesn't know where those locations are.
13 It's about providing the 8.5 million New Yorkers and
14 the visitors those open data information to them so
15 that they can access. People expect that agency are
16 more accountable, that agency have more transparence,
17 and I think that with these numbers of bills and you
18 heard from my colleagues, I can talk about those that
19 I have introduced and I'm happy to hear that we can
20 continue having this conversation but, you know, this
21 coming Thursday we're going to be holding a hearing
22 about how we respond to the snow, that six inches,
23 and there's a lot that we will be discussing this
24 coming Thursday, you know, in our hearing at 1:00
25 p.m. together with the Committee—a joint hearing with

2 the Committee on Sanitation and Education. But we
3 have to learn from any things that happen in our
4 city. I think that as we will—as we will be
5 addressing, you know, what happened on Thursday, I
6 want for us to be thinking about the 900,000 New
7 Yorkers with disability. How do they navigate to
8 cross when they get into the intersections? What is
9 the plan that we have to remove the snow? Because
10 for me I don't want to be as the Council Member who
11 call, and we agencies that were accessible to us and
12 say, here, guy, this intersection has not been
13 cleaned. Do we have a sensor? How do we measure?
14 How are we putting this placing—this system in place?
15 As I said before, I see great work being done on
16 making the intersection more accessible in my own
17 area, danger in having a street, but I also saw that
18 when we have raining and with the cold weather, that
19 water—that water turns to ice. So, people with
20 disability they are not able to cross in that
21 intersection. So, I think that again we always will
22 be open to identify challenge and help make things
23 better, but again, today's hearing is about or it was
24 about holding, you know, agencies more accountable
25 and hear from the agencies on how we can be more pro-

2 pedestrians and cyclists. This is not about being
3 pro-car owner, but it's about making our sidewalk
4 more accessible to everyone, and with that, this
5 hearing is--Thank you to the Administration for their
6 presentation.

7 ASSISTANT COMMISSIONER ZACK: I did want
8 to tell you that we sent your staff and we copied you
9 the Bridge Report, the link to on our online Bridge
10 Report that you asked for earlier. We just sent it
11 over to your office.

12 CHAIRPERSON RODRIGUEZ: I just think that
13 with the Bridge Report it's important. I know that,
14 you know, no question that you have the data, but I
15 know in previous hearing on the bridges usually the
16 agency has been able to say yes this is the leases
17 that we've been graded, and this is the data, and
18 this is the third--the three worst bridges that we
19 have--

20 ASSISTANT COMMISSIONER ZACK:
21 [interposing] Right.

22 CHAIRPERSON RODRIGUEZ: --with the city
23 supporting more resources.

24 ASSISTANT COMMISSIONER ZACK: Right.

2 CHAIRPERSON RODRIGUEZ: And I think that
3 it's all about providing New Yorkers that
4 information.

5 ASSISTANT COMMISSIONER ZACK: Right.

6 CHAIRPERSON RODRIGUEZ: Not only for us
7 to have, but also to know that it is in the website--

8 ASSISTANT COMMISSIONER ZACK: Yep.

9 CHAIRPERSON RODRIGUEZ: --and how people
10 will be able to navigate.

11 ASSISTANT COMMISSIONER ZACK: I just
12 wanted to say we shot it over to your office right
13 away.

14 CHAIRPERSON RODRIGUEZ: Thank you.

15 ASSISTANT COMMISSIONER ZACK: Thank you.

16 CHAIRPERSON RODRIGUEZ: Thanks.

17 DEPUTY COMMISSIONER HEYWARD: Thank you.

18 CHAIRPERSON RODRIGUEZ: So thanks to the
19 Administration and we are Eric McClure. [pause,
20 background comments] And--and before Eric he was here.
21 Good to, you know, get the data as we have before on
22 how are we doing this year compared to the last year.
23 So, today is on that information, and what we've been
24 told is by the NYPD that in 2018 we have a total of
25 201,471 collisions compared to 110,582 in '17. So,

2 there has been a slight increase. However, when we
3 look at the total people being killed in crashes, so
4 far compared—last year compared to this year, last
5 year we had 206 and this year by this day we only
6 have 175.

7 ERIC MCCLURE: Good news on that deaths.
8 Thank you, Mr. Chair. My name is Eric McClure. I'm
9 the Executive Director of StreetsPAC. Thank you for
10 the opportunity to share our thoughts on oversight of
11 curbs and sidewalks this afternoon. StreetsPAC would
12 like to express its support for several of the
13 measures under consideration today by the committee.
14 We support Intros 131 and 953, which together would
15 place greater restrictions on the creation of curb
16 cut and compel the restoration of illegally removed
17 curbs. There are likely thousands of illegal curb
18 cuts citywide, many of which undoubtedly create
19 unsafe conditions for pedestrians. We support
20 requiring property owners to restore curbs where they
21 have been illegally removed as well as mandating
22 community notification for planned curb cuts.
23 Personally as someone who tried in vain to oppose a
24 neighbor's curb cut implemented on a block that
25 already had two existing curb cuts and for no other

2 reason than the owner's desire to have a private
3 parking space. I urge the committee to lend its
4 support to this legislation. We also support Intro
5 237, which would require the city to implement curb
6 extensions at certain dangerous intersections. Curb
7 extensions have been shown to significantly improve
8 pedestrian safety both by shortening the distance
9 pedestrians must travel across an intersection and
10 provide—by providing increased visibility through
11 daylighting. Curb extents are the type of treatment
12 that should be a high priority under Vision Zero.
13 Requiring the implementation of curb extensions or
14 the minimum of five intersections in each borough
15 annually would set the city on a plan to having a
16 robust program for creating these important aspects
17 of safety infrastructure. Additionally, we support
18 Intro 1956, which would require the city to paint
19 curbs adjacent to fire hydrants and bus stops to
20 alert motorists that they can't park, stand or stop
21 there. While drivers in New York City should be
22 aware of the rules governing parking near hydrants
23 and bus stops, it's clear from their behavior that
24 many are ignorant or dismissive of the law. As much
25 as the additional delineation of curbs will help

2 drivers avoid parking illegally, it will also help
3 police and traffic enforcement agents identify
4 illegal parking and issue summonses accordingly. Too
5 often police and TEAs give motorist the benefit of
6 the doubt and since illegal parking creates safety
7 hazards around hydrants and bus stops, we support any
8 effort and more rigorous enforcement. One caution,
9 however, we would vigorously oppose allowing drivers
10 to cite absence of paint or the wearing of painted
11 curbs as an affirmative defense in contesting a
12 summons. We would urge that such language be
13 included in an amended bill. This legislation should
14 in no way be construed as a way of alleviating driver
15 responsibility for parking illegally. Lastly, we
16 strongly support Resolution 103, which calls upon the
17 Port Authority of New York and New Jersey to widen
18 the multi-use paths across the George Washington
19 Bridge. The planned renovations to the George
20 Washington Bridge present a generational opportunity
21 to increase access for pedestrians, runners and
22 cyclists who are using the bridge in ever increasing
23 numbers. The D—the GWB is the only walkable and bike
24 able connection between northern—Northern New Jersey
25 and New York City and that carries nearly 4,000

2 cyclists on weekends on a path that is among Narrows
3 Bridge crossings in New York City. The widened path
4 would also have tourism and resiliency benefits.

5 Let's not miss this crucial opportunity to bring the
6 George Washington Bridge and this access into the
7 21st Century. We urge the committee and the full
8 Council to pass this resolution without hesitation.
9 Thank you very much.

10 CHAIRPERSON RODRIGUEZ: Thank you, and
11 with that, we come to the end, and again this coming
12 Thursday at 1:00 p.m. everyone is invited to the
13 joint hearing to get our Committee of Transportation
14 together with the Committees on Sanitation and
15 Education. We'll be asking a lot of questions to the
16 Administration on how did we fail that day when we
17 got six inches of snow and people—it took like hours
18 and hours for a student with disability to get to
19 their house, working class, senior citizens. So,
20 everyone is invited to be here this coming Thursday.
21 We also would like to invite everyone to a hearing
22 that will come out a day later on that we're looking
23 to have next week with the MTA to discuss the—the
24 plan of moving forward. I also would like to take
25 this opportunity to say that as the MTA will be

2 holding a hearing today, the first one at Baruch
3 (sic) College with a proposal to increase the fare.
4 I'm totally against it, increasing any fare be look
5 for any other sources of getting revenue. This plan
6 on the table, the planned congestion price and
7 increasing the contribution of the more wealth to New
8 Yorkers, we should look into those plans. The Senate
9 should go back in session in January. Make those
10 bills a reality, and now to get into the working
11 class and middle class to deal with another fare
12 increase. With that, this hearing is adjourned.

13 [gavel]

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C E R T I F I C A T E

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



Date December 19, 2018