

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
TRANSPORTATION AND COMMITTEE ON GOVERNMENTAL
OPERATIONS

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April 29, 2019
Start: 1:20 p.m.
Recess: 4:00 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DANIEL DORM
Chairperson

YDANIS A. RODRIGUEZ
Chairperson

FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams
Andrew Cohen
Robert E. Cornegy Jr.
Laurie A. Cumbo
Vanessa L. Gibson
Barry S. Grodenchik
Rory I. Lancman
Steven Matteo
Francisco Moya
Keith Powers
Helen K. Rosenthal
James G. Van Bramer
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
Ben Kallos
Alan N. Maisel
Bill Perkins
Kalman Yeger

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

Jeffrey Shear, Deputy Commissioner of Treasury,
Payments and Operations, NYC Department of Finance

Sheela Feinberg, Director of Government Affairs,
NYC Department of Finance

Joseph Fucito, NYC Office of the Sheriff, NYC

Joshua Benson, Deputy Commissioner for Traffic
Operations, NYC Department of Transportation

Gerald Burgess

Jack Davies, Policy and Research Director,
Transportation Alternatives

Nicole Espstein, Gotham Government Relations

Gerry Vadas, CJS Violation Services

Leo Gonzalez, Finance Manager, UPS North Atlantic
District

Arthur Miller, Private Practice Attorney,
Specializing in the Trucking Industry, Publisher of
NewYorkTruckStop.com

Zach Miller, Retro-Metro Region Vice Chair
Trucking Association of New York

Ken Thorpe, Chairperson, New York Trucking and
Delivery Association, NYTDA & Member, New York City
Delivery Solutions Coalition

Edward Funk, Sound of Inclusion Market Advertising
Group

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[sound check] [pause] [gavel]

CHAIRPERSON DROMM: Okay, good afternoon
and welcome to today's oversight hearing on the
Parking Violations Bureau. My name is Daniel Dromm
and I'm Chair of the Committee. Today's hearing is
being jointly held with the Committee on
Transportation chaired by Council Member Ydanis
Rodriguez, and the Committee on Governmental
Operations chaired by Council Member Fernando
Cabrera. We've been joined today by Minority Leader
Steve Matteo, Council Member Peter Koo, Council
Member Costa Constantinides, Council Member Alan
Maisel, Council Member Barry Grodenchik, Council
Member Mark Gjonaj, Council Member Reverend Diaz,
Sr., Council Member—Council Member Yeger. I think I
got everybody so far. Okay. Good. In addition to
conducting oversight of the Parking Violations
Bureau, we'll be hearing 11 bills, which propose to
adjust its adjudication and collection function or to
otherwise adjust the city's parking rules on
enforcement regime. As a result, we're going to keep
our opening remarks brief before diving into the
Department of Finance testimony, questions from the
members and bills themselves. Last year more than 10

1 million parking tickets alleging violations of DOT
2 Parking Rules or State and Local Law were written
3 primarily by NYPD traffic enforcement agents, but
4 also by NYPD officers and by representatives from
5 several dozen other municipal agencies and entities.
6 About 10% of violations are contested and adjudicated
7 by an Administrative Law Judge at the Parking
8 Violations Bureau either at an in-person hearing or
9 remotely upon submission supporting evidence by mail,
10 online or by DOF's Smart Phone App. Unpaid parking
11 violations accrue late fees and ultimately become
12 judgment debt, which is—which once it exceeds \$350,
13 commits the Department of Finance Sheriff and city
14 marshals to pursue that debt by booting and towing.
15 In 2004, the Department of Finance had a voluntary
16 enrollment program for businesses, the Stipulated
17 Fine and Commercial Abatement program, which provide
18 them discounts on certain parking violation fines in
19 exchange for waiving their appeal rights. Such
20 programs represent about 10% of total ticket volume.
21 Finally, last December the Department of Finance
22 created the Office of Parking Summons Advocate to
23 help the public understand their hearing rights and
24 also to help identify systemic issues. We look
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1 forward to learning more about the office and its
2 efforts. Let me briefly mention the four bills that
3 are in the Committee on Finance that are being heard
4 today. Intro 661 sponsored by Council Member
5 Rodriguez would require DOF to report on cars towed
6 because of outstanding parking tickets. Intro 1066
7 sponsored by Council Member Lancman would permit an
8 ALJ in the Parking Violations Bureau to reduce or
9 waive late penalties in the interest of justice.
10 Unpaid parking violations accrue late fees, and
11 ultimately come judgement debt, which once it exceeds
12 \$350, then it's the Department of Finance's job and
13 city marshals to pursue that debt by booting and
14 towing. Since 2004, the Department of Finance has
15 had a voluntary enrollment—has had a voluntary
16 enrollment programs for businesses [background
17 comments/pause] Okay, Intro 441 introduced—sponsored
18 by Council Member Constantinides would prohibit
19 reducing parking violation fines absent a hearing and
20 a written determination. Intro 1520, which I have
21 sponsored, would require DOF to report on the
22 operations of the Parking Violations Bureau. I'll
23 now turn the mic over to Council Member Rodriguez for
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1 his remarks, and then we'll hear from Council Member
2 Cabrera.
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4 CHAIRPERSON RODRIGUEZ: Thank you, Chair.
5 First of all, one thing that I would—I would like to
6 be clear is that this package of bills by no means
7 that we are compromising enforcements. We want to be
8 sure that drivers are comfortable. We also want to
9 be sure that whoever break the law should pay for the
10 consequences. So, by no means as we hope in this
11 hearing we're sending the message to our city that we
12 want to reduce any level or enforcement. This is
13 about bringing clarity and fairness in this process
14 when it come to the parking status in our city.
15 Thank you, Chair Dromm and Chair Cabrera, good
16 afternoon everyone, and welcome to today's hearing.
17 I'm Council Member Ydanis Rodriguez, Chairman of the
18 Committee on Transportation. As you heard, as you
19 hear—heard today, the Committees on Finance,
20 Transportation and Governmental Operations are
21 conducting a joint oversight hearing on the Parking
22 Violations Rule that also includes several bills
23 related to parking violations, fines, towing,
24 abandoned vehicles, and construction parking permits.
25 Of the legislation that we are hearing today, I will

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1
2 quickly summarize those bills that are in the
3 Transportation Committee. Intro 122 by Council
4 Member Lander will increase the monetary first call
5 (sic) for the removal of motor vehicles for the
6 purpose of satisfying parking violation adjustments
7 from \$350 to \$500. It will also allow motor vehicles
8 to be removed for the purpose of satisfying parking
9 violation adjustments where there are more than five
10 parking violations. Intro 176 by Council Member
11 Maisel, will create an interagency task force to
12 study the city's assistance system or removing from
13 public street vehicles that have been abandoned or
14 parked without license plate or proper registration.
15 The task force would collect information about the
16 effectiveness of current practices and evaluate
17 potential solutions for this problem in the final
18 report. Council Members cause-cause waits (sic)
19 would—who has two bills today, the first is Intro 504
20 that would make DOT temporary parking restriction
21 permits at construction sites 7:00 a.m. to 6:00—from
22 7:00 a.m. to 6:00 p.m. by default instead of 24 hours
23 when a variance for 24 hours permit obtained—
24 attainable through the Department of Buildings. The
25 second Intro 506 will make it a violation to park a

1 motor home on a residential street in excess of the-
2 of three hours or overnight and would make mobile
3 homes park in violations subject to impoundment.

4 COUNCIL MEMBER Gjonaj also have two bills on today's
5 agenda, Intro 1187 would place a strict timeline on
6 the Department of Transportation of Sanitation, and
7 private towers to remove vehicles left on the street
8 without license plates or registration stickers.

9 Intro 1188 will make removing license plates or
10 registration stickers unlawful and will raise the
11 penalty for abandoning cars or other large property,
12 or removing components of motor vehicles to \$500.

13 Before turning it back to-back over to Chair-Chair
14 Dromm and Cabrera, I want to touch upon two of the
15 other bills. First, I'm looking forward to hearing
16 testimony from the Administration and advocates on
17 the Stipulated Fines Program and Intro 1141. I am
18 co-sponsor of this bill as are many of my colleagues,
19 and I believe we need to learn-to learn more about
20 the pros and cons of this program and how it
21 influences the behavior of commercial drivers on our
22 streets. With the rise of Amazon and Ecommerce,
23 delivery trucks are crowding our streets and often
24 have nowhere to go because curb space is taken up by
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1 the private vehicles. This problem is not going
2 away, and we need to think about all aspects of the
3 commercial deliveries including the Stipulated Fines
4 Program allocating curb space in ways that are more
5 beneficial to the city as a whole, increasing loading
6 zones and expanding DOT's of our delivery program.
7 Intro No. 661, a bill that I have sponsored. This
8 piece of bill legislation will require the Department
9 of Finance to issue a biannual report on the number
10 of motor vehicles that were towed because if the
11 owners owe more than \$300-\$350 in outstanding parking
12 tickets, having this information will help us to
13 evaluate whether the city's practice of towing these
14 vehicles is effective or equitable. I look forward
15 to hearing the testimony from the Administration and
16 all the other stakeholders, and I hope that we can
17 come up with some sensible recommendations on how to
18 move forward these bills, and before I turn it to
19 Council Member—thank you Chair and thank you again
20 Chair Dromm, and before it turn it to Council Member
21 Cabrera, I would also like to apologize because I
22 will be leaving this hearing before. Thank you.
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24 CHAIRPERSON DROMM: Chair Cabrera.
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2 CHAIRPERSON CABRERA: Thank you so much.

3 Good afternoon. I am the Chair of the Committee on
4 Governmental Operations, Council Member Fernando
5 Cabrera. I want to thank my fellow Chairman Council
6 Member Ydanis Rodriguez and Daniel Dromm for
7 organization this oversight hearing. Today the
8 Governmental Operations Committee will be conducting
9 a first hearing on Introduction 168 sponsored by
10 Council Member Alana Maisel, which will transfer the
11 Parking Violations Bureau from the Department of
12 Finance to the Office of Office of Administrative
13 Trials and Hearings. OATH was originally established
14 in 1979 for a limited purpose of conducting
15 administrative trials and hearings at the direction
16 of the mayor or for civil service related hearings in
17 subsequent years. The number already of cases refer
18 OATH grew significantly. In 2008, it took summonses
19 issues by the Department of Sanitation, Buildings,
20 Environmental Protection, Fire and Environmental-and
21 Environmental Protection. In 2011 and 2016, it took
22 on tribunals that were run by the-by the Health
23 Department, the Taxi and Limousine Commission, and
24 the Department of Consumer Affairs, and in 2017, it
25 began hearing our low level summonses from NYPD that

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2 used to be filed in Criminal Court. Today, with the
3 exception of the Parking Violations Bureau, all
4 significant agency tribunals are not adjudicated by
5 OATH. Introduction 168 will transfer the Parking
6 Violations Bureau to OATH. All employees,
7 businesses, rules, regulations, records, property and
8 equipment will be transferred to OATH. No pending
9 proceedings are to be affected by the transfer. I
10 would like to thank my Committee staff, Daniel
11 Collins, Elizabeth Kronk, Emily Forgione, as well as
12 my own Legislative Director Claire McLeveighn. Now,
13 I'd like to turn it back to my esteemed Co-Chair
14 Daniel Dromm.

15 CHAIRPERSON DROMM: Thank you very much
16 Chair Cabrera, and before I turn it over to the
17 sponsors of the legislation, I'd like to say that
18 we've been joined by Council Members Moya, Council
19 Member Kallos and Council Member Cornegy, and Council
20 Member Constantinides, I know you wanted to make a
21 statement as well.

22 COUNCIL MEMBER CONSTANTINIDES: Thank
23 you, Chair Dromm, Chair Rodriguez, Chair Cabrera. I
24 just want to quickly address my legislation Intro
25 1141. Created in 2005, the Stipulated Fines Program

1 was intended to be a way for the city to guarantee a
2 stream of revenue from delivery trucks that double
3 park, blocked traffic lanes or crosswalks or commit
4 other traffic infractions, we're having to expand the
5 city's adjudicatory system. It should be apparent,
6 you know, right now that our city is facing different
7 challenges in a different time. Over the past few
8 years, this Council has worked with the
9 Administration to combat the serious issues of
10 traffic safety and congestion. We have made lots of
11 great progress. A program where trucks have no
12 incentive to find even something resembling a legal
13 parking space, impedes our progress and all of these
14 objectives. When a truck blocks a lane of traffic a
15 two-way street for instance, it blocks a critical
16 line of sight down a street needed to walk, bike, or
17 drive safely. Cars having to enter the opposite lane
18 to pass the truck after waiting for find a safe
19 chance to pass only slows down traffic in both
20 directions. In fact, DOF Commission Jacques Jiha's
21 own admission the program needs to be reformed in
22 part to ease congestion. All of this comes at a cost
23 as 43% of the 2 million-2.6 million parking
24 violations issued in FY17 fell within the stipulated
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1 fines and Commercial Abatement Programs, and while
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3 DOF is now acting to roll in the worst excesses of
4 the programming, they are still offering discounts on
5 a number of fines. Incredibly they are actually
6 lowering the fines for blocking bike lanes,
7 crosswalks and sidewalks and intersections.
8 Consequently, the city will be foregoing tens of
9 millions of dollars in potential fees from the cost
10 of adjudicating each parking ticket decreases as more
11 and more ticket disputes are heard online, not by a
12 judge. That's why Intro 1141 is so important. It
13 would simply require DOF and the Parking Violations
14 Bureau to treat each violation as an individual
15 infraction rather than allowing them to be
16 collectively disposed of. You can't put a price on
17 safety, but that's what this program has done for too
18 long. I want to thank Chairs Dromm, Rodriguez and
19 Cabrera and all of the staff that helped put this
20 hearing together. Thank you.

21 CHAIRPERSON DROMM: Thank you very much
22 and I believe that Council Member Maisel has a
23 statement also.

24 COUNCIL MEMBER MAISEL: Thank you very
25 much, Chairman. I appreciate the opportunity to just

1 speak very, very briefly about 168 and 176. One of
2 the most consistent complaints that I get in my
3 office is the unfairness that people feel when they
4 go before the Parking Violations Bureau. The
5 Parking Violations Bureau basically is the—the judge,
6 the juror and the beneficiary of the fines that they
7 impose. That can't be fair. If you go before a
8 hearing officer, that hearing officer is under a
9 certain amount of pressure to make sure that too many
10 people with innocent pleas, who are actually right,
11 get a fair shake because if they don't do what
12 they're expected, they don't get reassigned or
13 reappointed. So, as Mayor de Blasio said, he wants
14 to make New York the fairest big city in the country
15 certainly. By moving PVB to OATH, people will get
16 the understanding that OATH is impartial. They don't
17 work for anybody. They are not the beneficiaries of
18 the fines that are imposed and I trust OATH to do the
19 right thing. So, I really would like to see this
20 bill passed, and I appreciate the opportunity to have
21 it heard, and the second bill, which is 176 in
22 certain communities in the city there is a huge
23 increase in the number of parked vehicles that are
24 parked illegally. In my district in particular
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2 because it's a one and two-family home area, we don't
3 have too many commercial streets, we are inundated
4 with cars that are being trucked in, literally
5 trucked in and--and dumped on the streets, and not
6 enough is being done to resolve this problem, and I
7 speak to colleagues in similar situations. The local
8 Police Departments do not have the ability to deal
9 with this issue the way it should be dealt with, and
10 that's why I think we need to have a lot of hits
11 together and talk about this problem an interagency
12 task force is necessary. So thank you, Mr. Chairman
13 and Mr. Chairman and Mr. Chairman. I appreciate the
14 opportunity to be heard.

15 CHAIRPERSON DROMM: Thank you very much.
16 We've also been joined by Council Member Mark Levine.
17 We'll now hear from several representative of the
18 Department of Finance, and starting with--[background
19 comments] starting with Jeffrey Shear, Commissioner
20 of Treasury, Payments and Operations; Sheela
21 Feinberg, Director Government Affairs, and Sheriff
22 Joe Fucito as well as a representative from the
23 Department of Transportation, Josh Benson after they
24 are sworn in my Counsel.

1
2 LEGAL COUNSEL: Good afternoon. Do you
3 affirm that your testimony will be truthful to the
4 best of you knowledge, information and belief?

5 COMMISSIONER SHEAR: I do.

6 LEGAL COUNSEL: Thank you.

7 DEPUTY COMMISSIONER SHEAR: Good
8 afternoon, Chairs Dromm, Rodriguez, Cabrera and
9 members of the Committees of Finance, Transportation
10 and Government Operations. I am Jeffery Shear,
11 Deputy Commissioners for Treasury and Payment
12 Services at the New York City Department of Finance.
13 With me today is New York City Sheriff Joseph Fucito;
14 Sheela Feinberg, Director of Intergovernmental
15 Affairs at the Department of Finance, and Joshua
16 Benson, Deputy Commissioner for Traffic Operations at
17 the Department of Transportation. The first of the
18 bills that DOF would like to address is Intro 1141,
19 which relates to our stipulated fine in commercial
20 abatement programs. Before addressing the specifics
21 of the bill, we would like to provide some context as
22 to why these two programs exist. All motorists
23 receiving parking summonses have a constitutional due
24 process right to contest the summonses if they
25 choose. This right applies to both individuals and

1 commercial entities. There is no way to compel
2 motorists to pay for parking summonses without first
3 offering the chance to contest them. Further,
4 motorists may offer a variety of defenses in
5 contesting a parking ticket including that their
6 vehicle was not properly identified, that the ticket
7 agent did not properly indicate the parking
8 infraction, that proper notice was not given
9 regarding the prohibitive action or that their
10 vehicle did not commit the specified infraction. One
11 defense for commercial vehicle is provided by the
12 city's parking rules. The rules recognize the lack
13 of available parking spaces and the need for
14 commercial vehicles to make deliveries to city
15 businesses and individuals by providing an
16 expeditious delivery defense for some parking
17 infractions. The expeditious delivery defense is
18 often asserted by companies and their parking ticket
19 brokers, and many tickets are dismissed in this
20 manner. For example, in Fiscal Year 18 67% of
21 tickets for double parking outside of Midtown
22 Manhattan were dismissed as part of our Fleet Program
23 in which companies regularly—companies receive
24 regular reports of their parking tickets, and attain
25

1 the right to contest them. In addition, it is
2 generally more difficult for traffic agents and
3 police officers to identify commercial vehicles than
4 passenger vehicles. 98% of tickets issued to
5 individuals are incurred by vehicles with a passenger
6 registration tag, but tickets issued to business
7 vehicles are more evenly divided between vehicles
8 with registration types such as commercial,
9 medallion, livery, rental, light trailer, regular
10 trailers and semi-trailer. In this identification of
11 vehicle registration type may result in the dismissal
12 of a parking ticket. Traffic agents and police
13 officers must also make fine distinctions between
14 commercial vehicle body types. Recent court
15 decisions resulted in the dismissal of tickets that
16 did not correctly distinguish between tractor-
17 trailers and other truck body types, and between
18 international registration plate and a portion of
19 truck body registration types even for vehicles
20 registered outside of New York in a state that does
21 not make such distinctions. DOF is drafting state
22 legislation that would prevent tickets from being
23 dismissed for such technical reasons. Lastly,
24 companies are more likely to hire parking ticket
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2 brokers who are experts in finding deficiencies in
3 parking tickets and are, therefore, also more likely
4 to contest parking tickets. With this in mind, DOF
5 created a stipulated fine in Commercial Abatement
6 Programs. The purpose of the programs was not to
7 discount tickets, but rather to look at the dismissal
8 rate of parking tickets by companies enrolled our
9 Fleet Program, and charge the same expected value or
10 outcome for contested tickets without the need for
11 formal hearings. Companies participating in the
12 program waive their right to a hearing and agree to
13 pay roughly the same rate as companies that actively
14 contest their tickets. As a result, program
15 participants do not need to hire a parking ticket
16 broker to review outstanding tickets, establish a
17 defense or attend a hearing. The Department of
18 Finance for its part does not need to hire judges to
19 adjudicated these hearings. In Fiscal Year 19, DOF
20 did make an important adjustment to the programs. We
21 determine that as an inducement to get large
22 companies to join the program, shortly after it was
23 piloted in 2003, and went widespread in 2005, we did
24 charge rates that were significantly less than those
25 warranted by the dismissal rates in the Fleet

1 Program. We, therefore, conducted a review in 2018
2 that included outreach to DOT, the NYPD and the to
3 many of the companies enrolled in the programs. As a
4 result, DOF made major changes to the payment
5 schedule for the programs as of December 3, 2018.
6 For the Stipulated Fine Program, rates were increased
7 for 38 violations including 11 violations for which
8 we decided that the seriousness of the offense would
9 not cause us to charge less than the base fine. We
10 also align the smaller Commercial Abatement Program
11 payment rates with those of the stipulated fine
12 program. These changes will increase payment from
13 program participants by \$7.2 million in Fiscal Year
14 19, and \$12.3 million in each fiscal year thereafter.
15 With this context in mind, DOF opposes Intro 1141.
16 Intro 1141 would prohibit the Stipulated Fine and
17 Commercial Abatement Programs. Current participants
18 would simply hire parking ticket brokers rather than
19 pay the full base fine amounts. With no change to
20 the payments made for illegal parking, there would be
21 no impact on congestion in the city. The impact of
22 the law would be to drive up the business of the
23 parking ticket brokers, but leave parking ticket
24 revenue unchanged while significantly increasing the
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1 city's costs. First, the city would have to hire
2 more judges for additional parking ticket hearings.
3 Second, the bill requires that our judges write
4 formal decisions for all parking tickets contested in
5 our Commercial Adjudications Unit as opposed to the
6 current practice in which judges enter the results of
7 each contested ticket without having to write a
8 formal decision. This includes parking tickets that
9 are currently adjudicated in CAU for companies that
10 contest tickets outside the stipulated fund and
11 Commercial Abatement Programs. The combined cost
12 increase would be over \$9 million annually.
13 Furthermore, we would expect the cashflow intro issue
14 in Fiscal Year 20 as our ability to hire and train
15 more judges would lag behind the demand for more
16 hearings, and hearing decisions creating a backlog of
17 tickets awaiting a hearing. Intro 1066. The
18 Department of Finance is committed to transparency
19 and fairness and our currently adjudication process
20 allows for every New Yorker to contest their parking
21 tickets and be heard by an administrative law judge.
22 While DOF understands the Council's interest in
23 allowing judges to abate a penalty with dismissing an
24 entire violation, the bill in its current form does
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1 not provide a methodology or rubric or that would
2 given guidance to our judges as to when to obey the
3 penalty without dismissing the entire ticket. The-the
4 dismissals would likely be subjective, which would be
5 unfair to the public and to the judges who are trying
6 to fairly and consistently apply the law. The likely
7 result would be complaints from motorists who did not
8 receive penalty abatements, and could not receive a
9 satisfactory explanation as to why. Furthermore,
10 without a methodology, DOF has no way to estimate the
11 impact the bill would have on parking ticket revenue.
12 DOF therefore, must oppose the bill. However, DOF
13 would like to have time to further explore the
14 possibility of giving judges the ability to dismiss
15 penalties under limited well defined circumstances
16 and to begin a conversation with the Council on this
17 matter. We envision taking into account, for
18 example, the length of time that has elapsed before a
19 member of the public has received a parking ticket to
20 encourage good behavior and detail your-tailor
21 penalty abatements to individual motorists who now
22 can be assisted by DOF's Parking Summons Advocate,
23 but do not have access to the wide variety of
24 programs that are offered to commercial motorists.
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1 We look forward to having this conversation. Intro
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3 122. The Department of Finance understands that this
4 bill would increase the monetary threshold for the
5 removal of motor vehicles for the purpose of
6 satisfying parking violate—parking violation
7 judgments from \$350 to \$500. While it may have been
8 unintended, this bill rewards people who hold off on
9 resolving their parking tickets by making payments or
10 contesting the tickets. It also runs counter to some
11 of the city's Vision Zero goals because it applies to
12 all parking violations including red light camera
13 violations for example. The Department of Finance's
14 Scofflaw Enforcement Program sees 118,000 vehicles in
15 calendar year 18. Vehicles are initially booted and
16 are then towed if payment is not made with 48 hours.
17 This represents the enforcement of 551,000
18 outstanding parking, speed camera and red light
19 camera violations. This legislation if enacted
20 would result in a 65% reduction in Scofflaw seizures
21 annually. A 65% reduction in Scofflaw seizures would
22 exempt approximately 240,000 parking, speed, and red
23 light camera violations from being enforced. It
24 would trigger a 46% reduction in deterrence
25 enforcement for speed camera, red light camera, and

1 other public safety violations. The 46% reduction
2 would amount to approximately \$24 million in lost
3 revenue annually. In addition to creating a culture
4 of compliance for parking and camera violations, the
5 Booting Program provides DOF with an opportunity to
6 check that seized vehicles have proper registration
7 and insurance. Of the 118,000 vehicles seized in
8 Calendar Year 18, 13,000 were retained in Sheriff's
9 custody for being unregistered and uninsured making
10 New York City streets safer. If the boot threshold
11 were raised at \$500, approximately 6,000 fewer
12 unregistered and uninsured vehicles would be kept off
13 the streets. Intro 661. This bill requires the
14 Department of Finance to report on the motor
15 vehicles, which were removed to satisfy outstanding
16 judgements for parking violations totaling more than
17 \$350. DOF is committed to transparency and broadly
18 supports this bill. We already provide some of this
19 data on the Open Data Portal including the date of
20 removal, the amount of outstanding judgments for
21 parking violations, whether the motor vehicle has
22 been booted prior to being removed, and whether the
23 motor vehicle was redeemed or sold at auction. DOF
24 can provide a report to the Council on these data
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1 points, but we wanted to make sure that Council is
2 aware that this information is already available on
3 open data. There are two additional data sets that
4 the Council is requesting: The location and Council
5 District from which the motor vehicle was removed.
6
7 DOF has strong concerns about the former as releasing
8 the specific location information on open data or in
9 the report could be a violation of the privacy of the
10 owners of the booted vehicle. In addition, releasing
11 this data could serve as a roadmap for predatory
12 businesses and individuals to approach the vehicle
13 owners. As for the Council District level
14 information, that data is not yet available, but DOF
15 will have a new vendor, and it will be possible to
16 provide this information on open data later this
17 year. Intro 1520. This Local Law would require the
18 Department of Finance to report on the operations of
19 the Parking Violations Bureau, including specific
20 information about the number of types of parking
21 violations issued by the bureau, the efficiency of
22 its parking violation penalty collection, and the
23 adjudication processes, efficiency and outcomes. DOF
24 is supportive of this bill as it aligns with our
25 transparency goals. We do want to know, however,

1 that staff working on parking summons related matters
2 and functions are located in various divisions
3 throughout the agency, and not together in a central
4 unit. Bills Added Last Week: As for the six bills
5 that were added last week, DOF, other impacted
6 agencies and the Administration are still reviewing,
7 but we do have some preliminary thoughts on Intro
8 168. Let me begin by sharing some of the efforts DOF
9 has undertaken to improve the customer's experience
10 with regard to appealing parking tickets, and
11 navigating the adjudication process. In April 2017,
12 DOF introduced its Pay or Dispute Mobile App, which
13 allows motorists to use their cellphones to pay our
14 request a hearing for a parking ticket. The app also
15 allows users to upload photographs as evidence for
16 contested tickets. Since its introduction, the Payer
17 Dispute App has been downloaded or 862,000 times.
18 Over 1.4 million tickets have been paid using the
19 app, and over 489,000 hearings have been requested.
20 For the 23-month period before and after the launch
21 of the mobile app, the increase in hearings
22 adjudicated was approximately 230,000. In April
23 2018, the Department of Finance launched a new
24 office, the Office of the Parking Summons Advocate,
25

1 which is headed by Jean Wesh. The purpose of this
2 office is to help New Yorkers with parking and camera
3 violation issues, and complaints that cannot be
4 resolved through normal Department of Finance
5 channels. MR. Wesh and his team provide services to
6 motorists in person in our five borough business
7 centers on a rotating basis. In addition to
8 receiving referrals be it mail and email, the office
9 gives customers tips on how to effectively present
10 their evidence in contesting summonses, assist them
11 in filing appeals, and bring systemic issues to the
12 attention of DOF and DOT staff. It is important to
13 note that the Office of Parking Summons Advocate
14 supports individuals directly not individuals and
15 companies that can afford to hire parking ticket
16 brokers to advocate on their behalf. Also, many
17 people are not aware that the dismissal rate for
18 individuals who contest summonses before and
19 Administrative Law Judge is 45%. Furthermore, DOF
20 has take steps to ensure that its different divisions
21 performing parking summons functions operate
22 independently of one another. In particular the
23 Adjudications Division is separate from the Legal
24 Affairs Division, which handles enforcement matters.
25

1
2 Please note that the Adjudications Division and its
3 Administrative Law Judges do not have revenue goals.
4 The judges are trained to fairly apply the law, and
5 issue impartial decisions on the cases before them.
6 Their primary performance measure is how quickly the
7 public is served. Wait time for the public to see a
8 judge for a parking summons is typically under two
9 minutes, and the entire hearing process from
10 individual respondents takes 10 to 15 minutes.
11 Hearings run by the Office of Administrative Trials
12 and Hearings are typically longer and more detailed.
13 For these reasons, and because the city's Law
14 Department is still reviewing the bill, DOF and OATH
15 impose Intro 168 as the current system works for all
16 New Yorkers. As mentioned earlier, DOF, other
17 impacted city agencies, and the Administration are
18 still reviewing the other bills that were added to
19 this hearing. However, are not testifying or
20 commenting on these bills should not be interested as
21 support or even neutrality. We look forward to
22 continuing the conversation with the Council before
23 the bills are considered for passage. In closing,
24 thank you for the opportunity to testify today. We
25 are happy to answer any questions you may have.

1
2 CHAIRPERSON DROMM: Thank you very much.
3 Before we go to questions, I want to say we've been
4 joined by Council Member Cohen, Rosenthal, Powers,
5 Van Bramer, Cumbo-Cumbo, and Rose, and let me start
6 off by asking some questions about the Stipulated
7 Fine Program. In December, a new fine schedule went
8 into effect for the Stipulated Fine Program and for
9 the Commercial Abatement Program. What were your
10 objectives in generating the new fine schedule?

11 DEPUTY COMMISSIONER SHEAR: So, our
12 objectives was to more closely align the payment
13 schedule used for those programs with the outcomes of
14 hearings for commercial vehicles in our Fleet
15 Program.

16 CHAIRPERSON DROMM: Did you consult with
17 others before implementing the new program?

18 DEPUTY COMMISSIONER SHEAR: We did. We
19 consulted with the Department of Transportation, the
20 New York Police Department, and we also held meetings
21 with many of the companies participating in the
22 Stipulated Fine Commercial Abatement Programs.

23 CHAIRPERSON DROMM: So, does the new fine
24 program reflect substantial policy decisions and
25 things that the city cares more about like blocked bus

lanes or bike lanes, orders that really reflect the-
the dismissal rates.

DEPUTY COMMISSIONER SHEAR: So, it-it
reflects both. So, there are 11 violations for which
we are now charging the full base rate due to the
seriousness of the violations, and I have a list
here. So, they include camera related violations.
So, that's actually two types. The Speed Camera
violations and the red light camera violations, oh,
and the third the bus lane violations. Handicap
permits are charge the full base fine. Pedestrian
ramp blockage, fire hydrant. As indicated before,
bus lane violations, bus parking in Lower Manhattan,
obstructing traffic, blocking the intersection,
idling, overnight trailer parking, and standing in
taxi for-hire vehicle relief zones. So, those are
all charged the full base fine under the new
schedule.

CHAIRPERSON DROMM: Has there been any
substantial change in the number of people or
companies that have been registered for the
Stipulated Fine Program since the new fines went into
effect?

1
2 DEPUTY COMMISSIONER SHEAR: There was a
3 small number of companies that withdrew from the
4 program.

5 CHAIRPERSON DROMM: A small number that
6 what?

7 DEPUTY COMMISSIONER SHEAR: A small
8 number of companies that withdrew from the program.

9 CHAIRPERSON DROMM: So, it went down a
10 little?

11 DEPUTY COMMISSIONER SHEAR: It went down.
12 Yes. I think about a dozen or 20, 20 altogether.

13 CHAIRPERSON DROMM: So, sometimes the-the
14 Stipulated Fine Program is criticized for-for
15 providing a discount-a discount to larger companies
16 who get a lot of parking tickets. How do you respond
17 to that?

18 DEPUTY COMMISSIONER SHEAR: Right. So,
19 we would say first it's not a discount. We by
20 aligning the programs we're making sure that what the
21 companies pay in the Stipulated Fine Program is
22 roughly correlated to what companies who are
23 contesting the tickets pay. If the program was to be
24 shut down, companies would then be hiring parking
25 ticket brokers contesting the tickets and paying the

1 same amount. We also want to point out that the
2 Stipulated Fine Program is available for large and
3 small companies. You need as few as one vehicle and
4 be involved in commercial services in order to be
5 enrolled in the Stipulated Fine Program. It is not
6 limited to large companies.
7

8 CHAIRPERSON DROMM: In your testimony you
9 mentioned that you were opposed to 1141 I believe,
10 and you mentioned that it would cost about \$9 million
11 to the city. Can you give us a breakdown of how you
12 got that estimate?

13 DEPUTY COMMISSIONER SHEAR: So, what we
14 did was we looked at two things, one was what would
15 the cost be to hold all those additional hearings.
16 So, that means hiring more Administrative Law Judges
17 or having them work longer hours. So, that cost was
18 a little under a million to hold the hearings. The
19 bill also requires that for every single parking
20 ticket heard that a formal decision be issued. These
21 decisions are usually two, three, four pages, and
22 having to do that not only for companies that were
23 moving from the Stipulated Fine Program, but also for
24 companies that are already enrolled in the Fleet
25 Program, and already has tickets via our Commercial

1 Adjudications Unit. All of those tickets would have
2 to be written up after each hearing. So, the cost of
3 that is actually far larger. That's a little over \$8
4 million a year to—to write up all of those
5 adjudications.
6

7 CHAIRPERSON DROMM: So, it's my
8 understanding that you originally implemented this
9 program through rules, changes within DOF. Is that
10 correct?

11 DEPUTY COMMISSIONER SHEAR: That is
12 correct.

13 CHAIRPERSON DROMM: And is it true that
14 in a city like Washington, D.C. that had a similar
15 program that they just ended their program? Are you
16 aware of that?

17 DEPUTY COMMISSIONER SHEAR: I'm not
18 familiar with the example of Washington, D.C.

19 CHAIRPERSON DROMM: Because it's
20 actually—what I've heard then they recently gave up
21 their program. I was just wondering if you had heard
22 of that or knew of any results?

23 DEPUTY COMMISSIONER SHEAR: We—we are not
24 familiar with that. Again, we feel that the reform
25 that we've made of the program makes that

1
2 unnecessary. We think that where the program stands
3 now it serves New Yorkers.

4 CHAIRPERSON DROMM: Is it true that in
5 order to maintain the Stipulated Fine Program
6 membership, the company must be clean Scofflaw
7 judgments? So, if there is a company that does have
8 Scofflaw violations against it, they are not allowed
9 to join or become a member?

10 DEPUTY COMMISSIONER SHEAR: That is
11 correct.

12 CHAIRPERSON DROMM: So, I've also heard
13 that some of the—the documented judgment list for
14 places like Federal Express, UPS, Verizon, Fresh
15 Direct, each with many judgments, but they were all
16 allowed to maintain membership in the Stipulated Fine
17 Program. Is that true?

18 DEPUTY COMMISSIONER SHEAR: I would have
19 to look at specific examples. To the best of my
20 knowledge, that's not true.

21 CHAIRPERSON DROMM: So, is there—are there
22 instances where companies who are in—in judgement,
23 who have a judgment against them are allowed to
24 remain in the program?

1
2 DEPUTY COMMISSIONER SHEAR: I think we
3 would only allow people with judgments to remain in
4 the program if there was some type of error or delay
5 on our part. It's not something that we would
6 typically grant to a company.

7 CHAIRPERSON DROMM: Okay. According to
8 DOF's Parking Brochure, nearly half or about 45% of
9 all tickets that are disputed are dismissed. Do you
10 consider this dismissal rate to be high?

11 DEPUTY COMMISSIONER SHEAR: I consider it
12 to be about right. I—I think it shows our commitment
13 to fairness. We let our ALJs decide the—the cases on
14 their merits, and we don't have a target percentage
15 for them to adhere to.

16 CHAIRPERSON DROMM: So are they—is it
17 typically based on the merits or is it from a—for a
18 technical reason or for some other reason that the
19 approximately half of the tickets are dismissed?

20 DEPUTY COMMISSIONER SHEAR: It's on the
21 merits. As I mentioned during my testimony, there are
22 a variety of potential defenses that someone may
23 offer in contesting a parking ticket, and if the ALJ
24 agrees that any of those are present, then they are
25 bound to dismiss the ticket.

1
2 CHAIRPERSON DROMM: Do you get a breakdown
3 in terms of the reasons why they're dismissed?

4 DEPUTY COMMISSIONER SHEAR: I-I don't
5 have that here. We-we do have-we do keep track of
6 reason (sic) codes. So we could provide the Council
7 with that information given some time.

8 CHAIRPERSON DROMM: So, in your opinion,
9 what could the city do to improve the-the dismissal
10 rate?

11 DEPUTY COMMISSIONER SHEAR: In-in-you
12 mean reduce the dismissal rate?

13 CHAIRPERSON DROMM: No, to-to more fully
14 implement it or to make sure that tickets are being
15 written correctly.

16 DEPUTY COMMISSIONER SHEAR: Right. So,
17 certainly we find that tickets are more-are less
18 likely to be dismissed when they are issued by
19 handheld devices rather than being handwritten by
20 ticket agents. So within the Police Department it's
21 our understanding that the traffic enforcement agents
22 use the devices, but that the police officers
23 handwrite the tickets, and we think in other agencies
24 particularly the Sanitation Department that most of
25 the tickets are handwritten. So, increasing the use

1 of the devices would be one way to do it. I also
2 mentioned during my testimony that we are looking at
3 writing legislation regarding a recent court case
4 that made a fine distinction between two different
5 play types. One is a portion, which are for trucks
6 that are used in say multiple states, and the other
7 one is International Registration Plan, IRP, which
8 pertains to the trucks that would also be used in
9 other countries. So, having legislation that would
10 not force our agents to make such fine distinctions
11 especially for trucks that are registered outside of
12 New York State, in states that do not make that
13 distinction, and they're play types would be helpful.
14 Joshua, do you have something to add?

16 DEPUTY COMMISSIONER BENSON: Yeah, I just
17 wanted to add, Mr. Chairman, that one of the ways
18 we're working with the Department of Finance to
19 improve the-the rates at which the-the violations can
20 be upheld is by rewriting the rules around double
21 parking. The-the existing double parking rules
22 actually provide some latitude to double park more
23 latitude than-than maybe is appropriate given all the
24 changes that we've seen in-in the last several year
25 of the population increasing more, ecommerce more

1 deliveries. So, we've made—we've proposed some—some
2 very significant changes to the double parking rule
3 moving away from this concept of expeditiously
4 delivering, which is a little vague, which is not
5 helpful when you're trying to make a violation stick
6 to actively engage to actually making the delivery at
7 that moment. There's a 30-minute time limit in the
8 existing. We're moving to a 20-minute time limit.
9 We're expanding the zone of Midtown in which double
10 parking is completely forbidden. We are tightening
11 up the—the definitions of how far you can be from a
12 legal parking space, and we're also adding a
13 provision that you cannot block the only lane of
14 travel in a direction. So, Council Member
15 Constantinides brought that up before and rightfully
16 so. That's a serious issue. So, those are some of
17 the parameters we're trying to tighten around double
18 parking, and that's a very large portion of the
19 commercial related violations. So, that should help
20 with the rate of dismissals as well.

22 CHAIRPERSON DROMM: Has any thought been
23 given to loading or unloading zones because even in
24 neighborhoods today we see such a large increase in
25 terms of the number of packages that are being

1 delivered. Every afternoon when I go home now, you
2 know, there's very little in the mailbox, but there's
3 certainly a large number of packages, and that's not
4 going to go away, and I think that part of the
5 thinking needs to include ways that we can provide
6 some of these companies with a way to be able to
7 deliver the packages without facing the fines.

9 DEPUTY COMMISSIONER BENSON: Council
10 Member, it's a really good point. We agree very
11 strongly. We just-DOT as part of our safety
12 projects, we actively look at all of the parking
13 regulations along any corridor. So, we're doing a
14 bus lane or a pedestrian safety project. We-we also
15 survey the parking and look for opportunities to
16 create dedicated space for loading. So, that's a
17 proactive approach we do. We are very happy to hear
18 from communities or Council members where they-where
19 there's perceived to be a concern about loading. We
20 just did some work on Austin Street in Forest Hills
21 working with the Council Member, the Community Board
22 there, the business owners. We created a lot of
23 dedicated loading space, time of day that actually
24 coincides with when the deliveries were-were most
25 frequently occurring, and then even paid passenger

1
2 parking for customers in the afternoon when fewer
3 deliveries were occurring. So, that was a street
4 where it's one—I don't know familiar one with Austin
5 Street. It's one lane in each direction. So, if
6 someone is double parked, you got to cross the double
7 yellow to get around them. It's not a safe
8 situation. So, getting space for those deliveries is
9 very important there for safety reasons. So, that's
10 been working well. We look forward to doing more
11 projects of that nature but, you're right-

12 CHAIRPERSON DROMM: [interposing] the
13 same things actually.

14 DEPUTY COMMISSIONER BENSON: --we didn't
15 want a delivery space.

16 CHAIRPERSON DROMM: I was going to say
17 the same thing is actually true in Jackson Heights,
18 my district where you have, you know, two-way roads
19 and very little opportunity. Although we have Park
20 Smart for deliveries, it still has not really changed
21 the behavior for those deliveries as much as we'd
22 like to see, but I'm also interested in residential
23 areas, particularly where we do have bike lanes, and
24 you see double parking in bike lanes in the
25 residential areas as well because Fed Ex and UPS or

1
2 whoever it may be, is making deliveries to apartment
3 buildings.

4 DEPUTY COMMISSIONER BENSON: Right. I
5 think it makes sense. It's sort of a new territory
6 that we need to get into for sure because as you—as
7 you mentioned, there is just more and more deliveries
8 taking place in residential areas. So, we look
9 forward to continuing the dialogue with you.

10 CHAIRPERSON DROMM: Okay. The Office of
11 Parking Summons Advocate has been open only since
12 December of 2018, and the Council has very limited
13 information about the functioning performance of the
14 office. How does the parking summons advocate
15 connect with the people who may need this assistance,
16 and is only at the Finance Business centers and via
17 the—the website?

18 SHEELAH FEINBERG: Right now, he is at
19 the business centers. That is the easiest place to
20 reach him, but what he does, the Parking Center's
21 Advocate right now as—as Jeff and the Deputy
22 Commissioner Shear outlined in his testimony, he
23 helps individuals with their specific appeals because
24 as we can all attest, it's a complicated process for
25 some folks. So, what his real value add and his—what

1
2 he's trying to do is really help people navigate that
3 process so that they can appeal their ticket in a way
4 that--

5 CHAIRPERSON DROMM: [interposing] Ms.
6 Feinberg--

7 SHEELAH FEINBERG: [interposing] Yes.

8 CHAIRPERSON DROMM: ---does--does he help
9 before they have to take a plea?

10 SHEELAH FEINBERG: He can do that, but I
11 think often times when they reach out to him it's
12 when they get that first word back that they want to
13 appeal, and that's where he's really helpful.

14 CHAIRPERSON DROMM: And--

15 DEPUTY COMMISSIONER SHEAR: Council
16 Member, I would also note that in the summons senses
17 he's reached out to the Department of Transportation
18 when customers have pointed out confusing or
19 misleading signs. So his role goes beyond just
20 helping with the particular hearings.

21 CHAIRPERSON DROMM: And how much
22 publicity have you done in terms of outreach to let
23 people know that this positions exists and that that
24 person is there for help?

1
2 SHEELAH FEINBERG: I think we started the
3 Soft Lodge (sic) last fall, and we're being more
4 aggressive with that communication now. I just also
5 wanted to note that he has handled 381 cases, and
6 there are 561 inquiries, and the cases completed have
7 resulted in the dismissal of 321 tickets with a value
8 of \$33,736.

9 CHAIRPERSON DROMM: Okay, and what-

10 DEPUTY COMMISSIONER SHEAR: And I-I would
11 add to that that we are looking to include
12 information about the office in our parking ticket
13 hearings. We-we haven't done that yet, but now that
14 the office is up and running, we are looking to do
15 that that in the near future.

16 CHAIRPERSON DROMM: Okay. Well, how
17 much-how much staff does he have?

18 SHEELAH FEINBERG: I believe right now he
19 has a staff of four people.

20 CHAIRPERSON DROMM: Does the Office of
21 Parking Summons Advocate have any data on the number
22 of people or you gave that. I'm sorry. Has the
23 Office of Public Summons Advocate already identified
24 any systemic issues and made recommendations about
25 how to resolve them?

1
2 SHEELAH FEINBERG: Not at this time. I
3 believe he's working on an initial report.

4 CHAIRPERSON DROMM: DOF provides notice
5 by mail of accumulating late fees. Does DOF make any
6 other effort to collect pre-judgment parking ticket
7 debt?

8 DEPUTY COMMISSIONER SHEAR: So one of the
9 things that we're recently implemented was this past
10 fall in October we started sending emails to people
11 who had paid for parking tickets on our website, and
12 whose total balance is approaching \$350. So, we're
13 letting them know that they're getting close to the
14 threshold for booting, and we're recommending to them
15 that they address that before their car is in that
16 situation.

17 CHAIRPERSON DROMM: So, do the booting
18 and towing fees collected upon the vehicle redemption
19 fully cover the expenses for booting and/or towing?

20 DEPUTY COMMISSIONER SHEAR: The booting
21 and towing fees are generally statutory. They're set
22 by law. So, the sheriff's fees are set by the CPLR.
23 So, whether they make the--the cost or not, that's
24 what the law says we can charge, and then the tow
25 rates are comparable to DCA tow rates.

1
2 CHAIRPERSON DROMM: My question is more
3 about whether or not the fees that you're bringing in
4 pay for the—pay for the work that you're doing,
5 Sheriff?

6 DEPUTY COMMISSIONER SHEAR: We've—we've
7 never done analysis of how much the revenue that
8 we're bringing towards the amount of resources that
9 we put towards it because it's a court enforcement
10 process.

11 CHAIRPERSON DROMM: Okay. Does DOF make
12 any other effort to collect post-judgment parking
13 ticket debt? For example, does it seek advancement—
14 attachment of non-vehicle assets for the defaulting
15 parties or use the collection agency to contract
16 with—to collect ECD debt to collect parking ticket
17 debt?

18 DEPUTY COMMISSIONER SHEAR: So, yes. DOF
19 does use collection agencies for both ECB judgment
20 debt and for parking centers debt, and our
21 Collections Division will go after higher dollar
22 debt, parking summons debt for vehicles that have not
23 been booted or towed, and we'll look for other assets
24 chiefly bank accounts where it can make seizures.

1
2 CHAIRPERSON DROMM: [coughs] What is the
3 amount of outstanding parking violations debt on the
4 books and has that number been growing?

5 COMMISSIONER SHEAR: I'll have to get
6 back to you with that figure. It has been fairly
7 steady. We've reported every year in the—in the
8 city's budget. I think it's a little over and \$2 to
9 \$300 million.

10 CHAIRPERSON DROMM: Okay, I'm going to—
11 I'm going to stop here and then let my Co-Chairs ask
12 questions as well. So, Council Member Rodriguez.

13 CHAIRPERSON RODRIGUEZ: Thank you, Chair.
14 So, as I said in the beginning, like we feel that
15 enforcement has to continue in our city. We want for
16 our city to be safe or, you know, and pedestrians and
17 cyclists, but we also have seen how when it comes to
18 seeing the numbers of vehicles being towed in the
19 city of New York, we also have heard a lot of concern
20 from people in the—in the underserved community about
21 what is a double standard. About how there is a
22 location where there's like a no parking area, and
23 there are supposed to be consequences. Like those
24 people should get a ticket, but we have seen may
25 vehicles being towed in an area that they are

1 supposed to be to get a fine instead of vehicles to
2 be towing What is the policy that New York City
3 traffic follows in order to tow a vehicle?
4

5 JOSEPH FUCITO: So, I think first we want
6 to be clear that there is two types of vehicle
7 seizures that are done. So the Sheriff-of the
8 Finance and the Sheriff's office we are moving
9 vehicles only if they have more than \$350 in judgment
10 debt. We have license plate reader technology that
11 drives around al city streets. We complete a run of
12 all city streets about once every two weeks I
13 believe, and we are solely and only looking at the
14 amount of parking ticket debt owed on those vehicles.
15 In addition to us, the New York City Police
16 Department does traffic towing whenever it sees a
17 safety or other hazard. So, for example, if a car is
18 parked next to a fire hydrant, we will not
19 necessarily boot that vehicle unless it has \$350 or
20 more of parking ticket debt. The Police Department,
21 however, may choose because they see a hazard of
22 towing that vehicle even if-if it has no debt
23 whatsoever. So, I'm struggling to answer your
24 question because I think some of the instances that
25 you maybe citing Council Member may be from the

1
2 NYPD's towing program, and some may be with ours, and
3 we're happy if you have examples, issued to look into
4 them with you.

5 CHAIRPERSON RODRIGUEZ: I just believe
6 that we're living like in a bubble. We live like in
7 the movies. We know the real end of the movies, but
8 we can tell a different end like come on, let's be
9 honest because when we go to sleep, here we are well
10 so. The city relies here we are negotiating at \$2
11 billion for 20—for the next fiscal year, and we know
12 that that's not the case. We know that there is many
13 hard working people that their vehicles being towed
14 today because we need to raise our revenue. The
15 revenue that we need to account with in order to
16 balance the budget. Like I don't want to be in your
17 shoes. I'm not saying your are the same individual,
18 but the men and women that work in traffic as a
19 parent, and I can give you and example: 20 Park
20 Montessori School; 93rd and Riverside Drive and you
21 know. We don't have to write it down. We know that
22 that's the case. No parking. There's someone from
23 Traffic just waiting there for their parents to go
24 there, park the car and towing the vehicle. Like we
25 live in a small community. We—everyone know the

1 story. We know that the productivity still is part
2 of the job of the men and women they have to do.
3 We're mandated to do. It's not because of safety.
4 It's because there's a number that we have to
5 accomplish. And again, what I say is that I am for
6 and whoever breaks the law, they should pay the
7 consequences. Whoever park a vehicle in a no parking
8 is-it's nor a matter of safety. It is not a matter
9 of a person, the driver owe \$350 or whatever the
10 amount of that is that that we already put in the
11 system. They should get a ticket and pay-pay the
12 fine. Every day especially underserved communities,
13 we have a double standard. There's people from
14 Traffic towing vehicles to individuals that they
15 don't owe on \$1.00 and that's because we the city
16 give them a mandate to raise the revenue. So, I just
17 hope again that we are able to be real to ourselves.
18 I have a bill that will like the-not on the parking
19 issue, but I have a bill that will allow drivers to
20 park their vehicles after Sanitation clean the
21 street, and I mean with some people who are
22 representing that work, you know what they told me?
23 If we pass the bill the city will reduce to get \$38
24 million. So, for us, especially that we are
25

1 balancing this budget with the responsibility that we
2 have that we counting, we're overseeing the balance
3 to open, you know, the libraries and everything. We
4 need that money, but we need to address enforcement.
5 If someone owe the more than \$350 and whatever is the
6 amount that we have decided after that amount of
7 vehicles to be towing, great. That's the law, but is
8 anyone doing investigation? Anyone from the TV from
9 the newspaper? If anyone goes out and see what's
10 going on, there's thousands and thousands of hard
11 working people that the vehicle they're towing
12 because we the city are given the order to traffic go
13 out and remove those vehicles. So, you don't know
14 about that practice?

16 JOSEPH FUCITO: We're not--[coughs]-
17 excuse me. That's sounds like you're referring to
18 the-the NYPD, and we are not involved in that
19 practice. I think it may be a little bit easier to
20 understand that the seizure of property can occur
21 under two different sets of principles in the law.
22 What you're describing is a police authority to
23 govern people for public safety purposes.

24 CHAIRPERSON RODRIGUEZ: No, sorry. Let
25 me-let me. No, let me give about it. First of all,

1
2 I'm not making the case of men and women that they
3 are working to keep us safe. I'm talking about the
4 Traffic Division of the NYPD who we send every day to
5 collect revenue because we need that money. There's
6 places where care owners park their vehicles in the
7 no parking, nothing related to safety. Let's and I
8 can give you an example.

9 JOSEPH FUCITO: I-I understand-I
10 understand.

11 CHAIRPERSON RODRIGUEZ: 93rd, 93rd and
12 Riverside and Riverside Drive. 20 Park Montessori
13 School. That said no parking there.

14 JOSEPH FUCITO: I understand.

15 CHAIRPERSON RODRIGUEZ: [interposing] And
16 there's--there's people from Traffic going around
17 being ready to remove the vehicle of someone who is
18 dropping their child at school because we need to
19 make the revenue.

20 JOSEPH FUCITO: I understand. We agree
21 in principle. We're not agreeing on nomenclature.
22 What--what I was saying the principle behind seizing a
23 vehicle by NYPD Traffic towing a vehicle that's an
24 authority of the state, a police authority of the
25 state to govern safety in a location. That's an

1 authority the Council has. That's the authority that
2 State Legislative body has that enables a police
3 authority or a state authority to take someone's
4 property. The principles behind the programming of
5 the Department of Finance is a court enforcement
6 principle that the individuals in the process have
7 been adjudicated and the sheriff has been given a
8 court order to seize their property. That's how the
9 Department of Finance's program works. It's a court
10 enforcement program. It's not the same type of
11 program that's used by DOT.

13 CHAIRPERSON RODRIGUEZ: A corner, an area
14 says no parking. The driver should get a ticket.
15 Traffic comes and tow the vehicle. Isn't that a
16 practice that happens in New York City?

17 JOSEPH FUCITO: I think you should
18 address this to the Police Department. It's really
19 nor our area.

20 CHAIRPERSON RODRIGUEZ: I hope that in
21 the collaboration that you establish with the NYPD
22 then that we also are able to address that situation.

23 SHEELA FEINBERG: We can certainly raise
24 this with them. They're not able to be here today,
25 but we can certainly raise your concerns with them.

1
2 CHAIRPERSON RODRIGUEZ: But they are not
3 here today?

4 SHEELA FEINBERG: No. They had another
5 hearing.

6 CHAIRPERSON RODRIGUEZ: Okay. The
7 delivery company argued that whether or not the
8 program the program is fixed, they are too, there are
9 far too few places for them to park legally, and you
10 heard something in that direction that the Chair of
11 Finance also addressed. Does the DOT agree with that
12 argument, and if so what effort, are DOT working—are
13 DOT working right now to—to ensure that that
14 deliveries can be made safely and efficiently in our
15 city.

16 DEPUTY COMMISSIONER BENSON: Council
17 Member, it—it is a real challenge I think for some of
18 these companies to find space to—to make the
19 deliveries. I don't, you know, certainly each
20 circumstance is unique but that's definitely a real
21 challenge out there. So, some of the things that
22 we're doing at DOT each street improvement project,
23 safety project that we do we—we do an analysis of the
24 parking regulations, and look for places where we can
25 add dedicated delivery space, and—and allow those

1
2 delivery vehicles to get in legally, safely to make
3 the deliveries without needing to double park. So,
4 that's one way we get some reach across the—the
5 entire city. We also adjusted [coughs] our parking
6 rates and commercial parking rates as well to
7 encourage more turnover, get people to get in and get
8 our faster, and that's been successful. We are also
9 in—in the growth stages of a—what we call our off
10 hour delivery program. So, we have about 500
11 different locations primarily in Manhattan that have
12 a greed to receive their deliveries overnights and
13 outside of the normal congested periods of the day,
14 and the Mayor recently announced we're expanding that
15 to 1,500 locations. So, that's a program that can
16 alleviate a lot of the challenges that businesses
17 face in receiving their deliveries, and the
18 uncertainty of how long it might take for delivery to
19 arrive because of the traffic congestion, and—and
20 some of the costs of receiving deliveries associated
21 with congestion. So, we have participants like Just
22 Salad, Anheuser Busch, Japoltlay, Dunkin' Donuts,
23 Pratt, Rite Aid, Whole Foods are participating in
24 that program, and—and we're expanding it to get those
25 deliveries at times of day that just make more sense,

1
2 quite frankly, because do you want to be competing
3 with people who are going to school, going to work
4 while you make a delivery or would you rather do it
5 when it's quieter and less congested at night?
6 That's—that's the logic and it's working.

7 CHAIRPERSON RODRIGUEZ: Okay, thank you.

8 CHAIRPERSON DROMM: Thank you. Chair
9 Cabrera.

10 CHAIRPERSON CABRERA: Thank you so much
11 to both of the Chairs and to the panel. Welcome.
12 Thank you so much. I want to—I just have two brief
13 questions because I know we have colleagues from
14 different committees that have questions, but if you
15 can, sir, just briefly but in detail what efforts, if
16 any, has the Department of Finance taken to combat
17 the public perception that public—that parking
18 violation hearing whether online by email or apps are
19 skewed in favor of the city? Alongside with that,
20 in particular that adjudication to division, you
21 mentioned it is separate from the Legal Affairs
22 Division, which handles enforcement matters. Can you
23 go into more detail how that division is taking
24 place, and now do you—how do you handle the
25 perception that Council Member Maisel earlier in the

1 hearing of his opening statement was mentioning that
2 you're battling right. You have a perception problem
3 that is since this is all housed the Division of
4 Finance that—that is seems fair—unfair?
5

6 DEPUTY COMMISSIONER SHEAR: Yes. So I
7 think we're doing a number of things in this area.
8 One is just we are trying to make it more broadly
9 known that the dismissal rate on people who do choose
10 to have hearings is 45%. I know when I go to a
11 public presentation and I ask people what do you
12 think it is? Is it between 0 to 10, 10 to 20? Most
13 people are raising their hands when it's lower. So,
14 one is just trying to—to change the perception.
15 Similarly, we are trying to through our mobile app,
16 we are trying to make it easier for people to have
17 hearings. So, more people can take advantage of the
18 process, and in particular what we think the—the
19 mobile app allows people to do is in the heat of the
20 moment they go to the car. They see that orange
21 envelope. They're really ticked, and they can take
22 the picture right then with their phone. There is
23 the sign or there, you know, here is the 15 feet from
24 the hub. Whatever it is, take the picture in the
25 moment, upload it in the moment, and have the hearing

1 registered right then and there. So, we think by
2 making it easier--

3
4 CHAIRPERSON CABRERA: [interposing] I'm
5 sorry. When you named that it's registered right
6 there. What does that mean? Because I've never been
7 through that process. So, help me out.

8 DEPUTY COMMISSIONER SHEAR: [coughs] So,
9 it-it-the old process would be well someone would
10 have to wait until they get home--

11 CHAIRPERSON CABRERA: [interposing]
12 Right.

13 DEPUTY COMMISSIONER SHEAR: --and go on
14 their-their laptop, or they have to write it out, and
15 mail it in.

16 CHAIRPERSON CABRERA: Alright, I get it.

17 DEPUTY COMMISSIONER SHEAR: Now, it is
18 literally before they get back in their car they can
19 with their phone take a picture of the offending
20 sign, distance, what-whatever it is they're
21 disputing, and they can request the hearing and
22 upload the picture before they put the keys in the
23 ignition to drive away.

24 CHAIRPERSON CABRERA: Okay.

1
2 DEPUTY COMMISSIONER SHEAR: So—so we
3 think that's a very valuable tool to avail more of
4 the public to a process that has a 45% dismissal
5 rate. With regard to the first part of your question
6 so the—our Office of Legal Affairs reports up to our
7 General Counsel and Deputy Commissioner for Legal
8 Affairs. So, that's the office that's involved for
9 example making the legal referral to the sheriff's
10 office each week of all the vehicles that are
11 eligible for booting. That office is separate and
12 distinct from the Adjudications Division. There is—
13 the Legal Affairs Office does not oversee the
14 Adjudications Division, which is where the
15 Administrative Law Judges are making decisions.

16 CHAIRPERSON CABRERA: I'm wondering if
17 there's a better way for your PR that would change
18 your branding to take place. I don't know, through
19 public television or more, you know, social media
20 presence. I don't know if you spend some funding to
21 let the word go out with this 43. Was it 43 or 45?

22 DEPUTY COMMISSIONER SHEAR: 45%.

23 CHAIRPERSON CABRERA: 45% and that's a
24 pretty good shot, you know.

1
2 DEPUTY COMMISSIONER SHEAR: Yes, so we're
3 looking to leverage more news about the establishment
4 of the Parking Summons Advocate Office, and we will
5 certainly included that statistic and we will share
6 that with the Council. We want people to know that
7 they have help. So for those people who don't win,
8 and sometimes it's not a matter of right or wrong.
9 It's what they present to the judge. Do they present
10 the key evidence or do they go in trying to show well
11 I'm a good person, and so giving them those tips,
12 letting them know that they can go for an appeal and
13 what that process is, and it's not that hard. Those
14 are all things that the Summons Advocate is looking
15 to publicize. We're looking to publicize that office
16 through mailing, through social media, and we'll
17 certainly look to further publicize that—the
18 dismissal rate, and to get input from the Council on
19 how to best do that.

20 CHAIRPERSON CABRERA: Okay, great. I
21 just had a question on something you mentioned that I
22 didn't know. You said it's illegal to double park in
23 Manhattan.

24 DEPUTY COMMISSIONER SHEAR: So, in-
25 there's a defined part of Midtown that where's it's

1
2 illegal to double park currently, and we're expanding
3 the boundaries of that under our rule changes.

4 CHAIRPERSON CABRERA: And that's because?

5 DEPUTY COMMISSIONER SHEAR: Because of—
6 it's mainly congestion rule to-to, you know, reduce
7 the likelihood of congestion.

8 CHAIRPERSON CABRERA: You know what my
9 next question is. What about the outer boroughs?
10 Don't we go through the same thing?

11 DEPUTY COMMISSIONER SHEAR: Absolutely,
12 and—and, you know, Council Member it's a very good
13 point, and that's why I wanted a new, the other new
14 provisions in our rule is actually that on a—a street
15 that only has one lane of traffic or one lane or
16 traffic in each direction, you will no longer be
17 allowed to double park on-on that lane. It's the
18 only lane of travel. So, like Austin Street what we
19 talked about before or I-give me a two-land street in
20 your district. You won't be eligible for double
21 parking any more. It is today, but it won't be under
22 the new rule.

23 CHAIRPERSON CABRERA: And when does that
24 go into effect?

1
2 DEPUTY COMMISSIONER SHEAR: So-so if
3 you're trying to, you know, make a delivery on a one-
4 lane street and you would have double parked, you
5 won't be allowed to do that any more.

6 CHAIRPERSON CABRERA: From this day
7 forward?

8 DEPUTY COMMISSIONER SHEAR: Well, for,
9 you know, when the new rule takes effect sometime
10 this summer. We'll be having the hearing on the
11 rules later this week. So, it will probably take
12 effect sometime--

13 CHAIRPERSON CABRERA: [interposing] It's
14 still, the standard is still different because you're
15 only talking about one lane. In Manhattan there's a
16 whole--

17 DEPUTY COMMISSIONER SHEAR: It's a
18 restricted zone, yeah.

19 CHAIRPERSON CABRERA: It's a--it's a zone
20 and there's--

21 DEPUTY COMMISSIONER SHEAR: Right.

22 CHAIRPERSON CABRERA: --compatible
23 district I would argue in other boroughs. So, it
24 just--I just pointed out that that's a consideration,
25 and also--

1

2

DEPUTY COMMISSIONER SHEAR: [interposing]

3

No, it's a good point.

4

CHAIRPERSON CABRERA: --it's the

5

Transportation Committee, and this comes up a lot.

6

So--

7

DEPUTY COMMISSIONER SHEAR: You know,

8

that's--we--we should continue talking about it because

9

maybe there's a way to incorporate that in a future

10

version of this.

11

CHAIRPERSON CABRERA: I appreciate that,

12

and just one last thing. I want to give a shout-out

13

the Sheriff's Department. You guys always do five-

14

star work. Thank you so much.

15

DEPUTY COMMISSIONER SHEAR: Thank you.

16

CHAIRPERSON CABRERA: Thank you.

17

CHAIRPERSON DROMM: Thank you. Let me

18

say we've been joined by Council Member Menchaca and

19

Adams, and now we have questions for Council Member

20

Gjonaj.

21

COUNCIL MEMBER GJONAJ: Thank you,

22

Chairs. In a perfect world we'd have sidewalk space

23

for mothers with strollers, enough space for

24

pedestrians, parking that's adequate for all whether

25

it be passenger or commercial trucks, a bike lane, a

1 bus lane, and enough travel lanes to accommodate the
2 needs of New Yorkers as well as handicap parking and
3 accessibility. We don't live in that world. New
4 York City wasn't built that way. My concerns to go
5 back to the question that was asked about when
6 vehicles are towed. What is the cost for booted? For
7 a vehicle after they've reaching the \$350 threshold?
8 The car gets booted. If it's not paid within 24
9 hours they are then towed. What is that total dollar
10 amount that is imposed now on that driver or that
11 vehicle?
12

13 JOSEPH FUCITO: Hello. First off, my name
14 is Joe Fucito. I'm the Sheriff. To answer that
15 question, first when we seize the vehicle, the only
16 has 48 hours to redeem the vehicle. After that point
17 in time, the cost that gets added onto the motorist
18 is about \$80 in fees. They're called Sheriff or
19 Marshall fees. They're set by statute. The CPLR
20 dictates what those fees are, and then five percent
21 of the judgment amount. So, the amount will vary
22 depending on the principal judgment that originated
23 the seizure, and then there's the towing cost, which
24 can vary which usually depends on the rate with DCA.
25 Hey go up and down. We do try to keep it in a

1 limited format. You know, we try to limit the amount
2 of tow costs, but sometimes if the vehicle is a large
3 size vehicle like a bus, that would cost more to tow
4 than say an automobile.
5

6 COUNCIL MEMBER GJONAJ: Right, which is a
7 regular passenger vehicle, 2-door, 4 tires, \$350.
8 They don't--within the first 48 hours what is that
9 total penalty including average tow?

10 JOSEPH FUCITO: Eyeballing it, it would--
11 it would probably come out to around \$600, slightly
12 over \$600.

13 COUNCIL MEMBER GJONAJ: So, a \$350 fine
14 now has a \$600 penalty tow fee, boot fee?

15 JOSEPH FUCITO: Okay, correct.

16 COUNCIL MEMBER GJONAJ: And twice that of
17 the--almost twice that of the original?

18 JOSEPH FUCITO: And--and it was actually
19 designed that way. It was baked into the legislature
20 in regards to judgment enforcement. Remember early
21 on I said we use a judgment enforcement process. So,
22 the Parking Violations Bureau has no right to tow a
23 vehicle. The ability to seize a car lies with the
24 Sheriff or Marshal. So, when the Sheriff or Marshal
25 is enforcing a process, the law says that when you

1 have a judgment against you—debt against you, [bell]
2 you have an obligation to pay it. So, you have an
3 obligation to pay a judgment when it's against you.
4 If somebody sues you in court or a parking violation
5 sues you in a tribunal, you have an obligation to pay
6 it, and if you don't pay it, the law doesn't want
7 vigilantes. They don't want people taking the law
8 into their own hands. So, even though this was a
9 private, even though the city is involved, when
10 there's litigation, it's considered private
11 litigation between the parties, and then the State
12 Legislature says if law enforcement has to get
13 involved in that dispute, then that cost has to be
14 borne by the party who didn't comply in the first
15 place. So, yes, there is a-a-an increase in the cost
16 if the sheriff or marshal gets involved, but it's
17 designed that way by the statute.

18
19 COUNCIL MEMBER GJONAJ: Marshal, thank
20 you.

21 JOSEPH FUCITO: Sure.

22 COUNCIL MEMBER GJONAJ: In the limited
23 time, I just want to get to the point. My point being
24 is that I'm certain there's a reason why those
25 tickets aren't being paid, and it's most-probably the

1 most common explanation is affordability. I just
2 don't have it let alone now the double punishment of
3 \$600 in towing fees and penalties on top is an unfair
4 burden. There's another way to do this, and that
5 could be when they go in to renew one of their
6 licenses that you don't renew their licenses until
7 all tickets are paid. When they do that annual
8 vehicle inspections, when they do their registrations
9 we can find other ways. Let's not—the idea is not to
10 hurt New Yorkers, make sure they pay for the fines
11 that they're supposed to be paying or at least be
12 held accountable. But the last I reviewed this
13 there's a—there's a real sense of success in owning a
14 car, and I feel as many car owners do that they're
15 viewed as another means to raise revenue whether it
16 be through fines or parking fees or tickets or
17 registration fees or plate fees is just another way
18 to squeeze another dime out of pocketbooks or
19 everyday New Yorkers. Can you tell me about the DOT
20 policy on commercial deliveries? Are they allowed
21 trucks to park in parking lanes to make deliveries?
22

23 JOSEPH FUCITO: Trucks are allowed to
24 park in parking lanes to make deliveries, yes.
25

2 COUNCIL MEMBER GJONAJ: At any given
3 location, at any given time?

4 JOSEPH FUCITO: There, you know, the
5 regulations vary block to block. So, you've got to
6 refer to regulations in effect on that block, but as
7 a general matter, they don't have to double park or
8 be in a loading dock. They--they may use the curb
9 lane, the parking lane so--

10 COUNCIL MEMBER GJONAJ: There's no
11 restriction on them using a regular parking lane
12 anywhere in the city of New York to make a delivery?

13 JOSEPH FUCITO: There are restrictions,
14 but they're case-by-case. You know, it depends on-on
15 the regulation on that block.

16 COUNCIL MEMBER GJONAJ: Can you tell me
17 that some of those restrictions what they could be?

18 JOSEPH FUCITO: No standing, you know--

19 COUNCIL MEMBER GJONAJ: No, where there's
20 regular passenger vehicle parking options. So, a
21 passenger vehicle could park in designated areas.
22 Are there any restrictions on commercial trucks? So
23 parking in the same spots as a regular passenger
24 vehicle.

1
2 JOSEPH FUCITO: For parking yes. You—I'm
3 sorry. I thought you were asking about making a
4 delivery specifically.

5 COUNCIL MEMBER GJONAJ: Parking and making
6 a delivery. Use of.

7 JOSEPH FUCITO: So, there are more
8 restrictions upon where they can park and fewer
9 restrictions on where they can make a delivery.

10 COUNCIL MEMBER GJONAJ: That's-

11 JOSEPH FUCITO: [interposing] You can't
12 park a commercial vehicle in a residential area
13 overnight for example.

14 COUNCIL MEMBER GJONAJ: Commercial
15 corridors?

16 JOSEPH FUCITO: Right. On a commercial
17 corridor, you can make a delivery. Yes, generally
18 it's parked.

19 COUNCIL MEMBER GJONAJ: Can a truck park
20 there on a commercial corridor?

21 JOSEPH FUCITO: It depends on what the
22 regulation is on that corridor.

23 COUNCIL MEMBER GJONAJ: What are some of
24 the regulations that prevent a commercial truck from
25

1 parking in a passenger parking space on a commercial
2 corridor?
3

4 JOSEPH FUCITO: No standing, a taxing
5 stand and things like that. Restrictive regulations.

6 COUNCIL MEMBER GJONAJ: Those
7 restrictions further create a burden on commercial
8 vehicles for parking.

9 JOSEPH FUCITO: And it's—it's a balancing
10 situation, right. You want to accommodate the needs
11 of people who want to park to patronize the
12 businesses, too. So, there are—there are multiple
13 needs usually on any given block.

14 COUNCIL MEMBER GJONAJ: In a perfect
15 world we'd have adequate parking spaces, driving
16 lanes, bus lanes, bike lanes, sidewalks, handicap
17 parking. That's a perfect world. This is not a
18 perfect world. The point I'm trying to make is
19 parking and delivery of commercial vehicles is
20 integral to this city as the MTA whether it be bus
21 uses or train use, and the problem that we have, and
22 you go—I go back to one of the size restrictions that
23 commercial trucks have or commercial vehicles have
24 for parking on commercial corridors just to finding
25 the space to make a delivery, and I'm going to use a

1 perfect example: Vision Zero, taking to lanes, road
2 diet, make it into one lane and a bike lane with only
3 a select place for commercial trucks to park to make
4 deliveries. Today, Morris Park in my district a mile
5 and a half stretch with more than 100 businesses is
6 going to have a 30-foot section for commercial trucks
7 to park and make their deliveries. Impossible to
8 meet the demands—the demands of those commercial
9 corridors. Impossible for those supplies and
10 deliveries to get to those merchants, but what will
11 happen is those trucks will have to double park
12 forcing vehicles to either come to a dead halt by
13 creating congestion and blocking the only traffic
14 lane or they have to use side streets or they have to
15 risk a head-on collision by driving over the markings
16 and risk a head-on collision from oncoming traffic. A
17 mile and a half of a commercial corridor with limited
18 delivery spaces where there's already a high demand
19 for parking of pedestrians and customer use for 100
20 businesses. What's going to happen is you're going
21 to have traffic agents out there giving tickets to
22 those delivery trucks quicker than they can blink
23 their eye. I can call NYPD and talk about a drug
24 deal on the corner, wait two hours for someone to
25

1 respond, but I'll have ten traffic agents there
2 walking by issuing tickets in the same timeframe.
3 It's unfortunate. More needs to be done to stick up
4 for our business owners because those delivery trucks
5 are hardworking New Yorkers meeting the needs and the
6 demands of our small businesses, and they've only
7 been squeezed as piggybanks. It's not fair and it's
8 not just. It's set up to fail. For the Fleet
9 Program, what are the qualifications? Is there a
10 number of trucks that you must have of vehicles that
11 you could apply for when it was in operation or
12 anyone that owned a commercial vehicle could apply
13 for the Fleet—for the Fleet Program benefit?

15 DEPUTY COMMISSIONER SHEAR: Yes. So, one
16 or more commercial vehicles and—and I do want to be
17 clear because we've discussed two different programs
18 today. So, that's true for the Fleet Program, which
19 you referenced where enrolled companies receive
20 regular notification of their tickets, and they can
21 contest them and the stipulated fine program where
22 companies big and small can enroll and they agree in
23 advanced to waive their right to contest, but they
24 pay the average outcome roughly of what happens in
25 the Fleet Program.

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COUNCIL MEMBER GJONAJ: I—I've exceeded my time, and I'm gracious to the chairs but I'm going to ask—I'm going to make one more statement. I think you can do a better balancing act on making sure that we don't target these deliveries or the illegal, the double-parked cars because the punishment and then subject them to a \$600 fee on top of it, and the average ticket for a meter—for what? For a hydrant is \$115. If you don't know that you receive the ticket that increases in fines. So, within two tickets you can hit the \$350 mark not even know about it because your son used your car, and ripped up the ticket, be subject to a \$600 fine on top of it. It hurts New Yorkers. We need to be more mindful that we shouldn't be using this where we're not holding a hammer in one hand and a pair of scissors in the other saying which one would you rather have because New Yorkers don't deserve it and we just can't afford it. Thank you.

CHAIRPERSON DROMM: Thank you. Just to follow up a little bit on that, isn't there an opportunity for a respondent who owes more \$350 to enter into a payment plan?

1
2 DEPUTY COMMISSIONER SHEAR: Yes, there
3 is.

4 CHAIRPERSON DROMM: Can you describe it
5 for me?

6 DEPUTY COMMISSIONER SHEAR: We offer
7 payment plans So, it--the terms vary, but if people
8 come in and they need a payment plan we will agree to
9 terms with them, and we will place an enforcement
10 hold in our database so they do not face the risk of
11 being bottled.

12 CHAIRPERSON DROMM: Is there a different
13 variety of them? Payment plans or a number of them
14 different plans that you have?

15 DEPUTY COMMISSIONER SHEAR: So for all--
16 the--the plans vary in terms of--of length and number
17 of payments. The key thing is that interest does
18 continue to accrue. So, we urge people to enter into
19 as short a plan as they can for which they can
20 afford.

21 CHAIRPERSON DROMM: And--and then if a car
22 is booted or towed is there a way that they--from what
23 I understand they can pay 50% of the fine, and then
24 still retrieve their car?

1
2 DEPUTY COMMISSIONER SHEAR: They can—if
3 they have an issue they can come to the Department of
4 Finance. They can speak to the Parking Ticket
5 Advocate, which was described earlier. They have
6 various payment plans and as I mentioned earlier,
7 this is a court process. There is a whole segment of
8 the CPLR that—that could modify the enforcement
9 procedure. So someone if they're completely unhappy
10 with the Department of Finance's approach, can go to
11 the Civil Court, and ask for a protective order
12 directing how enforcement could be done.

13 CHAIRPERSON DROMM: Alright.

14 DEPUTY COMMISSIONER SHEAR: But typically
15 if somebody is having trouble through a lack of means
16 for a booted vehicle we will require that the sheriff
17 and towing fees be paid upfront, and we can work out
18 an arrangement for the remainder.

19 CHAIRPERSON DROMM: Okay, that's what I
20 was trying to get at. Thank you. Alright, and
21 Council Member Powers.

22 COUNCIL MEMBER POWERS: Good. Thank you.
23 Thanks for the testimony. I'm just going to go—I
24 have a couple of questions, and I'll try to go quick.
25 You mentioned you're expanding the Midtown area,

2 which I think is probably in my district. Can you
3 give me more details on what you're expanding with
4 regarding to I think it's the illegal parking?

5 DEPUTY COMMISSIONER SHEAR: Yes. It's an
6 expansion of the-the area in which double parking is
7 forbidden. I-I will get you the boundaries after the
8 hearing if that's okay. I don't have it here.

9 COUNCIL MEMBER POWERS: Sure, what are
10 the boundaries today?

11 DEPUTY COMMISSIONER SHEAR: I don't have
12 the exact boundaries with me today, but it's-it's the
13 core Midtown, and--

14 COUNCIL MEMBER POWERS: [interposing] Is
15 it 14th? I think it's 14th to 60th. Is that right?

16 DEPUTY COMMISSIONER SHEAR: Yeah, 15th to
17 60th yeah. [background comment] We're looking it
18 up.

19 COUNCIL MEMBER POWERS: Yeah, I-I just
20 want-I will say I-I have expressed surprise that
21 double parking is kind of legal everywhere, and just
22 in the Central core of Manhattan. Is there a reason
23 for that?

24 DEPUTY COMMISSIONER SHEAR: It-it's-there
25 are cases in which it can be revoked. It's not legal

1 everywhere and only illegal in-in Midtown, but it's
2 expressly forbidden in Midtown and then there are
3 mitigating circumstances, which can make it legal,
4 which is if you're expeditiously making a delivery or
5 service call, there's a 30-minute time limit. If
6 there's no available parking on the same block on
7 either side. I'm telling you the current--

9 COUNCIL MEMBER POWERS: Yep.

10 DEPUTY COMMISSIONER SHEAR: --ones now.

11 So, what it's going to change to is you need to be
12 actively engaged in the delivery, pickup or service
13 call 20-minute time limit--the--the available space
14 that--that could be considered is only 100 feet in
15 either direction on the same side of the street. So
16 if there's an empty spot on the opposite side, you
17 have to take it. You cannot double park under the
18 new concept, and then if you're--another new element
19 is if you're blocking the only lane of travel. So,
20 you're one a one-lane street like a side street or
21 you're on a two-lane--one lane in each direction two-
22 way street. You wouldn't be able to double park
23 there either for safety reasons. So those are some
24 of the new restrictions so existing. [background
25 comment] Okay, okay, so the existing zone is 14-14th

1 Street to 60th Street, first stop to aid that, and
2 the expansion is west to 12,000 there.
3

4 COUNCIL MEMBER POWERS: Just west. Not
5 north or south?

6 DEPUTY COMMISSIONER SHEAR: Correct,
7 correct.

8 COUNCIL MEMBER POWERS: Okay.

9 DEPUTY COMMISSIONER SHEAR: It will be
10 14th to 60th and 1st to 12th instead of 1st to 8th.

11 COUNCIL MEMBER POWERS: Okay, if you can
12 get us a copy of that I know that—I mean that's—
13 that's four Council Members maybe five that have that
14 area. It would be I think helpful for us to just know
15 what's being proposed.

16 DEPUTY COMMISSIONER SHEAR: Yes, and we
17 have a hearing on Wednesday for that--

18 COUNCIL MEMBER POWERS: Okay.

19 DEPUTY COMMISSIONER SHEAR: --those
20 rules.

21 COUNCIL MEMBER POWERS: Okay, I
22 appreciate it. Thank you. We haven't talked about
23 the Booting Program as much. I just wanted to get an
24 update in terms of implementation of that. I-I--
25 [bell] I'm going to keep going if that's okay. The—I

1 think you guys run a pilot or are you—are you now
2 expanded citywide or to specific areas in terms of
3 the Booting Program, the Self-Release Booting
4 Program?
5

6 DEPUTY COMMISSIONER SHEAR: The Booting
7 Program is running citywide. We just did a renewal
8 of the contract. So we have a citywide patrol
9 currently for all booting that's going on in the city
10 regarding the Department of Finance.

11 COUNCIL MEMBER POWERS: So, you have a
12 new citywide contract for that?

13 DEPUTY COMMISSIONER SHEAR: We—we're in
14 the Con--

15 COUNCIL MEMBER POWERS: [interposing] I
16 think you would

17 DEPUTY COMMISSIONER SHEAR: --we're in
18 the contract process right now as we speak.

19 COUNCIL MEMBER POWERS: Got it. It's
20 going to—and it is for New Yorkers. Does that mean
21 it's going to stay the same or is it different? Like
22 what is the reasonable application in terms of all
23 change under a new—a new contract?

24 DEPUTY COMMISSIONER SHEAR: The only
25 reasonable expectation is we're looking to expand

1
2 technology. That—we're looking to have better data,
3 more reporting. We may add other types of judgment
4 forms into the program, but that's later down the
5 road, and—and it's not really being discussed in the
6 initial phases.

7 COUNCIL MEMBER POWERS: Okay, and so some
8 people have raised concerns at other hearings about
9 it either in the cost—like I heard my colleagues
10 mention in the cost of it. Can you give us some
11 input on how the contract—if you're renewing it,
12 you're keeping the same person—the same vendor?

13 DEPUTY COMMISSIONER SHEAR: I—I can't
14 speak to the contract process while we're in the--

15 COUNCIL MEMBER POWERS: [interposing] And
16 we'll not. Okay and any—can you just share—share any
17 feedback into how it's working and so—so far? I know
18 that you scaled it up, and whether--[background
19 comments/pause]

20 DEPUTY COMMISSIONER SHEAR: Okay, the—the
21 fees are actually--for the Booting Program is
22 actually going down. We're actually looking to
23 reduce it. I think it's about \$10 or \$15. I—I don't
24 want to go into great detail because we're still in
25 the middle of the contract process, but that was one

1 of the things we were looking at. Commission Jiha
2 was looking to reduce the actual costs, credit card,
3 the additional fees and credit cards. So, Finance
4 has been looking to decrease the costs associated
5 with-with the Booting Program.
6

7 COUNCIL MEMBER POWERS: The cost-the cost
8 beyond the \$350 or whatever you have to--

9 DEPUTY COMMISSIONER SHEAR: [interposing]
10 correct, correct.

11 COUNCIL MEMBER POWERS: --pay for the
12 ticket.

13 DEPUTY COMMISSIONER SHEAR: So, when we
14 seize it, it's the principal amount plus interest
15 accruing at 9% a year and then these other fees that
16 get attached to it.

17 COUNCIL MEMBER POWERS: Okay, I wanted to
18 just ask maybe one final question here, which is in
19 my district I have a tremendous amount of complaints
20 in one particular area around Post Office parking and
21 the USPS, and they're seemingly willingness or
22 ability to flaunt or-or allowing I guess to flaunt
23 all city parking regulations and just complaints
24 about them in particular areas. I know I've actually
25 seen this in other areas. What are the rules for

1
2 Post Office parking as we're having a conversation
3 around parking violations?

4 DEPUTY COMMISSIONER SHEAR: I-I can't
5 speak to the rules. I can only speak to the seizure
6 of property related to money judgments. If the
7 vehicle was owned by a private postal employee, then
8 it would be subject to seizure like any other type of
9 person.

10 COUNCIL MEMBER POWERS: [interposing]
11 Well, maybe—maybe DOT can answer that then. Like
12 what is a—what does a Post Office truck have to do to
13 in terms of living under the New York City parking
14 regulations?

15 DEPUTY COMMISSIONER BENSON: So, you
16 know, we want all vehicle operators to comply with—
17 with the rules that are out there. I don't think we
18 have different expectations for different, you know,
19 owners regarding that.

20 COUNCIL MEMBER POWERS: There's—there's—
21 so let me—let me focus a little bit. They are—the
22 Post Office's position is that they do not have to
23 comply with New York City parking signage or
24 regulations. Is that just the city? Does the
25 Administration agree with that?

1
2 DEPUTY COMMISSIONER SHEAR: So, from the
3 Department of Finance we—we don't agree with that.
4 What we are lacking is through federal law the
5 ability to make them pay.

6 COUNCIL MEMBER POWERS: Got it. Okay.
7 Because they believe that since they're the federal
8 government, they don't have to comply with the regs.

9 DEPUTY COMMISSIONER BENSON: Right.

10 COUNCIL MEMBER POWERS: So, so I have a—
11 so I have a question on that. Does the Post Office
12 have to comply with the zoning laws?

13 DEPUTY COMMISSIONER SHEAR: We're not—
14 we're not the zoning panel.

15 COUNCIL MEMBER POWERS: I know you're
16 not. [laughter] No, it just raises the question of
17 what they have to do, you know?

18 DEPUTY COMMISSIONER SHEAR: Yeah, I mean,
19 this happens with—with state entities as well where,
20 you know, it—it's an interpretation that because they
21 are from a higher level of government they don't
22 need--

23 COUNCIL MEMBER POWERS: [interposing] Oh,
24 yeah, I understand and—and the Administration

1 believes that they should be paying those tickets and
2 complying with those--those signage and things?
3

4 DEPUTY COMMISSIONER SHEAR: Yes, we do--we
5 agree it's an issue.

6 COUNCIL MEMBER POWERS: Got it. So, I--I
7 would at least ask--ask and offer to participate in
8 some conversation. With all other council members
9 that have this issue I'm happy to invite that as well
10 to have a conversation, but if they have been
11 complete in my district at least, completely
12 flaunting any law then, you know, to be fair like
13 everybody else has to live by it, and their decision
14 to take up parking spots and do it seems unfair
15 especially when they--they willfully sold off parking
16 garages, but I would love to have

17 DEPUTY COMMISSIONER SHEAR: We--we share--

18 COUNCIL MEMBER POWERS: that
19 conversation. Yes

20 DEPUTY COMMISSIONER SHEAR: We--we welcome
21 that conversation. We share your concern.

22 COUNCIL MEMBER POWERS: Great. Thank you
23 for that.

24 DEPUTY COMMISSIONER SHEAR: We'd be glad
25 to join you as well.

1
2 COUNCIL MEMBER POWERS: Great. Thanks so
3 much. Thanks Chair—to the Chair.

4 CHAIRPERSON DROMM: Council Member Yeger
5 followed by Council Member Adams, and I also want to
6 say we've been joined by Council Member Deutsch, and
7 Council Member Richards.

8 COUNCIL MEMBER YEGER: Thank you, Mr.
9 Chairman. Just to—to piggyback on Council Member
10 Powers' question. You can't actually even summons
11 the Post Office vehicles, can you? Because they don't
12 have license plates. Does anybody know that? Okay,
13 well, they don't have license plates.

14 DEPUTY COMMISSIONER SHEAR: So, we—we
15 what—we don't issue the summonses. Finance doesn't
16 issue the summonses, which I could repeat about how—
17 how they do it.

18 COUNCIL MEMBER YEGER: Never mind. I'm
19 on the clock. We'll go quick. I'd like to talk to
20 you about the Introduction 1066 by Council Member
21 Lancman, the Interest of Justice Dismissal, which you
22 opposed and your reason for opposing it and I don't
23 want to characterize it so I'll read it. The
24 dismissals would likely be subjective, right? Okay.
25 Well, that's an interest of justice dismissal. It's

1
2 subjective. It's—it's based on, you know, the 70-
3 year-old walking into the judge and saying yeah, I
4 got the summons. I am guilty, but I live on a fixed
5 income. I've never gotten a summons before. Hey,
6 can you dismiss it and the judge says yes. Right now
7 the judge can't do that. This bill would allow the
8 judge to do that. That's an interest of justice
9 dismissal. So, isn't your objection something that
10 you would anticipate we considered in drafting this
11 bill?

12 DEPUTY COMMISSIONER SHEAR: So, I'm not
13 going to guess.

14 COUNCIL MEMBER YEGER: Okay, don't answer
15 that.

16 DEPUTY COMMISSIONER SHEAR: But yes--

17 COUNCIL MEMBER YEGER: [interposing] The
18 answer is yes. It's—it's—it's—the point is that right
19 now judges don't have the ability to dismiss a
20 summons in the interest of justice based on a good
21 not excuse for having parked that way, but hey can
22 you forgive me this one infraction if you don't mind,
23 and the judge says yes, and you've—you've further
24 testified that—that you don't have—the bill doesn't
25 give a methodology or rubric that would give guidance

1
2 to the judges as to when obey the penalty without
3 dismissing the entire ticket, but you can write rules
4 to that effect if you wish, right?

5 DEPUTY COMMISSIONER SHEAR: So, we think
6 it would be—you've mentioned two things in your—your
7 question that—that I think are worthy of
8 consideration. One was you made reference to income.
9 Someone on a fixed income, and you also indicated
10 that someone who I think didn't get a ticket for--
11 So, we think that it's important to be explicit in
12 the bill itself, and we're happy to have that
13 conversation.

14 COUNCIL MEMBER YEGER: Do you just your
15 ALJs to make wise decisions?

16 DEPUTY COMMISSIONER SHEAR: We trust them
17 to make wise decisions when we give them the proper
18 guidance for them to do so.

19 COUNCIL MEMBER YEGER: But that's the
20 point of the bill. The bill is—the bill is to
21 authorize judges to dismiss when they feel—feel like
22 it's subjective that the interest of justice would be
23 served by the dismissal of the summons. You don't
24 really need rules. You just have to make sure the
25 judges are not on the take. I assume we can take for

1 granted that we don't think the judges are on the
2 take, and they could dismiss it. It-it's-the-the
3 statute has been written [bell] specifically to deal
4 with the issues that there are no rules to govern
5 some situations, and getting rules to govern the
6 situations of dismissal in the interest of justice I
7 think would sort of run counter to the whole point of
8 the bill.
9

10 DEPUTY COMMISSIONER SHEAR: We think that
11 objective criteria are better than subjective
12 criteria. We welcome working with the Council on
13 this. We-we find that the best legislation that
14 we've done. For example, we have new payment plans
15 on property taxes that we work with-with Chair Dromm,
16 and the Council was over a year in the making, but I
17 think both sides feel that we came up with a really
18 good bill.

19 COUNCIL MEMBER YEGER: So, let's-let's
20 talk about working with the Council on it. The bill-
21 have you had any conversations with the Council about
22 this bill at all?

23 DEPUTY COMMISSIONER SHEAR: I have not.

24 COUNCIL MEMBER YEGER: Okay.
25

1
2 DEPUTY COMMISSIONER SHEAR: I have only
3 recently seen that.

4 COUNCIL MEMBER YEGER: The bill was
5 introduced here in the Council in this chamber of
6 August 8th of last year, and here we are in April and
7 now you're telling us that you'd like to work with
8 the Council to get a better bill, and I'm suggesting
9 maybe in the last eight months would have been a good
10 opportunity to do so, but that's not really a
11 question. That's just—that's just me. I'm—I'm just—
12 I'd like to talk about your Pay or Dispute Program
13 for a moment because you said something very
14 interesting, and I'd just like to explore that a
15 little bit. You—you said, and I like it. You said
16 that if someone gets the summons and they can snap
17 the picture right then and there, upload it, but then
18 you seem to indicate that there's a particular
19 credence given to the—based on the time of when the
20 picture is uploaded and the defense is submitted, and
21 you didn't do it with kind of this. It's just like
22 you had it on there. (sic)

23 DEPUTY COMMISSIONER SHEAR: [interposing]
24 No, no. No, I think all I was saying is that
25 somebody when they first get the ticket is probably

1
2 most upset, and this program allows them to act on
3 it. It's not about that that should be given more
4 credence, it's--

5 COUNCIL MEMBER YEGER: [interposing] So,
6 it isn't. It-it isn't given more credence based on
7 the timing of the defense submitted, you know, within
8 10 minutes of getting the summons as opposed to, you
9 know, an our or the next day or six days later.

10 DEPUTY COMMISSIONER SHEAR: I-I don't
11 think it's the time. I think it may help to take a
12 picture where the vehicle is actually there. So, if
13 you are saying the vehicle was far enough from the
14 hydrant, better to have the picture where-where the
15 vehicle is right there than to come back a day or two
16 later, and-and to say oh, the vehicle was up to this
17 tree. If a -if a-if a summons is issued for
18 violating a 15-foot rule on a hydrant then let's use
19 your example, and the respondents submit to a defense
20 saying the cab was only 10 feet away from the
21 hydrant. Here's a picture, can you imagine a
22 scenario that a judge dismisses the summons based on
23 that defense and that defense alone?

24 DEPUTY COMMISSIONER SHEAR: I-I--
25

1
2 COUNCIL MEMBER YEGER: [interposing] Or
3 let me—or let me rephrase it, or give a better—give
4 better clarity. Isn't the burden on the defendant to
5 prove-to—isn't the summons issued prima facie
6 evidence that the violation was committed and thus
7 the burden is shifted upon the respondent to disprove
8 that prima facie evidence? How would the
9 respondents' picture disprove anything? I was asking
10 you how you Pay or Dispute make a difference in the
11 lives of anybody with a picture being able to be
12 submitted? Are—are judges being given instructions
13 as to how to receive this information and how to give
14 credibility to it?

15 DEPUTY COMMISSIONER SHEAR: Our judges
16 look at many, many pictures when they make the
17 determination, and there is a dismissal rate of 45%.
18 I don't—our--

19 COUNCIL MEMBER YEGER: Okay.

20 DEPUTY COMMISSIONER SHEAR: Yeah.

21 COUNCIL MEMBER YEGER: And that's good.
22 Okay, good. Thank you.

23 SHEELA FEINBERG: I just wanted to add
24 that the—the Pay or Dispute Act was really for the
25 individual who wants to dispute their ticket. What

1
2 we're trying to do is make something easier for
3 people.

4 COUNCIL MEMBER YEGER: Make it easier.
5 No, I got it. I appreciate it.

6 SHEELA FEINBERG: We want to make sure
7 that's there.

8 COUNCIL MEMBER YEGER: I just want to
9 make sure that it's clear about what the purpose and
10 the nature of it. I have one more question with
11 regard to Introduction 1141. In the previous
12 administration, there's been a program at-1141 is the
13 abatement, the big bill. Okay. In the previous
14 administration if there had been a program where if
15 someone receives a summons the respondent can go
16 online and say I don't really like this summons.
17 Don't have to give a reason, hit submit. The system
18 spits back, well, this is a \$35 summons. Pay \$25 and
19 you're good to go, and are you familiar with that
20 program?

21 DEPUTY COMMISSIONER SHEAR: I'm aware of
22 that.

23 COUNCIL MEMBER YEGER: Okay, and no
24 excuse necessary, and if the respondent accepts it
25

1
2 right then and there, can pay it. No defense needed
3 to be submitted at all. Yes?

4 DEPUTY COMMISSIONER SHEAR: I believe
5 that's how it worked.

6 COUNCIL MEMBER YEGER: Okay. the 1141
7 has—and I know we don't have that program today, and
8 there's no indication that the administration wants
9 to do it. Then it's within the discretion of the
10 Administration to do it if it chooses to, or upon the
11 Council to require it, if it chooses to. So, right
12 now it's not happening because neither the
13 Administration wishes to do so and the Council has
14 not so instructed the Administration to do so. The
15 Introduction 1141 has as its last sentence in Section
16 1: No city agency may agree to reduce fines for
17 parking violations in exchange for a waiver of the
18 right to contest such violations. As I read that
19 sentence, if this introduction is adopted, the city
20 would not be able to create such a program for the
21 individual motorist who receives a summons. Is that
22 correct?

23 DEPUTY COMMISSIONER SHEAR: That's
24 correct.

1
2 COUNCIL MEMBER YEGER: Okay. So, it's
3 not just that this summons battles the-if-if there's
4 a problem with the fleets or not or if there's a
5 problem with the Commercial Abatement Program or not,
6 but it actually would forever at least until it would
7 be amended prohibit the city from ever creating a
8 program to help the average motorist who has a clean
9 record and submits their summons and says, you know,
10 I'd like to take part of this program if the city
11 should ever wish to have such a program.

12 DEPUTY COMMISSIONER SHEAR: I believe so.

13 COUNCIL MEMBER YEGER: Okay, alright.
14 Let's-Chair and I-I appreciate allowing me to go over
15 the time. Thank you very much.

16 CHAIRPERSON DROMM: Thank you very much,
17 and as a follow-up to that also, I thought that
18 Administrative Law Judges do have the discretion to
19 determine the outcome, but just that the Department
20 of Finance has not established that criteria by which
21 to inform the ALJs that they can do so under certain
22 circumstances.

23 DEPUTY COMMISSIONER SHEAR: So
24 Administrative Law Judges have the authority to
25 dismiss tickets entirely. Currently, they do not

1
2 have the authority to dismiss just the penalty, and
3 to instate the—the rest of the ticket, which I
4 believe is the purpose of—of the bill.

5 CHAIRPERSON DROMM: Okay. Council Member
6 Adams.

7 COUNCIL MEMBER ADAMS: Thank you, Mr.
8 Chair. I thank the panel for coming in this
9 afternoon. Thank you all for your testimony, and
10 taking this just to a slightly different track just
11 for a second, and looking at transference from the
12 Parking Violations Bureau to OATH. If the Parking
13 Violations Bureau, were transferred from the
14 Department of Finance to OATH, how would you envision
15 that being accomplished? Would the Department of
16 Finance transfer all aspects of the operation or
17 would there be the same that the Department of
18 Finance should retain? Would there be some that they
19 would retain like the Collections Unit? How—how does
20 that look?

21 DEPUTY COMMISSIONER SHEAR: At a high
22 level I think the purpose of the bill is to transfer
23 simply the adjudications of hearings to OATH and not
24 to—and not to transfer other functions such as
25 noticing IT enforcement, et cetera. Other than that,

1
2 it's really hard for me to comment. As indicated in
3 the testimony the--the Law Department is still
4 reviewing the bill.

5 COUNCIL MEMBER ADAMS: So, then we really
6 wouldn't be thinking at this point of the impact of
7 the transfer on its operations, its business centers
8 or anything else at this point?

9 DEPUTY COMMISSIONER SHEAR: Right. As we
10 understand the bill, it would impact the
11 Adjudications Bureau.

12 COUNCIL MEMBER ADAMS: Okay, thank you.

13 CHAIRPERSON DROMM: Council Member
14 Deutsch.

15 COUNCIL MEMBER DEUTSCH: Thank you.
16 Thank you very much. I'll be very brief. A
17 question. Do Sanitation summonses go to you, too as
18 well or that's how it used to be?

19 DEPUTY COMMISSIONER SHEAR: Parking
20 ticket summons--al parking ticket summonses come to
21 us.

22 COUNCIL MEMBER DEUTSCH: And is handled
23 within that or that ECB? I meant that goes to a
24 different--

1
2 DEPUTY COMMISSIONER SHEAR: So Sanitation
3 Enforcement Agents can write parking tickets, and
4 they can—they also more frequently write ECB, the
5 Environmental Control Board violations. So—so they
6 do both.

7 COUNCIL MEMBER DEUTSCH: So, those are
8 not—so, okay so--

9 DEPUTY COMMISSIONER SHEAR: And—and—and
10 both come to us.

11 COUNCIL MEMBER DEUTSCH: So the ECBs do
12 go to the Department of Finance?

13 DEPUTY COMMISSIONER SHEAR: Upon judgment
14 entry. So, they—they come to us.

15 COUNCIL MEMBER DEUTSCH: Okay. I have a
16 question about that. So is someone committed to
17 write a description of a violation prior to observing
18 the violation?

19 DEPUTY COMMISSIONER SHEAR: [pause] I
20 really don't know the answer to that question. It's
21 an—we don't issue the violations themselves. So, I
22 would really have to defer to Sanitation of Buildings
23 so the other agencies that—that issue the—the
24 violations.

1
2 COUNCIL MEMBER DEUTSCH: So, if someone
3 writes a defense, does that go to you? Does that
4 come to your office?

5 DEPUTY COMMISSIONER SHEAR: No, so OATH
6 the Office of Administrative Trials and Hearings
7 adjudicates the EBC violations. So, if somebody gets
8 a violation for failing to sweep the sidewalk for
9 example, Sanitation typically writes that, and then
10 the hearing is done through the—the Office of
11 Administrative Trials and Hearings, and then if the
12 respondent still is liable after the hearing, and
13 doesn't pay, and a judgment is entered, then it would
14 be referred to the Department of Finance.

15 COUNCIL MEMBER DEUTSCH: So, if there's—
16 if there's judgment entered then it would just come
17 to you only for payment, correct?

18 DEPUTY COMMISSIONER SHEAR: Yes.

19 COUNCIL MEMBER DEUTSCH: So, nothing
20 else. So if there is any type of appeal, nothing
21 doesn't come to you?

22 DEPUTY COMMISSIONER SHEAR: Right, if
23 somebody seeks to—to reopen the judgment and to have
24 a hearing after judgment that application has to go
25 to OATH.

1
2 COUNCIL MEMBER DEUTSCH: It has to go to
3 OATH. Okay, got it. Okay. No further questions.

4 CHAIRPERSON DROMM: Okay, thank you very
5 much. We are going to end it here. I thank you for
6 coming in and giving testimony. We'll have follow-up
7 questions for you obviously and we look forward to
8 communicating with you.

9 DEPUTY COMMISSIONER SHEAR: [off mic]
10 Thank you all for your time.

11 CHAIRPERSON DROMM: Thank you. Okay, I'm
12 going to call up our first panel. Gerald Burges I
13 believe, CJS and violations yes. Glenn Valosky,
14 parkingtickets.com. Jack Davies, Transportation
15 Alternatives; Nicole Epstein from Win It, and Diane
16 Jojack. (sic) [background comments/pause] Okay, who
17 would like to start? Yep. Just you have to hit that
18 button so that the little red light comes on.

19 GERALD BURGESS: There we go.

20 CHAIRPERSON DROMM: Okay.

21 GERALD BURGESS: Good afternoon, Chairman
22 Dromm, Councilman Yeger and Councilwoman Adams.
23 Thanks for coming by, and first of all, I want to
24 compliment the Council for holding these very
25 important hearings today on a myriad of important

1 bills to protect the safety of New Yorkers. So, in
2 regard to 1141 in particular, it's about safety, and
3 safety always trumps everything else. I'm sure
4 everybody would agree with that. So, when vehicles
5 are double parked any vehicle who is double parked
6 created a possible safety hazard because there's a
7 line of vision that is a blur. The line of sight is
8 blurred. Just a quick thing about that. Some of the
9 Council people before spoke about a double standard.
10 I think that was Chairman Rodriguez, and there is a
11 double standard right now because the individual
12 person has to fight or pay their ticket, but programs
13 designed for the largest fleets--and that's what they
14 were designed for--may get off scott free or close
15 scott free. So, there was testimony before this
16 committee back in May 8th or 2018. It's closing in
17 on a year-year from now where they said they were
18 going to increase the fines in the Stipulated Fine
19 Program to reduce congestion, improve safety. The
20 documents that we've given to the Committee today,
21 show that the opposite has happened. The reduction
22 of certain fines within the Stipulated Fine Program
23 on page number-- I think it's 6 sows that--

1
2 CHAIRPERSON DROMM: Do you have a copy of
3 that for us?

4 GERALD BURGESS: Yes, we do, we do. He has
5 them all. [pause] There's more, there's more in
6 there. Yes. more and more. In the back please, more
7 of these things. [squawking mic] [pause]

8 CHAIRPERSON DROMM: Okay, go ahead.

9 GERALD BURGESS: Thank you, Chairman.

10 So, page 6 shows that in the New York City Stipulated
11 Fine Program in the comparative period using the
12 DOF's own Open Data Portal, it's official data of the
13 city of New York, that the comparative 3-month period
14 of December, January and February that ended in 2019
15 compared to the prior three-month period, the number
16 of tickets issues for illegal double parking—I should
17 say alleged illegal double parking, skyrocketed here.
18 They went up quite a bit. You could see the bar
19 chart right here. The next page, page 7 due to the
20 changes in the quote/unquote "increase in fines" in
21 the Stipulated Fine Program actually included some
22 reductions in fines for bus stop ticket as opposed to
23 increases. There once again, the quantity of tickets
24 has skyrocketed on page 7. [bell] [background
25 comments] Page 8 shows that the number of fines for

1 bus lane violations have basically more than doubled
2 in the same three-month comparative period of time
3 since Finance increased the fines, and reduced fines
4 in the New York City Commercial Stipulated Fine
5 Program. The increase in tickets at bus stops, bus
6 lanes, double parking are truly safety issues.
7 Whether it be an individual who has full use of their
8 legs or an individual who is disabled who wants to
9 get on a bus, they're blocked at the bus stops, and
10 to get a discount for that just seems morally wrong
11 to me. It also seems morally wrong to me that if
12 I've got to fight or pay a ticket and if every
13 Council person has to do the same, if every priest
14 and rabbi and learned individual has to do the same,
15 those individuals who have the most resources, the
16 largest companies [bell] the largest fleets, could
17 certainly do their part and do the same for their at
18 least on a perception basis, which another councilman
19 spoke about today, should eliminate this double
20 standard. So, safety, safety, safety comes first.
21 There's also a legislative history in the same
22 Chamber here almost 11 years ago today I was here
23 speaking about Intro 637, which is shown in here as
24 well. There's an index. Intro 637 was put forth by
25

1 the Bloomberg Administration and it sought to
2 legislate the Stipulated Fine Program, but this
3 Council, the committee indeed saw fit to table that
4 measure. Notwithstanding the fact that the
5 legislative elected officials had decided to table
6 the issue. The Finance Department ignored it. They
7 could care less. So, according to that alone, it
8 seems to me to be ironic that they've been allowed
9 even all these years to proceed with a program that
10 was tabled by the very committee that could have
11 enabled it. I remember clearly sitting here 11 years
12 ago, and some of the Council people were very
13 offended by the Finance Department's program because
14 the Police Department itself came out against it. At
15 that time, Commissioner Ray Kelly called it Park and
16 Slide, and we had different Council people including
17 a former Attorney-General of the State of New York
18 Oliver Koppell who sat here and said: We are taking
19 the police work of writing tickets, and just ripping
20 up these tickets, [bell] which is a terrible use of
21 police time. We need them to do the right thing and—
22 and when they write the tickets to have them either
23 upheld or fought and if improperly ticketed,
24 dismissed or paid.
25

1
2 CHAIRPERSON DROMM: I'll have to ask you
3 to wrap it up.

4 GERALD BURGESS: Yes, sir. Of course,
5 congestion happens, which causes pollution and other
6 vehicles to be double parked, you know, who are
7 caught behind double parked vehicles, and there's a
8 time and place for double parking when it's done
9 expeditiously, and DOT is proposing some rules. To
10 the extent that anybody is still from the DOT
11 Committee, we would ask them to try to put some
12 pressure on the DOT to please hold off on any rule-
13 rule making because when it comes to double parking
14 if anyone of us has to double park for four minutes,
15 three minutes to wait for the other guy to get out of
16 his spot, and an individual we're ticketed. There is
17 not even a five-minute grace period, and I've seen
18 vehicles, passenger vehicles ticketed. So they've
19 kind of absolved themselves of any legitimacy when
20 they don't give the average guy even a minute, even a
21 New York minute to illegally double park. So, again,
22 first history of the bill, or which was rejected by
23 the committee back in 2008, April 30, 2008, safety,
24 safety, safety and, of course, the social equity
25 issues, social economic justice issues. There is not

1 just an implied double standard, but a de facto
2 double standard, which is wrong and the congestion is
3 costing the city upwards of \$10 billion a year, \$20
4 billion according to the partnership of the city of
5 New York for the region, and at least half of that,
6 and then stipulated fine program members themselves
7 recognized the issues in the Stipulated Fine Program.
8 They brought suit against it because it was not
9 administered fairly, and -and to their credit brought
10 action against the city for that bad behavior. So,
11 it's an abusive discretion. I'd like to just quickly
12 comment about some of the things if I may.

14 CHAIRPERSON DROMM: I just need to move
15 on.

16 GERALD BURGESS: Okay, yes sir. Thank you
17 so much.

18 CHAIRPERSON DROMM: Alright, thank you.
19 Next please.

20 JACK DAVIES: Thank you, Chairman. Good
21 afternoon. My name is Jack Davies. I'm the Policy
22 and Research Director at Transportation Alternatives.
23 I want to build on something that Councilman Gjonaj
24 spoke on earlier and that's—that is as we craft city
25 policy that governs on-street parking it's critical

1 that we both appreciate both the context the current
2 rules were written in and be mindful of the
3 environment we are formulating policy in as we seek
4 to create a safe and sustainable and equitable New
5 York City. New York today is pretty wildly different
6 than the 1950's planners who laid out the parking lot
7 that's still largely govern the city envisioned.
8 They assumed that the principal form of future
9 transportation would be cars for everyone and we know
10 that's obviously not the case today, and these
11 antiquated policies are costing New Yorkers. Some of
12 the proposed policies in front of the Council today
13 are important first steps in remedying these
14 inefficiencies. Intro 1141, which would eliminate
15 the Stip Fine Program would prioritize the needs of
16 the many of the few and guarantee that there are no
17 exemptions when it comes to following the law. The
18 various bills that proposed better enforced laws
19 requiring license plate and proper registration that
20 limit mobile home and trailer parking, and report
21 more enforcement data will help reclaim the streets
22 as people are in the public places that deserve. Our
23 policies and our actions they need to be in service
24 at mission to create a New York where no one needs a
25

1 car to get around quickly even if they have one, it
2 should be safe it should be efficient, it should be
3 sustainable and the proposals heard today are an
4 important first step towards helping us get there,
5 and that Transit Alts support them. Thanks.

7 CHAIRPERSON DROMM: Thank you very much.

8 Next please.

9 NICOLE EPSTEIN: Great. Hello. Thank
10 you, Chairman Dromm. My name is Nicole Epstein. I'm
11 with Gotham Government Relations. I represent women.
12 It's an app that helps individuals dispute parking
13 tickets. So, I'm going to keep it very short and
14 sweet and simple. I am here in support of Intro 1066
15 and 114. 1066, which gives the ALGs the discretion
16 to remove a late fee policy in the interest of
17 justice and Councilman Yeger actually hit it
18 perfectly. You know, ALGs are judges. Judges also
19 think about and make decisions on issues that that
20 are much more severe than \$30 late fee penalty. You
21 know, so, look that was perfect and we should give
22 her ALGs, the discretion. Again, of course, DOF
23 adjudicating the parking tickets as well as
24 collecting the revenue that is an inherent conflict
25 in interest. Unfortunately for Jane Doe citizen

1 they're a top or, you know, the most popular
2 attraction of government. Usually it's through
3 parking tickets. So, just in the interest of good
4 government and fairness, it really makes sense to
5 give judges, the ALGs the discretion to remove the
6 late fee penalties. Again, that's not if a ticket is
7 in judgment, which is past I think 120 days. No they
8 cannot. That different. If someone is coming in,
9 you know, the point of a penalty a late fee penalty
10 is coerce compliance. So, if someone is coming in
11 there, you know, pleading their case trying to pay
12 and do the right thing, it's a good start. So, also
13 on another note that Deputy Commission Shear pointed
14 out, what's—oh, how is this going to impact the
15 revenue? Well, for example, in 1986, the city of New
16 York decided to give an amnesty program to waive the
17 late fee penalties. What happened? Tons of people
18 came flooding in, and had hearings, and paid their
19 tickets and there was this surge of revenue. So, the
20 same logic should apply here, and one thing on the
21 Stipulated Fine Program, it's very important to note
22 is that there is all this discussion about
23 expeditious delivery. So, the point of the hearing,
24 the one thing that's not discussed is that when you
25

1 have the parking ticket hearing for those companies
2 not enrolled in the program, what the ticket brokers
3 do is they go in there. You have show with delivery
4 receipts, time stamped whatever it is that it was
5 actually expeditious. Why are under the program?
6 It's assuming—then the word has no meaning, and
7 that's the whole point of getting rid of the
8 Stipulated Fine Program.
9

10 CHAIRPERSON DROMM: Okay, thank you.

11 Next please.

12 JERRY VADAS: Good afternoon, Chair. My
13 name is Gerry Vadas with CJS Violation Services. I'm
14 a broker as well, and I go down to court on a regular
15 basis, and as Alan Maisel clearly stated, we are
16 talking about fairness, and it's vey troublesome.
17 I've being doing this 25 years, and we're seeing some
18 change through this administration. So, as we're
19 discussing the penalties, we used to always be able
20 to have that waived, and we have certain proofs and
21 documentation, and now they're telling us to take it
22 up with the Administration. So, what is happening as
23 Jeffrey Shear pointed out as well, you have all these
24 different programs. You have these apps, but it's
25 discretionary on the judge. So, you have all these

1
2 apps and so forth, and judges again will rule against
3 you stating that it's not done in a timely manner or
4 you don't have all the photos or all the streets, or
5 you don't have conclusive evidence of the time and
6 the date and so forth, so on. So, we ask that we
7 have a little more transparency, and you call us the
8 brokers and other people to really shed a little more
9 opening and light on the situation at hand. I just
10 wanted to make it brief, and just state that we're
11 hoping that you guys will allow the Administrative
12 Law Judges to go and conduct the hearing so it is a
13 fair impartial hearing because now on the contrary
14 times have changed. You have certain brochures that
15 were stated of the rules and regulations that again
16 we talked about the effect of tickets no issued
17 correctly, and even with that now we say it's an out
18 of state vehicle. It doesn't apply to New York City.
19 It certainly does. We have to hold everyone
20 accountable. So, it's—it's an ongoing issue of so
21 many factors. So, you'll probably see a lot of
22 different reports here, and the numbers are not
23 substantiated what they're claiming. Thank you.

24 CHAIRPERSON DROMM: Okay, thank you and
25 thank you to this whole panel. I appreciate you all

1 coming in and doing some testimony. Thank you very
2 much.
3

4 GERALD BURGESS: Thank your, Chairman.
5 Thank you all, Council people and your staff.

6 CHAIRPERSON DROMM: So, the next panel
7 will be Leo Gonzalez, United Parcel, Arthur Miller,
8 NYTB, Ken Thorpe, Zach Miller also, and Edward
9 Fuentes or--[background comments] Fuentes.

10 [background comments/pause] Alright. Let's star
11 over here.

12 LEO GONZALEZ: Okay. Good afternoon Chair
13 Dromm and the members of the Committee. My name is
14 Leo Gonzalez and I'm a Finance Manager at the UPS,
15 the North Atlantic District, which covers the New
16 York City. UPS is the world's largest package
17 delivery and leading provider of logistic services.
18 Thank you for the opportunity to testify today on
19 Intro 1141 related to the Stipulated Fine Program.
20 UPS operates in 220 countries and territories
21 delivering almost 5 billion packages annually. Here
22 in New York UPS operates out of 12 facilities and
23 employs 5,465 New Yorkers. We're proud to be the
24 largest single employer of Teamsters in the nation.
25 Even beyond directly employing thousands of New

1
2 Yorkers, we deliver medicine, emergency medical
3 equipment, financial documents, retail inventory and
4 other goods that support small and middle market
5 businesses. For years UPS has distinguished itself a
6 leader of the safety and the delivery of logistic
7 industry. We invest millions of dollars in health
8 and safety training every year, and UPS has spent
9 more than 5.8 million hours in training. This
10 training is generating real results on the road for
11 our drivers and those around them. UPS' Circle of
12 Honor recognizes drivers who have not had avoidable
13 accidents for more than 25 years. To date, over
14 10,300 UPS drivers have earned this distinction and
15 over 700 drivers have been accident free for over 35
16 years. UPS uses technology to increase the
17 efficiency of our package delivery as well. All
18 packages including critical overnight and next day
19 air packages are consolidated on one truck, which
20 reduces the number of vehicles deployed on city
21 streets. Our cutting edge technology allow drivers
22 to select the most efficient delivery routes, which
23 has helped UPS reduce miles driven by 100 million
24 companywide. In addition, programs like UPS My
25 Choice and Access Points have allowed UPS to reduce

1 miles traveled by minimizing re-delivery attempts
2 when customers are not available to accept
3 deliveries. By participating in the Stipulated Fine
4 Program, UPS waives its right to contest parking
5 tickets, thereby, incentivizing our drivers to park
6 legally at all times. Unfortunately, despite UPS'
7 extensive training efforts, drivers are often unable
8 to find legal parking due to a lack of available
9 curbside space. Throughout the city, and
10 particularly in Manhattan there is an insufficient
11 amount of dedicated loading zones. Those that do
12 exist are often blocked by idling for-hire vehicles
13 and other vehicles making them inaccessible to our
14 drivers for deliveries. This severe reduction in
15 curbside space in recent years has resulted in a 12%
16 increase in tickets that the UPS gets, further
17 straining UPS' New York operations and vastly
18 increasing the cost for private unionized carriers to
19 service New York City customers. Conversely, the
20 USPS does not pay tickets for taxes at all giving
21 them the ability to park illegally [bell] without
22 repercussions. The absolution of the Stipulated Fine
23 Program put us at an even steeper competitive
24 disadvantage and staff for future innovation and job
25

1
2 creation. UPS fully supports truly comprehensive
3 efforts to make New York City safer and more
4 efficient. As we have done in other cities around
5 the U.S., we would welcome the opportunity to partner
6 with the city, and the Council to evaluate ways to
7 maximize curbside access to meet the growing demand
8 for deliveries. Thank you for your time.

9 CHAIRPERSON DROMM: Thank you very much.
10 Next, please.

11 ARTHUR MILLER: Good afternoon. My name
12 is Arthur Miller. I'm an attorney in private
13 practice. I've worked with the trucking industry for
14 over 30 years. I appear at the Traffic-at the
15 Parking Violations Bureau, the Office of
16 Administrative Trials and Hearings or OAT, the
17 Traffic Violations Bureau, which is a TVB and in the
18 Criminal Courts. I also publish NewYorkTruckStop.com
19 the online community for news and views for those who
20 operate commercial vehicles within the city. I'm a
21 long time Queens resident. Council Member
22 Koslowitz's district in Rego Park, and I appreciate
23 this opportunity to speak before the joint session of
24 the Finance, Transportation and Government Operation
25 Committees. When one appears in a real court, the

1 sign above the judge's head reads: In God We Trust.
2
3 The motto implies the existence of a higher power,
4 the independence of the judge, a chance for justice
5 and mercy. At the PVB and other administrative
6 agencies like OATH and the Traffic Violations Bureau,
7 the sign above the judge's head is the name of the
8 agency that hired the judge. At the Department of
9 Finance the Administrative Law Judges who work for
10 the Department of Finance are per diem attorneys
11 serving at the pleasure of the agency as the city's
12 tax collector has become more concerned with
13 increasing its metrics, in other words its winning
14 rate than assuring justice and mercy. The ALJs are
15 losing their independence. If they don't follow
16 official "policies" or "guidenace" on how to decide
17 cases, they're services may no longer be needed. So,
18 Deputy Commissioner Shear just mentioned for I think
19 in-in response to Council Member Yeger's question, I
20 think he said that with the proper guidance the
21 hearing officer s know how to make the right
22 decisions. So, I think there you have it. It's up
23 to you our elected leaders to make sure that our
24 citizens and those who deliver the goods and services
25 that the life blood of the city and not just viewed

1 as revenue streams, but as respondents clearly
2 deserving the justice, mercy, due process and equal
3 protection under the law. That said, I
4 wholeheartedly support Council Member Lancman's Intro
5 1066 giving hearing examiners discretion to reduce or
6 waive additional penalties for parking violations.
7 Sometimes there are compelling reasons why there are
8 late penalties. So, the—the ALJs need that
9 flexibility. Truly independent judges should also
10 have the discretion to vacate judgments—judgment
11 tickets, which are over a year old. Right, now the
12 law does not permit them to do that. If one finds
13 out that that they have a judgment and they go to a
14 judge, the Department of Finance says sorry that's
15 more than a year old. We can't even make the decision
16 based on that, you can't even get that in front of a
17 judge. So, I think that bill the 1066 should go even
18 further. Regarding Intro 168's proposed—proposal to
19 move PVB into OATH, the city's tax collector should
20 not adjudicate its own revenue stream. The problems
21 with the adjudication of parking tickets, that won't
22 be changed by merely changing the sign above the
23 judges' heads. The Council should clearly consider
24 whether building a better adjudicatory [bell]
25

1
2 process, and any such move would be better off, and-
3 and keep in mind pleased that with more camera issued
4 tickets on the way, like blocking the box and passing
5 school buses and things like that, people can get
6 their license suspended. So, we must be very careful
7 to having the needs of raising revenue that balance
8 with those who may get their license suspended. Let
9 me just add quickly yet. Intros 5-506 and 1187 I
10 find extremely problematic and-and those need to be
11 withdrawn. With Councilwoman Koslowitz my Council
12 Member's bill to prohibit parking of mobile homes, it
13 also says to allow the towing of trailers. One of
14 the reasons that trailers parked right now it's a
15 confluence of the lack of parking for trucks, Federal
16 DOT rules that mandate they have computer monitored
17 hours of service. So, if a driver is out of service,
18 that driver has to stop. It would be a violation to
19 drive on, and then secondly, that the Mayor's Clear
20 Curbs Program where they're trying to steer
21 deliveries to only certain hours. So, you've got
22 places for a tractor-trailer to park. I think the
23 same objectives rather than towing could be met by
24 changing the signage, and-and-and-and letting the-the
25 tractor-trailers park in industrial areas rather than

1 just making everything a violation. Similarly, you
2 have Intro 180-1187 would permit the towing for the
3 improper registration of a vehicle. Right now
4 they're issuing tickets for example for a box truck
5 that has the license plate a little too high. If
6 that becomes a towable offense, that's a further
7 restriction on-on-on the ability to make deliveries
8 and what-what-what the-the city, the DOT and the
9 Department of Finance is basically doing is
10 weaponizing the vehicle and traffic law in order to
11 raise revenue, and if every single delivery taking
12 away double parking, [bell] taking away lanes of
13 traffic and-and things like that becomes-makes it-
14 makes it illegal for trucks to make deliveries, that
15 that's going to add a chilling effect on commerce and
16 the ability to get things done in the city. And I-
17 I'd certainly be happy to work with the Council on-
18 on-on improving some of these proposed Intros and
19 providing any further information based on the
20 experience and the-the clients I represent large and
21 small. Thank you.

22
23 CHAIRPERSON DROMM: Thank you. Next
24 please.

2 ZACH MILLER: [coughs] Good afternoon.

3 My name is Zach Miller and I serve as the Retro-Metro
4 Region Vice Chair of the Trucking Association of New
5 York. I would like to thank Chairman Rodriguez,
6 Chairman Dromm and Chairman Cabrera as well as the
7 members of the committee for the opportunity testify
8 before you today. For over 85 years, TANY, a non-
9 profit group has represented the trucking industry in
10 New York advocating for the industry at the local,
11 state and federal levels. We provide educational
12 programs to our members, which enhance their safety
13 and maintenance efforts and offer numerous Council
14 and committees to meet the diverse needs of our
15 members. TANY comprises over 600 member companies
16 from New York, Canada, every border state and other
17 states across the country, and is the exclusive New
18 York affiliate of the American Trucking Association.
19 There are several bills being heard today, but I'd
20 like to focus on Intro 114, 122 and 1066, which will
21 have a significant impact on our industry. With
22 regard to Intro 1141, the Stipulated Fine Program,
23 which has been a crucial tool for our industry to
24 conduct business throughout New York City for the
25 past 15 years. Given the lack of commercial parking

1 and loading zones in different part of the city, our
2 members are forced to double park to offload
3 deliveries to many businesses. In the past, this
4 practice resulted in thousands of tickets being
5 issued and ultimately lets a significant backlog of
6 cases at the Parking Violations Bureau. The
7 Stipulated Fine Program was implemented in 2004 to
8 address this backlog, and give our members the
9 ability to pay off a majority of these fines, and
10 continue to conduct business in the city. In
11 Manhattan alone, there are nearly 100,000
12 establishments that generate over 350,000 shipments
13 of deliveries on a daily basis. Our members rely on
14 the Stipulated Fine Program as part of the way they
15 do business. I would also like to dispel the notion
16 that the big players in this industry are the only
17 ones who benefit from this program. TANY has many
18 smaller members with two or more trucks to take
19 advantage of the Stipulated Fine Program. With the
20 cost of doing business rising every day, removing a
21 critical program like Stipulated Fines strikes yet
22 another economic blow at smaller businesses who are
23 already struggling to stay afloat. While we
24 understand the reducing traffic congestion is a
25

1
2 priority, we need to do so in a reasonable manner
3 that balances the interests of the city's economy.
4 Businesses in the city rely on deliveries our members
5 make and complete repeal of the Stipulated Fine
6 Program as proposed in Intro 1141 will significantly
7 impact businesses not just in Manhattan, but across
8 the five boroughs. We believe the right approach to
9 the problem of congestion should stay focused on
10 improving curbside access for deliveries through
11 additional and enhanced loading zones as well as
12 increased enforcement for existing commercial
13 parking. TANY is glad that the Council is taking
14 steps to reform the enforcement of parking violations
15 through Intro 122 and 1066. Intro 122, which would
16 raise the threshold from \$350 to \$500 before a
17 vehicle can be removed to satisfy parking judgments
18 is something TANY would be supportive of. If there
19 was additional clarification on the language
20 concerning removing the vehicle when there's a
21 judgment of five or more parking violations. In many
22 cases truck owners especially those who lease out
23 vehicles and in some cases may be out of state
24 operators are unaware of the number of violations
25 that may have been issued to a vehicle. TANY would

1
2 like clarifications on the types of parking
3 violations that the bill seeks to enforce before
4 supporting it. However, TANY does support the bill's
5 intention to raise this threshold to \$500 because it
6 would give our members additional time to resolve any
7 [bell] any Fs (sic) or any tickets they may not be
8 aware of. TANY also supports Intro 1066, which will
9 empower the Administrative Law Judges to reduce or
10 waive additional penalties in the interest of
11 justice. Many of our members lease out their vehicles
12 and may not be aware of the fine for several days of
13 weeks that a notice has been violated. We look
14 forward to continuing to work together with the City
15 Council to address these issues. Thank you.

16 CHAIRPERSON DROMM: Thank you very much.
17 You're a good reader. [laughter]

18 ZACH MILLER: The world's fast reader.
19 [laughter]

20 CHAIRPERSON DROMM: Next please.

21 KEN THORPE: Good afternoon, Council. My
22 name is Ken Thorpe and --

23 CHAIRPERSON DROMM: [interposing] You
24 just have to hit that red light.

25

1
2 KEN THORPE: I'm sorry. My name is Ken
3 Thorpe, and I'm the Chairperson from the New York
4 Trucking and Delivery Association, NYTDA, and you
5 have one package in front of you there relative to
6 us. I'm also a member of the New York City Delivery
7 Solutions Coalition. It includes Fed Ex, Fresh
8 Direct, Coca Cola, UPS and others, and you have a
9 separate package submitted to you there, and I've
10 signed in twice and if you will—two things: Allow me
11 to testify on behalf of each. Also, please bear with
12 me. I'm just getting a bronchial condition. If I do
13 what he does—did, I will die. Primarily, I'm going
14 to discuss 1141. NYTDA was with this program at its
15 onset in its early days with a few other large
16 companies. The difference was I represented a
17 handful at that time of small businesses, and as
18 Martha Stark, Commissioner at that time testified
19 before this committee back then, that I was
20 responsible for making the program successful. Why?
21 Because I turned it from the UPS/Fed Ex show into a
22 small business show. I myself put 1141 companies,
23 small business companies, 1 and 2—they're mom and pop
24 shops, and medium size companies as well into this
25 program, and the program was really designed more for

1
2 them than UPS, Fed Ex and all the big guys I'll talk
3 about later. Why? Because the guys are busy.
4 They're running their trucks. They don't have time
5 to be going to court. The fact of the matter is
6 stipulated fines is a small business program, and it
7 helps small businesses, and that's something most
8 people don't realize because all they think about—I'm
9 sorry, but they think about the Giants, and they
10 think about they can afford it. Well, guess what?
11 My guys can't, and I'll tell you something, I put
12 1,141 companies into this program. I've only got
13 about 700 and something now. They didn't leave to go
14 to the brokers. A couple do, of course. Most of
15 them are out of business not just because of the cost
16 of fines, but because it's tough to do business in
17 New York. We get—small businesses were beaten up
18 every day, and the guy who gets a couple extra
19 tickets that day is not moving the food onto his
20 family. He's not paying the bill. Okay, what this
21 program did for the average small business was allow
22 them to not pay attention to their tickets other than
23 the fact that we—what this program does that being
24 outside the program does not do it trains people. The
25 whole purpose behind this, which is missing by the

1 Department of Finance is about the inception of this
2 program. When this program was conceived, it was the
3 difference between good, not go good and very bad
4 type fines. In fact, they used to have them colored
5 [bell] green, yellow and red, severity of the fine.
6 The idea was to train drivers to park in the less
7 severe areas and not the worst including handicap
8 spots and so forth. Now testimony was given before
9 that these handicap spots and other safety violations
10 when up, and I think Mr. Velosky testified to that.
11 They went up substantially in the last quarter. He's
12 right, except one thing, his day is distorted. All
13 fines across the board did. There's been a surge in
14 parking ticket issuance over the last three or four
15 months. All tickets, all categories not just safety
16 violations has been on up. So, that is distorted
17 data, and it's untrue. The fact of the matter is
18 this program is designed to emulate hearings, and it
19 does. You're going-by eliminating this program,
20 you're not going to charge these people more. You're
21 going to charge them the same. The difference is the
22 small businesses are going to have to re-cost the
23 costs, incur the cost of paying somebody else to go
24 to go to court for them or take the time off to do it
25

1 themselves. The truth of the matter is there's
2 nothing wrong with this program. Everybody here, all
3 the stakeholders here have reasonable disputes
4 whether it's Transportation Alternatives, People with
5 Disabilities. Here's the problem. I did this on
6 purpose not to be judge. I'm not a judge. This is an
7 egg carton. It's our city. You need a piece of it,
8 you need a piece of it, you need a piece of it. This
9 egg carton is not getting any bigger. We keep piling
10 and piling and piling and piling on top. When it
11 comes to the trucking industry, we're a captive
12 audience. We have to come into the city. How are
13 you getting everything you have on your desk? How
14 are all of us getting things that we order on Amazon.
15 Now, I have to defend the big guys. They deliver all
16 those packages, too. The fact of the matter is we
17 consumers businesses [bell] and governments say bring
18 those packages to us and bring them now. But here's
19 the problem. We have now divided this egg carton up
20 into everything. We've got them definitely flagged
21 as bike lanes, bus lanes. We have Ride Share, Bike
22 Share. This, we could slice that even smaller, but
23 what do we do? We blame the truck—why do we blame
24 them? Because he's in the way. Where is he parking
25

1 folks? Why don't we start talking about that more?
2 Where is he parking? Now, much could we fine him?
3 Double Parking Rules were put together by small
4 people like you. You said there is nowhere to park.
5 Let the guy park for a half an hour to make a
6 delivery. It's a pain in butt, well now especially
7 with everything else we've thrown into the pie. What
8 are we going to do? Stop? Well, you've been talking
9 about the one lane. You're talking about the one
10 lane and the two lanes and the four not parking.
11 You're not parking in it. Who's serving those
12 businesses? Who's dropping the packages off into
13 the houses? Guess what? We're still going to do it.
14 The only difference is we're going to get fined for
15 doing it. Why we're going to do it? Because you
16 demand it, and I don't just mean you particularly,
17 all of us demand it. It has to happen. The bottom
18 line is it's not the program. It's not the manner in
19 which a ticket is adjudicated. It's how are we going
20 to meet the needs in this city when we keep piling it
21 up? We're crushing it to death. Stop looking to
22 take away choices. We need more choices, more smart
23 ideas. Maybe instead of 3,500 traffic agents out
24 there to give the parking tickets, maybe what we do
25

1 is to take half of them and a pilot program. Which
2 one of you guys want to do that? We do a pilot
3 program and here's the pilot program. Let's say you
4 take an area a couple of blocks, the worst blocks and
5 out 50% of the agents that normally are out giving
6 ticket have them at every corner directing
7 pedestrians, keeping the pedestrian and cars from
8 colliding. You know, how many of you have been an
9 intersection trying to drive you own can, trying to
10 get it around the corner because the pedestrians
11 don't stop, but we have to let them go. But maybe
12 with an agent there, instead of giving our parking
13 tickets directing and the guy in the middle of the
14 street when the truck [bell] is double parked
15 alternate the traffic around him.

17 CHAIRPERSON DROMM: Okay, let me just ask
18 you to wrap up the second part of your--

19 KEN THORPE: That's the first part.

20 CHAIRPERSON DROMM: Well--

21 KEN THORPE: Now--

22 CHAIRPERSON DROMM: Generally I don't
23 allow the same person to speak twice, but if you can
24 make it quick, I'll-I'll-I'll-I'll let you go for
25 three minutes.

1
2 KEN THORPE: That was on behalf of the
3 NYTDA and small businesses.

4 CHAIRPERSON DROMM: No, I know, but
5 you're the same person. But I'll let you speak twice,
6 but you have to keep it within the three minutes.

7 KEN THORPE: That was Ken Thorpe. I'm
8 Kenny Thorpe, and I'll make this as quick as I can.

9 CHAIRPERSON EUGENE: Okay.

10 KEN THORPE: Thank you very much. Okay.
11 Thank you for the opportunity to testify on behalf to
12 the Delivery Solutions Coalition, which is comprised
13 of the following members: Fed Ex Corporation, United
14 Parcel, Liberty, Coca Cola Beverages, Verizon, Fresh
15 Select, Charter Communications and New York Trucking
16 Delivery Association. The programs started in 2004
17 by New York City Department of Finance with the
18 assistance of many members of this coalition. The
19 original purpose of the program to expedite payment
20 of violations to remove the burden from the City of
21 adjudicating hundreds of thousands of individual
22 tickets yearly. Today, the participants of this
23 program have receive over one million tickets
24 annually. Since the inception of the Stipulated Fine
25 Program the city has saved millions of dollars in

1 operational costs to adjudicate these violations
2 through the Stipulated Fines Program. The program
3 has been mutually beneficial to all parties involved.
4 It saves everyone administrative costs and the time
5 it takes to adjudicate these tickets. The
6 participant program gives the right to challenge any
7 of the violations they received in exchange for a
8 basic amount reduction through certain violations.
9 These reductions would most likely have been achieved
10 if they had been adjudicated in court. In exchange,
11 the city receives a payment of violation within 45
12 days from the time the ticket is logged in the system
13 as opposed to waiting several months to receive
14 payment. The city has generated more than \$40
15 million annually from the Stipulated Fine Program and
16 this year estimated collections will be in excess for
17 \$60 million. Due to the increase of fees, an
18 increase in the volume of tickets given by NYPD and
19 to ES (sic). Delivery Solutions Coalition
20 respectfully opposes the 1141 as it calls for the
21 elimination of the Stipulated Fine Program which will
22 be detrimental to all parties involved. We cannot
23 support the demise of the Stipulated Fine Program for
24 the following reasons: The Stipulated Fine Program
25

1 is mischaracterized by the promises of free giveaway
2 or corporate work, when, in fact, the city has made
3 parking increasingly difficult for the Coalition
4 members. The city has consistently reduced
5 commercial loading and unloading zones while
6 increasing bike lanes, bike racks, docking stations,
7 but lanes, pedestrian walkways and city issued
8 parking placards. There has also been a significant
9 increase in the number of for-hire vehicles on the
10 streets, which has significantly reduced the number
11 of legal parking spaces for truck deliveries and
12 other service providers. While the purpose these
13 initiatives is worthwhile, it comes at a cost to
14 those of us who need to access the curb space to make
15 deliveries, necessary deliveries and provide
16 necessary services. Given the sheer number of
17 vehicles delivering products and services, there
18 simply are not enough legal parking spaces in New
19 York City. Participants do not want to get violations
20 as the cost of doing business. However, the city of
21 New York has not presented any other options for our
22 members to legally deliver essential products and
23 services to our customers and your constituents and
24 yours truly. We deliver necessary goods and provide
25

1 essential services to residents. Businesses in the
2 city of New York would not be able to operate without
3 the services we provide. We find our companies being
4 targeted, by NYPD and DEA daily including new
5 congestion pilot programs that make it increasingly
6 difficult for our workers to do their jobs in a
7 timely and safely manner. Now, this proposed would
8 eliminate [bell] the Stipulated Fine Program just
9 four months after the DOF increased fines have cost
10 our companies 40% more than this time last year
11 without providing any other relief. The elimination
12 of this program would dispropor-disproportionately
13 impact small companies who are already struggling to
14 survive in New York City. These businesses would
15 incur additional costs to adjudicate tickets
16 themselves or would have to have brokers who wanted
17 to do so. Brokers and lawyers are the only clear
18 winners of the Stipulated Fine Program that would go
19 away because they would an immediate increase in
20 their revenue, which is why they would consistently
21 lobby for the demise of the Stipulated Fine Program.
22 The Stipulated Fine Program has operated efficiently
23 for the city of New York while costing them virtually
24 nothing to collect the millions of dollars in annual
25

1
2 revenue. We respectfully ask that you reconsider the
3 usefulness and benefits of the Stipulated Fine
4 Program and leave it intact. By truly understanding
5 what the program really is, what it does and the
6 position the—the companies and the delivery people
7 who are residents [bell] of this city, they're your
8 constituents, the people that are behind these
9 trucks. Help out, too. We're your—we're your
10 constituents. Thank you very much for your time.

11 CHAIRPERSON DROMM: Thank you, Mr.
12 Thorpe. Thank you. Next please.

13 EDWARD FUNK: Hello, my name is Edward
14 Funk--

15 CHAIRPERSON DROMM: Can you just move the
16 mic over so we can get that clear.

17 EDWARD FUNK: The Sound of Inclusion
18 Market Advertising Group. I want to thank you for
19 this opportunity. I'll make this very short. The
20 Stipulated Fine Program discriminates against
21 individuals that are disable, people who can't drive.
22 I ask you to please vote for 1141. Thank you very
23 much.

24 CHAIRPERSON DROMM: Thank you very much
25 for coming and so thank you to this panel as well.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 TRANSPORTATION AND COMMITTEE ON GOVERNMENTAL
3 OPERATIONS

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4 We appreciate your time and sharing your opinions on
5 the proposed legislation. Thank you all. [background
6 comments] Alright, and with that this meeting I
7 adjourned at 4:00 p.m. the afternoon. Thank you.

8 [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 May 23, 2019