

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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February 25, 2009

Start: 1:14pm

Recess: 2:55pm

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Daniel R. Garodnick
Vincent M. Ignizio
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Diana Reyna
Larry B. Seabrook
Simcha Felder
James Vacca

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

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

Susan Petito
Assistant Commissioner of Intergovernmental Affairs
New York City Police Department

Deputy Inspector Terence Hurson
Executive Officer from NYPD's Management Analysis and
Planning

Michael Bellew
Chief, Cleaning Operations
New York City Department of Sanitation

Glen Bolofsky
President
Parkingticket.com

Thomas Hillgardner
Executive Director
New York City Parking Justice League

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CHAIRPERSON LIU: Good afternoon.

Welcome to today's hearing of the City Council's Committee on Transportation. My name is John Liu. I have the privilege of chairing this Committee. Today the Committee will be holding a hearing on Intro number 907, introduced by Council Member Simcha Felder, which would create a five-minute grace period for certain parking violations.

Parking in New York City is one of the most stressful experiences of living here. It's often difficult to determine where you can park and when you can find a space and it may be in some cases difficult to determine how long you can park there. Some people believe that this confusion helps the City to collect fines. In fiscal year 2009, the City collected over \$624 million in parking fines, up--greatly increased from previous years. Some tickets seemed to be issued unfairly. In fiscal year 2008 276,000 tickets were issued within five minutes of alternate side of the street parking violations going into effect, parking regulations going into effect. And 28,000 tickets were issued at the exact minute these regulations went into effect. These tickets are

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2 unfair because they punish many New Yorkers who
3 have every intent and desire to follow the law. I
4 can ask any one of my colleagues for the time and
5 I bet that none of us will necessarily have the
6 exact time. That is the point of today's bill, to
7 give a break to thousands of law abiding New
8 Yorkers who fully intend to obey the law, but
9 nonetheless have the sneaking suspicion that the
10 City is waiting around the corner, waiting to get
11 them on these violations. It is not the spirit
12 nor the intent of these laws that is being
13 enforced, but it lends credence to people's
14 ongoing and growing concerns that the City is
15 viewing motorists as just cash cows, a source of
16 revenue for the City. We have opening statements
17 from the prime sponsor of Intro number 907,
18 Council Member Simcha Felder.

19 COUNCIL MEMBER FELDER: Thank you
20 very much, Mr. Chair. And I thank you for your
21 leadership on this issue as well as many others.
22 I had starting reading some of the testimony we're
23 about to hear, but I'll wait to hear it and then
24 attack it. I just think that I'd like to make one
25 point. The Department itself had a policy,

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2 although an informal one, that allowed for a five-
3 minute grace period. So Chairman Liu or Simcha
4 Felder or anybody else who is in favor of this
5 bill, although I'd like to claim the brilliance in
6 coming up with this idea, it was your idea; it
7 wasn't my idea. The question is why you took it
8 away. Why are people not being given a grace
9 period of five minutes. And some of the arguments
10 that have been made over time about the City
11 becoming dirtier, about the City becoming lawless
12 as a result of a grace period, and to try to
13 conjure up pictures of people, you know, cowboys
14 on horses running through the streets and
15 everything going wild because we're going to give
16 people a five minute grace period, I think is not
17 the way any reality actually is. So I'm not
18 surprised. I understand that the administration
19 and the agencies that report, you have to do your
20 job and come in and say that this is the worst
21 thing that will ever happen to New York City. But
22 in reality you are the ones, at least the
23 Department--I think it was the Police Department--
24 no, they would never do such a thing. It was the
25 Department of Transportation, right? It was the

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2 Department of Transportation that came up with
3 this policy and the question is why after all that
4 time of having a policy of giving people a break
5 did you take away the policy. We want it back the
6 way it was. Thank you.

7 CHAIRPERSON LIU: Thank you,
8 Council Member Felder. We've also been joined by
9 Council Member Jessica Lappin of Manhattan. And
10 with that I'd like to invite the members of the
11 administration for their testimony.

12 DAVID WOLOCH: Good morning
13 Chairman Liu, Council Members. I am David Woloch
14 Deputy Commissioner for External Affairs at the
15 New York City Department of Transportation. And
16 with me here today is Susan Petito, Assistant
17 Commissioner of Intergovernmental Affairs at the
18 New York City Police Department; Deputy Inspector
19 Terence Hurson, Executive Officer from NYPD's
20 Management Analysis and Planning; and Cleaning
21 Chief Michael Bellew from the Department of
22 Sanitation. Thank you for inviting us here today
23 to testify on Intro 907. We all share the goals
24 enhancing the safety of our streets and the
25 quality of life of our City. But we believe that

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2 the bill before you represents a counter-
3 productive initiative, which would confuse the
4 public, lead to increased congestion, dirtier
5 streets and have a deleterious effect on local
6 business and overall quality of life. Taken at
7 face value, Intro 907 provides a courtesy to
8 drivers in the City by giving them five extra
9 minutes to get to their vehicles before an
10 enforcement action is taken. In reality, what the
11 bill would do is immediately and universally
12 change the traffic rules so that one hour parking
13 is in fact one hour and five minute parking,
14 citywide, adversely impacting the City's traffic
15 and street cleaning operations. Curbside space is
16 a commodity in the City. It's imperative that
17 it's used as efficiently as possible, ensuring a
18 reasonable rate of turnover to accommodate all the
19 competing uses of the space. To best meet this
20 need, certain limitations are placed on curbside
21 use. Parking restrictions are developed based on
22 the needs of the area, designed to facilitate the
23 free flow of traffic and meet all public,
24 commercial and private interests. In addition,
25 restrictions are also tied to improved quality of

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2 life, keeping the air and streets as clean as
3 possible. Alternate side of the street
4 regulations are in place to ensure neighborhoods
5 are free of litter and the turnover facilitated by
6 time limits on parking spaces is intended to
7 reduce idling caused by cruising for spots and its
8 adverse effect on air quality. The bill would
9 also have a negative impact on safety, reducing
10 turnover in addition to increasing idling and
11 would create more dangerous conditions such as
12 double parking and parking in bus stops. It would
13 also impair the flow of traffic during rush hours
14 when posted signage prevents parking, standing or
15 stopping during certain times of the day. In
16 addition, it would disrupt the beginning of the
17 street cleaning schedules, effectively making it
18 more difficult for the Department of Sanitation to
19 complete street cleaning within this specific
20 timeframe. In addition to the bill's detrimental
21 effects on traffic and street cleaning operations,
22 it's not clear whether the legislation is intended
23 to apply to single space meters, as standard meter
24 spaces are designated by signage they would appear
25 to be subject to the bill's requirements. In

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2 these cases, the grace period would be impossible
3 to enforce as there is no way to know at what time
4 a meter expired. Now if the legislation were
5 clarified to exclude single space meters, it would
6 certainly lead to confusion among drivers who
7 assume that it does not apply to these meters. If
8 the bill's language were to make its applicability
9 absolutely clear, the common understanding of a
10 five-minute grace period will be that it applies
11 to all meter violations. We're concerned that
12 drivers will be more likely to arrive late at
13 their vehicles, receive summonses and perhaps
14 confront enforcement personnel, all because the
15 traffic rules have not remained clear. We
16 respectfully suggest that the enactment of a five-
17 minute grace period for certain parking violations
18 does not ultimately serve the goal of a safe,
19 clean and prosperous City. We can all sympathize
20 with drivers who receive tickets minutes after
21 parking restrictions go into effect or meters have
22 expired. However, there is no reason to believe
23 that offering a five-minute grace period will
24 prevent that from happening. Instead it merely
25 shifts what might be a conflict between a driver

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2 and enforcement personnel to a time five minutes
3 later. The proper means for addressing these
4 conflicts in individual instances is for the
5 motorist to contest the summons issued; the
6 solution isn't to create a universal five-minute
7 grace period which in time may turn into a longer
8 period, when five minutes doesn't seem like
9 enough. It's a fact of urban life that many
10 people park illegally, and undertake the risk of
11 receiving a summons as a consequence. The respect
12 for traffic regulations and the consistent
13 enforcement of those regulations are absolutely
14 critical to the continued vibrancy of our City.
15 We therefore urge you to reject the bill before
16 you as a tempting, but ultimately destructive
17 weakening of the rules which govern the movement
18 of traffic and the use of our streets. Thank you
19 for the opportunity to testify before you today
20 and we'd be happy to answer any questions.

21 CHAIRPERSON LIU: We have been
22 joined by Council Member Daniel Garodnick of
23 Manhattan, and Council Member Vincent Ignizio of
24 Staten Island. There are multiple hearings going
25 on at this moment and so Council Members will be

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2 coming in and out of the Committee hearings. We
3 have questions from Council Member Felder.

4 CHAIRPERSON LIU: Okay. The bill
5 that we're considering here, and the whole crux of
6 the Department of Transportation's testimony
7 against this bill is that we don't want to confuse
8 people in that we don't want to water down our
9 regulations. I don't see Council Member Felder's
10 bill as doing any of that. We're not suggesting
11 in any way that the Department of Transportation
12 or the City start posting signs that there in fact
13 exists a five-minute grace period. We're not
14 saying that--and if there's any question that five
15 minutes is sufficient or insufficient. In the
16 example of a no standing zone that is--in the
17 example of a street where there is no standing
18 from 4:00 p.m. to 7:00 p.m., we're not suggesting
19 that it be changed to 4:05 to 7:05. We're simply
20 saying that you don't have to give out tickets in
21 the first five minutes. That's all we're saying.
22 There is no communications necessary on the part
23 of the City to the general public. The City does
24 not have to say anything to anybody. Just don't
25 have the enforcement. Just don't issue those

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2 tickets so quickly. And in fact as Council Member
3 Felder said, this was--this had been City policy
4 for a long time. We're not saying the regulations
5 should change. We're simply saying that the City
6 should enforce the rules in the interest of
7 keeping people safe and traffic moving, but that
8 it is not wrong to have a heart and not get people
9 at the exact moment. To hear that 28,000
10 summonses were issued for alternate side of the
11 street parking violations on the very minute that
12 that regulation goes into effect, to see that
13 28,000 summonses for alternate side parking
14 regulations were issued on the exact minute that
15 that regulation goes into effect, that creates a
16 huge amount of, to put it kindly, distaste among
17 New Yorkers. That is not something that we really
18 need to be doing in this city. So that's the
19 intent of this bill. You don't have to change
20 anything. The City doesn't have to change any of
21 the signs out there. Just don't have the
22 enforcement take place so quickly when in some
23 cases, in many cases, people have every intention
24 to come back on time and to move their cars if
25 necessary, but that for whatever reason they got

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2 there a minute, two minutes, a couple of minutes
3 late. And maybe if you came back to us and said,
4 well you think that five minutes is too long--I'm
5 not saying it is too long, but if maybe you think
6 professionally from your judgment that five
7 minutes is too long and it actually will impede
8 the flow of traffic then maybe we'll--let's talk
9 about four minutes. But again, 28,000 tickets in
10 one year issued to people on the exact minute that
11 that regulation goes in to effect. That is not
12 necessary. It's totally unnecessary. Now we have
13 questions from Council Member Felder and other
14 members. I will come back with follow up
15 questions. Okay, Council Member Ignizio. Council
16 Member Felder is a true gentleman.

17 COUNCIL MEMBER IGNIZIO: Thank you,
18 Council Member Felder and Chairman. I just asked
19 and maybe I missed it and it was said, but upon
20 the agency saying that the reason why we have
21 meters and enforcement is turnover. What is the
22 objection or the umbrella behind the objection of
23 putting even a one-minute--he said four minutes
24 but I'm just asking a hypothetical--a one-minute
25 grace period on the time elapsed?

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2 DAVID WOLOCH: Certainly the longer
3 the grace period the more problematic it is. But
4 inherently having a grace period codified in to
5 law means that--we have no plans to change our
6 signs, but if we have a one-hour parking, that
7 parking will now be officially one hour plus. And
8 I think you're underestimating the savviness of
9 New Yorkers. Were this bill to become law then it
10 would be official that for 60 minutes of parking,
11 and let's stick to what's in the bill, where the
12 sign says one hour it would now be one hour and
13 five minutes, and it would be inherently confusing
14 to people. So that's one objection. But every
15 minute that we allow a motorist to stay beyond the
16 time threshold is a minute where that curb space
17 is not going to be available for some other
18 motorist. And if it's one minute or five minutes,
19 maybe it's five minutes this year, maybe next year
20 it would become ten minutes. But that takes away
21 from curb space availability. And we've spent a
22 lot of time in this chamber; I think all of us are
23 in agreement as to how--the dearth of available
24 parking and how important it is. But the
25 fundamental problem is no matter what that point

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2 is, whether it's 60 minutes or 61 minutes or 65
3 minutes, there is the potential for disagreement
4 between the motorist and the enforcement agent
5 whenever that enforcement starts. So you're just
6 pushing out the problem, whether you're pushing it
7 out one minute or--

8 COUNCIL MEMBER IGNIZIO:

9 [Interposing] I understand.

10 DAVID WOLOCH: --whether you're
11 pushing it out five minutes.

12 COUNCIL MEMBER IGNIZIO: I think
13 the point that this Council is trying to make and
14 certainly I share my colleague, Simcah Felder's
15 view, is that transportation has given way to
16 revenue generation and a desire for we need to get
17 tickets--we need to get cash in to the system has
18 given way of we need to move people along so other
19 people can park. So that's where the umbrella is.
20 And the example that I have is with my colleague,
21 Council Member Oddo and I, which is right outside
22 of Staten Island University Hospital, where
23 literally people could be hobbling back, and we
24 did a media report with it--people were in fact
25 leaving the hospital trying to see sick loved ones

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2 or sick themselves, trying to feed the meter with
3 a person waiting at five, four, three, two, one,
4 they start writing the ticket. It didn't matter
5 if the lady was walking up. So in the absence of
6 sanity, and common decency on behalf of those
7 writing the tickets, we have a hearing like this
8 and we have a proposed legislation. And
9 apparently based upon the response from this
10 Council, it's something that's worthy of
11 discussion. Thank you, Mr. Chairman and thank you
12 to my colleague, Mr. Felder.

13 COUNCIL MEMBER LIU: Thank you very
14 much. And I do have to say something about the--I
15 mean, you know, my friend David Woloch is a great
16 Deputy Commissioner for the Department but
17 sometimes, you know, I think we have to listen to
18 the statements that we make. And, you know, it is
19 not--this is not about New Yorkers being savvy
20 always trying to gain the system and trying to
21 squeeze out a few more minutes. That's not what
22 this is about. This is about people who honestly
23 are trying to abide by the law, but for whatever
24 reason they're not intentionally waiting, if this
25 law goes through, an additional four and half

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2 minutes--but something holds them up unexpectedly.
3 And therefore we're saying that the City should
4 enforce the regulations but give a couple of
5 minutes. Give a five-minute grace period. It is
6 not wrong. It will not undermine the ability of
7 parking spaces to turn over. It will not get in
8 the way of free flowing traffic or safety of
9 people on the roads. Now we have questions from
10 Council Member Lappin.

11 COUNCIL MEMBER LAPPIN: Thank you,
12 Mr. Chair. It's not so much a question as really
13 just a comment and to tell Council Member Felder
14 that I support his legislation. And I guess the
15 one thing I would say in regards to Commissioner
16 Woloch's testimony and I agree that he's an
17 excellent deputy commissioner is that I don't see
18 how this really would reduce turnover as you
19 testified to, because it's five minutes. And, you
20 know, I got a ticket the other day and it hadn't
21 even expired yet, and it was a Muni Meter, so I
22 can show that the time of the ticket and the time
23 on the Muni Meter receipt are not the same, so I
24 can fight that. But they're so eager to write
25 tickets that before it even expires they've

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2 written the ticket. And you know, I don't see why
3 we're harassing people to that extent. I
4 understand wanting to give businesses the
5 opportunity to get new patrons and wanting to
6 encourage people to vacate those spots, but I
7 think what's happening is just people pouncing.
8 And I don't if it's because they have quotas or
9 what. But you know, even if it is outside of a,
10 you know, double parking for two minutes to run in
11 to a building and drop something off or to pick
12 something up, you should be able to just take a
13 minute to do that without the fear of getting a
14 ticket. So I think that this makes a lot of
15 sense. We're talking about five minutes. I don't
16 think it's a big deal.

17 TERENCE HURSON: If I could, the
18 Police Department agrees with the City DOT that we
19 feel the giving people the extra five minutes for
20 the meters will increase the amount of vehicles
21 that will be hunting for parking spots and then
22 lead to more people double parking and more people
23 parking in bus stops. This administration, over
24 the last eight years and then some, has done a
25 tremendous job in reducing the amount of vehicle

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2 crashes in the City. We, with our partners in
3 DOT, have since 2000 been able to reduce the
4 number of fatalities in this city by 24%. We've
5 reduced the number of people injured in vehicle
6 accidents by 45%. And our focus has always been
7 in reducing the vehicle crashes and saving
8 peoples' lives. We send our traffic agents out
9 there to write these summonses for double-parking,
10 for bus stops; they have a very difficult job to
11 do. Last year 86 of them were the victims of
12 assault while trying to write a summons. 113 of
13 them were victims of harassment, either were spit
14 on, shoved or pushed or kicked while trying to
15 write a summons. So we feel that by codifying any
16 grace period in any type of parking violation, it
17 could only increase the conflicts that they'll
18 encounter with the public, the general public, who
19 will think that there is now a codified five-
20 minute grace period for numerous other violations
21 despite just meters and alternate side of the
22 street parking.

23 DAVID WOLOCH: And in fact just to
24 piggyback on that, Council Member, I mean your
25 comment about somebody who double parks who just

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2 runs into their house for a minute, I think this
3 gets at the problem. In fact I don't think the
4 bill is aimed at double parking and I think
5 there's reasons for that, particularly not only
6 for traffic flow concerns but also concerns about
7 safety. But this gets at the issue that we will
8 not be--this bill would not becoming law in a
9 vacuum; there would now be this five-minute grace
10 period. People would think that it applies to
11 other meters where it doesn't apply. People would
12 think that it applied to activity like double
13 parking, which seems very innocuous from the point
14 of view of the motorist who is just going to run
15 into the building for one minute and then come
16 out, but in fact creates safety concerns, which is
17 why the police department has been over the past
18 decade cracking down on that sort of behavior with
19 success. And I'm sure you're not the only one who
20 would come to that conclusion, that double parking
21 would be something that would have a grace period.
22 And I think that exemplifies part of the concern
23 that we have.

24 CHAIRPERSON LIU: Thank you very
25 much, Council Member Lappin. We have also been

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2 joined by Council Member Oliver Koppell of the
3 Bronx and Council Member Diana Reyna of Brooklyn
4 and Queens. We have questions now from the prime
5 sponsor of the bill, Council Member Felder.

6 COUNCIL MEMBER FELDER: Thank you
7 very much again, Chairman Liu. I just want to--
8 before the questions, I want to clarify--I want to
9 make sure that everyone at the table agrees with
10 DOT. I know Chief Hudson--is that it? Hurson--
11 says that he agrees with DOT. Do the other two
12 witnesses agree with DOT about this matter?

13 SUSAN PETITO: Yes.

14 COUNCIL MEMBER FELDER: Yes. I
15 just wanted to make sure that that was the case.
16 Now Commissioner Woloch, I want to clarify
17 something about your opinion about drivers. In
18 your testimony you talked about people being
19 easily confused and yet you called them very
20 savvy? Are they savvy or easily confused?

21 DAVID WOLOCH: I think it's very
22 possible, probably many of us would fall into this
23 category of being both very savvy but also having
24 the ability to get confused. I think that would
25 probably apply--

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COUNCIL MEMBER FELDER:

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[Interposing] Okay.

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DAVID WOLOCH: --to most people in
this room.

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COUNCIL MEMBER FELDER: I just want
to make sure that the divers are savvy and easily
confused. But now in addition, do you know that
there was a policy in place that in fact--informal
policy--gave people a grace period?

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DAVID WOLOCH: I've heard of that.

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That seems to have been well before my time but--

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COUNCIL MEMBER FELDER:

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[Interposing] But you've never seen it actually?

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DAVID WOLOCH: No. No, certainly

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not during my tenure.

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COUNCIL MEMBER FELDER: If you need

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help we can get you a copy of it.

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DAVID WOLOCH: That would be

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wonderful.

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COUNCIL MEMBER FELDER: I would

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have appreciated you looking at it before you

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came.

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DAVID WOLOCH: Council Member was

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it a law or a policy?

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2 COUNCIL MEMBER FELDER: It was an
3 informal policy, but it was in writing. It wasn't
4 a Council Member who called somebody and said can
5 you do me a favor. It was in writing by the
6 Department. So that means that since the
7 Department is so wonderful and you've heard
8 everyone compliment you, and I assume the
9 Department, that at some point they thought many
10 of the things that you discussed were not a
11 problem or else they would not have had this
12 policy in place.

13 DAVID WOLOCH: All I can say is
14 that sometime under the previous mayoral
15 administration enforcement was moved from the
16 Department of Transportation--

17 COUNCIL MEMBER FELDER:
18 [Interposing] This is not a--

19 DAVID WOLOCH: [Interposing] --to
20 the Police Department.

21 COUNCIL MEMBER FELDER: This is not
22 a question of blame or responsibility. I'm making
23 an argument. And even for me it's, I think, a
24 pretty decent one.

25 DAVID WOLOCH: You often make good

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2 arguments, Council Member.

3 COUNCIL MEMBER FELDER: Thank you.

4 DAVID WOLOCH: Don't sell yourself
5 short.

6 COUNCIL MEMBER FELDER: I
7 appreciate it. You know what? I'm against this
8 bill. The issue here is that you had a policy and
9 the policy made sense. For whatever the reason
10 that policy stopped. I would just argue, the
11 Department, whether it's the Police Department or
12 the Department of Transportation, saw fit to give
13 people informally a five-minute grace period and
14 didn't feel that it would create havoc and doom
15 throughout the City. So we start off with a
16 premise that it's not such a terrible thing. In
17 addition are you aware there are other localities
18 that have this policy?

19 DAVID WOLOCH: Not specifically but
20 I'm sure there are. But again, it's interesting
21 that the other localities have a policy and not a
22 law. And I think there's a big distinction--

23 COUNCIL MEMBER FELDER:

24 [Interposing] Are you volunteering to put this--

25 DAVID WOLOCH: [Interposing] No, I

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2 just--

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COUNCIL MEMBER FELDER:

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[Interposing] --to put this in to policy so that

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we can end the hearing?

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DAVID WOLOCH: I'm just suggesting

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that it's interesting.

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COUNCIL MEMBER FELDER: I think

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it's very interesting as well. If you had the

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policy in effect we wouldn't be having a hearing

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today.

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DAVID WOLOCH: If this became a law

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every time we have one hour of parking, everybody

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would know that that means that it's 65 minutes of

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parking.

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COUNCIL MEMBER FELDER: One minute.

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One minute. Listen. You're not a politician.

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The politician like me, they figure out what I

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should say and I repeat it over and over again,

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even if it has nothing to do with what somebody

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else just asked me.

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DAVID WOLOCH: That's the secret?

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COUNCIL MEMBER FELDER: You don't

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have to keep on telling me how many times you said

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this. 65 minutes--

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2 DAVID WOLOCH: [Interposing] It's
3 an important point.

4 COUNCIL MEMBER FELDER: No, but
5 you've said it six times already.

6 DAVID WOLOCH: And perhaps it's the
7 most important--

8 COUNCIL MEMBER FELDER:
9 [Interposing] Do you want to say it again? Go
10 ahead.

11 DAVID WOLOCH: I'm not sure if it--

12 COUNCIL MEMBER FELDER:
13 [Interposing] I'm sorry for interrupting you. Do
14 it again.

15 DAVID WOLOCH: --if it sunk in. If
16 one hour is changed to 65 minutes, every customer,
17 every motorist, most of them, will know I have 65
18 minutes and I'm going to come down as close to I
19 can 65 minutes. And then they get delayed for
20 whatever reason and you run into the same problem.
21 If this is law it doesn't solve the very problem
22 that you're trying to address.

23 COUNCIL MEMBER FELDER: Okay, but
24 you promise you're not going to say the 65-minute
25 thing again?

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2 DAVID WOLOCH: I--

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3 COUNCIL MEMBER FELDER:

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4 [Interposing] Please.

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5 DAVID WOLOCH: At least for a few
6 minutes.

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7 TERENCE HURSON: I'll say it.

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8 COUNCIL MEMBER FELDER: Now I'm
9 going to ask you again--

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10 SUSAN PETITO: [Interposing] 65
11 minutes.

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12 COUNCIL MEMBER FELDER: Yeah, she
13 can say it. I want to know, whether if you would
14 consider implementing this as a policy the way it
15 was. When I asked you about other localities you
16 said that's a policy, it's not a law. And I asked
17 you would you consider implementing it as a policy
18 the way you had. It's a yes or no.

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19 DAVID WOLOCH: Well for better or
20 worse the Department of Transportation no longer
21 has responsibility for enforcement.

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22 COUNCIL MEMBER FELDER: Okay. I'm
23 not going to get an answer from you on this one,
24 so I'll go to the next question.

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TERENCE HURSON: If I--

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COUNCIL MEMBER FELDER:

[Interposing] Has that--can you say yes or no?
Will I get an answer?

DAVID WOLOCH: I'll defer to my
colleagues.

TERENCE HURSON: If I could say, a
lot has been said about the amount of alternate
side of the street-parking summons that has been
written within the first five minutes, and this
was taken from a New York Times article.
Apparently they foyleed [phonetic] parking
summonses from the Department of Finance. Those
276,000 summonses, they only represent 22% of all
the alternate side of the street parking summonses
the Police Department wrote last year. I think
only 18% of all the summonses for alternate side
of the street parking written in the city last
year. 1.2 million summonses the Police Department
wrote last year for alternate side of the street
parking. Obviously a million of them are written
after the five minutes. People, that's a million
people who decided they were going to take the
gamble and not move their car on alternate side of
the street parking day. We feel if people feel

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2 that they knew there was some type of grace period
3 they'd have a better chance of getting away with
4 it, and it interferes with the Sanitation
5 Department's job and what not.

6 COUNCIL MEMBER FELDER: Okay. Now
7 back to--I heard what you had to say, but you in
8 fact gave me an idea bout my next question. Is
9 that my impression--and please correct me if the
10 numbers are wrong--is that ten percent of the
11 summonses for alternate side, I'm talking about
12 only alternate side tickets, were issued within
13 the first two minutes of a violation. So for
14 example if it was 9:00 to 10:30, between 9:00 and
15 9:02, ten percent of all the tickets issued for
16 alternate side--I'm not talking about all the
17 tickets, I'm talking about alternate side tickets
18 were issued within those two minutes. Is that
19 correct? Well if you don't say it's not correct,
20 it's okay also.

21 SUSAN PETITO: Council Member, I'm
22 sorry. We don't have the information for two
23 minutes. If you could give me the number rather
24 than the percentage we could check it, because
25 it's against a population of 1.5 million alternate

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2 side tickets issued over the course of the year by
3 all agencies.

4 COUNCIL MEMBER FELDER: Fair, fair.

5 SUSAN PETITO: So what if it's
6 150,000--

7 COUNCIL MEMBER FELDER:

8 [Interposing] I understand.

9 SUSAN PETITO: --then that would be
10 ten minutes--that would be ten percent.

11 COUNCIL MEMBER FELDER: Yeah, so
12 yes. The answer is yes.

13 SUSAN PETITO: Okay.

14 COUNCIL MEMBER FELDER: So what I
15 would say to you is that it's clear that during
16 the first two minutes, ten percent of all of those
17 kind of tickets, not all tickets, were issued
18 within the first two minutes of a violation. Now
19 I would say that if I had the chutzpah to come to
20 Chairman Liu and say I have an idea, do you know
21 what? Last year 5,000 tickets alternate side
22 tickets were issued within two minutes--he'd say
23 okay, it may not be nice, but that's not a big
24 deal. You're talking about 150,000 tickets. And
25 if 150,000 tickets are being issued the first two

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2 minutes, the issues of the clocks, there was a
3 reason the Department had the policy of a grace
4 period. It's because they are not synced
5 necessarily and sometimes the scanners are not.
6 Unless you can confirm otherwise, I don't think
7 the scanners are synced with atomic clocks.

8 SUSAN PETITO: They actually are.

9 COUNCIL MEMBER FELDER: Yes?

10 SUSAN PETITO: And in fact when
11 there was a problem a little while ago, I think it
12 was about a year ago.

13 COUNCIL MEMBER FELDER: Yeah.

14 SUSAN PETITO: When there was a
15 problem, what had happened was the atomic clock
16 had failed. Now there's redundancy built into the
17 system--

18 COUNCIL MEMBER FELDER:

19 [Interposing] Interesting.

20 SUSAN PETITO: So that it flips
21 from one clock to another. So the PTDs that the
22 traffic enforcement agents use are actually
23 accurate and so there's no doubt about that.

24 COUNCIL MEMBER FELDER: Good. I
25 apologize. But given that, would you be willing

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to agree that it is possible that the scanner has one time and that even somebody who is trying to keep accurate time is a minute off? Is that possible?

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SUSAN PETITO: Yes. And as a driver, that's why I make sure I get to the parking meter a couple of minutes early.

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COUNCIL MEMBER FELDER: Okay. But since you're perfect and I'm not, that's what this is all about. Most of the people in the city--let me go back to the issues of the--and Mr. Chairman please stop me if I'm--the issue here is again going back to a policy that you had in effect at a time that--and you felt that it could work and we want those back. Does anyone at the table know how many of these tickets have been dismissed?

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SUSAN PETITO: We don't have that information.

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COUNCIL MEMBER FELDER: So if any of the questions--can I ask permission from the Chair that somebody forward that information to the Chair, please? How many of these tickets--

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SUSAN PETITO: [Interposing] You can ask the Department of Finance. The Department

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2 of Finance would have that information.

3 COUNCIL MEMBER FELDER: Finance?

4 SUSAN PETITO: Yeah.

5 COUNCIL MEMBER FELDER: Okay.

6 We'll have to get them from them. And how does
7 that compare, if I could ask the Council or the
8 Chair I should say, I apologize, how does that
9 compare with other violations in terms of being
10 dismissed? Because we're wasting a lot of
11 resources on this. Do you--I know you said it was
12 from a different administration, so am I to assume
13 you don't know why they abolished the five minute
14 grace period, that policy that you had that the
15 City had? Right?

16 SUSAN PETITO: Well we only know
17 that it changed when the traffic enforcement
18 agents were merged into the Police Department in
19 1996.

20 COUNCIL MEMBER FELDER: Right.

21 SUSAN PETITO: So that's 16 years
22 ago at this point.

23 COUNCIL MEMBER FELDER: Okay. So
24 you don't know why.

25 SUSAN PETITO: No. I just know

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2 that the Police Department did not have such a
3 policy--

4 COUNCIL MEMBER FELDER:

5 [Interposing] I understand.

6 SUSAN PETITO: And so when the
7 traffic enforcement agents merged in to the Police
8 Department they adhered to, you know, Police
9 Department rules, Police Department procedures.

10 COUNCIL MEMBER FELDER: Right.

11 The--Chief Hurson, I think?

12 TERENCE HURSON: I'm a Deputy
13 Inspector.

14 COUNCIL MEMBER FELDER: Which one
15 is better?

16 TERENCE HURSON: Chief's better.

17 COUNCIL MEMBER FELDER: Chief
18 Hurson--yeah, we'll continue with Chief Hurson.
19 What I wanted to say is that you mentioned--your
20 colleague Commissioner Woloch mentioned about the
21 conflict, postponing the conflict that may arise
22 when people are in disagreement. You sort of, I
23 thought you intimated that it might create more
24 conflict. That was--I don't want to put words in
25 your mouth.

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2 TERENCE HURSON: We do feel--I do
3 feel that way. The codifying of any grace period
4 for meter violations and alternate side of the
5 street parking will lead some people to think
6 there's a grace period for double parking or for
7 parking in a bus stop.

8 COUNCIL MEMBER FELDER: Yeah.

9 TERENCE HURSON: I know that's not
10 what the law says.

11 COUNCIL MEMBER FELDER: I
12 understand. I actually don't agree with you. I
13 know you're shocked, but I actually don't agree
14 with you because the same--I would think that the
15 same problems that exist today with regard to
16 people thinking they can do whatever they want to
17 at a bus stop or fire hydrant, I don't think this
18 will impact it in any way. Commissioner Woloch,
19 in your testimony you went to a variety of
20 different areas and you've talked about the 65
21 minutes. I just want to make sure--

22 DAVID WOLOCH: [Interposing] Now
23 you raised it.

24 COUNCIL MEMBER FELDER: I raised it
25 because I want to make sure people got it. You

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2 know what I mean? But you also said that
3 businesses don't want it. I don't think that I
4 have met anyone who has a business--certainly in
5 Brooklyn, I can't say throughout the City, but
6 certainly in the neighborhoods--that are not in
7 favor of the grace period. Now you also mentioned
8 that the legislation has two components, one that
9 has to do with alternate side of the street
10 parking and the other that would be only
11 applicable to muni meters not to regular meters
12 and then people might be confused, certainly on
13 that issue. If it only applied to alternate side,
14 would you be in favor of it?

15 DAVID WOLOCH: As I just described,
16 there were concerns about the impact on alternate
17 side parking, there was also concerns about the
18 impact on meters. So certainly if it were not
19 apply to meters, that would be preferable. But
20 the same sorts of concerns that we have about the
21 meters we have about the alternate side. And as I
22 said in the testimony there would actually be an
23 impact on the Department of Sanitation's ability
24 to start street cleaning.

25 COUNCIL MEMBER FELDER: Can

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somebody explain that please?

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MICHAEL BELLEW: Sure. When we set the routes up for mechanical sweeping, we're in a tight timeframe. So if the meters out there say no parking between 8:00 and 8:30, we try to clean that segment within 30 minutes. Now we'd have to wait to 8:05 to start that segment to get the first couple of blocks, because if the people get the five minute grace period and weren't liable to move, so we'd have to wait for them. Then after that, then they have to move.

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COUNCIL MEMBER FELDER: Can you just identify yourself for the record? I'm sorry.

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MICHAEL BELLEW: Oh, Chief Mike Bellew, Department of Sanitation.

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COUNCIL MEMBER FELDER: Chief Mike Bellew?

MICHAEL BELLEW: Michael Bellew, yes.

COUNCIL MEMBER FELDER: All right. Chief, I want to ask you a question. Assuming that after all of the testimony that takes place today, a bunch of council members decide to do the most terrible thing in the world and vote in favor

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2 of giving people a grace period and let's assume
3 for a minute that it becomes law whether or not
4 the Mayor signs it. You have the ultimate
5 responsibility of making sure that the streets
6 remain clean and we appreciate that very much. Do
7 you envision going, like going down a street, and
8 suddenly because of the grace period there being
9 dozens of cars illegally parked an extra two or
10 three minutes?

11 MICHAEL BELLEW: Yes.

12 COUNCIL MEMBER FELDER: Okay.
13 Commissioner Woloch, do you believe that as well?

14 DAVID WOLOCH: I certainly think
15 that there would be more cars parked there than
16 there would be otherwise.

17 COUNCIL MEMBER FELDER: Okay. I
18 won't go to the rest of the table. I would--I'm
19 sorry?

20 MICHAEL BELLEW: Also the broom has
21 to go around the cars, so we wouldn't be able to
22 complete our mission with--

23 COUNCIL MEMBER FELDER:
24 [Interposing] So let me tell you what I see today.
25 What I see today is that you're doing a great job

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2 as best as you can given--despite the violations,
3 despite the fact that there are people in
4 violation sometimes even more than five minutes.
5 You manage to keep the City clean despite that. I
6 don't buy into this theory of a grace period
7 suddenly having thousands of people throughout the
8 City looking at their clocks and knowing that it's
9 9:00 but I have another five minutes to get
10 outside. That's not what this is about. What
11 this is about is as the chair said, people knowing
12 that 9:00 starts, try to get out in time but
13 sometimes get stuck on a call, they have to run to
14 the bathroom or whatever it may be, not coming out
15 and finding an agent standing on top of their cars
16 at 9:01. That's what it's about. I don't believe
17 either that there's going to be a reduction in
18 cars there. I would agree that we're not going to
19 have less cars there in violation. I don't
20 necessarily buy into the fact that we're going to
21 suddenly have more and more cars all over the
22 streets illegally parked into the five minutes. I
23 don't buy that at all exactly because of the
24 argument that you made. It's a slippery slope and
25 somebody who doesn't want to get a summons is not

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2 going to want to take a chance about thinking
3 about 9:05, 9:06. I don't believe that. So the
4 work that you've done in keeping the City clean, I
5 think you'll be able to keep it clean, as clean as
6 you have before, whether or not there's a grace
7 period. The grace period is not going to suddenly
8 wholesale parking time in the City. So, I don't
9 know if you saw the letter from the AAA. Did you
10 see this letter from AAA New York?

11 DAVID WOLOCH: No.

12 COUNCIL MEMBER FELDER: Do you want
13 to see it?

14 DAVID WOLOCH: Sure.

15 SUSAN PETITO: Certainly.

16 COUNCIL MEMBER FELDER: Good. Why
17 don't you give him a copy of it? Do you have
18 another copy of it for a minute? If you read the
19 letter from AAA, and I don't think I consider them
20 the supreme court of the United States, but I
21 wanted to make sure that you didn't think that I
22 made up this line, even though it's a good one.
23 It says this practice, and they're talking about
24 the practice of the Department of issuing these
25 tickets literally on the dot or within the first

1 two minutes, borders on predatory enforcement. I
2 say it again, predatory enforcement, and goes
3 against the idea that agents are enforcing the
4 laws to keep traffic moving and to keep parking
5 spaces in front of businesses turning over.
6 That's not what it's about. I daresay that all of
7 those tickets, that's about bringing money into
8 the City and that's not what it should be about.
9 It should not be. We need a policy of--a culture
10 of, that's what it is, a culture of reasonable
11 enforcement. A culture of reasonable enforcement
12 so that people when they get tickets and with all
13 due respect to my colleague Council Member Lappin,
14 I don't agree, I think that that--giving people a
15 grace period with double parking, I agree with
16 Chief Hurson. And let me tell you, I've had
17 incidents in my neighborhood over and over again,
18 which he probably knows about. That you can
19 control. Once you give somebody a minute or two,
20 the safety issues regarding a bus stop, a hydrant,
21 double-parking, you can't compromise on that. But
22 alternate side or a meter for that matter? We're
23 not talking about safety. We're not talking about
24 safety whatsoever. So I just want to say I look
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2 forward to your coming back to the Chair and
3 offering to reinstitute the policy that was in
4 existence before so that we don't have to do the
5 legislation. But otherwise, I look forward to
6 your reconsidering your testimony and changing
7 your mind about this. There's time until Rosh
8 Hashonna for you to repent. All right?

9 CHAIRPERSON LIU: Thank you very
10 much, Council Member Felder. We've been joined by
11 Council Member Jimmy Vacca of the Bronx and
12 Council Member Larry Seabrook of the Bronx. I
13 will state right now that in general when we have
14 bills referred to this Committee that I have the
15 privilege of chairing, I do not put my name on as
16 a sponsor just because I want to hold a hearing to
17 hear exactly what the administration and other
18 people have to say. But I have to say right now
19 that the testimony I'm hearing from the
20 administration is rather weak in opposition, and I
21 am going to co-sponsor this bill with Council
22 Member Felder. Again. There are no safety issues
23 involved here. We are not talking about double
24 parking. We're not talking about bus stops.
25 We're not talking about hydrants. There are no

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2 safety issues. The bill specifically refers to
3 metered parking and to alternate side of the
4 street parking. That's what we're talking about
5 here. If you think that we need to clarify that
6 even further, we certainly are ready, willing and
7 able to work with the administration to make those
8 points clear. We do not believe that this is
9 going to make our streets dirtier. We don't
10 believe that this is going to lessen the turnover
11 of metered parking spaces. We are not saying in
12 any way that regulations should be changed and
13 that it is not going to be increasing a 60-minute
14 parking period to 65 minutes. No, we're not
15 saying that one bit. What we're saying is that
16 the City doesn't have to go out there and issue
17 tickets on the very minute that the restriction
18 goes into effect or even the first five minutes
19 the restriction goes into effect. If you think
20 that a smaller number than five minutes makes
21 sense, we can talk about that. But this is, and I
22 will emphasize the point that Council Member
23 Felder already talked about, this is about
24 changing the attitude of City government. And
25 changing the attitude from presuming that every

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2 New Yorker is out there to skirt the rules or to
3 game the system as much as they can to just having
4 some understanding that unforeseen circumstances
5 sometimes happen. And that a person may require a
6 couple of extra minutes to get to their car. In
7 the case of parking meters, it is not the case of
8 the vast majority of people come back within a
9 couple of minutes or when they're time elapses.
10 They go back as soon as they're done with their
11 business. If they feed a meter for an hour and
12 they're finished with their business in 15 minutes
13 they're all the more happy. There are lots of
14 people who leave lots of time left on their
15 parking meters. Same is the case with alternate
16 side of the street parking. People don't move
17 their cars 10, 15 or 5 minutes right before
18 alternate side parking restrictions go into
19 effect. They just don't park there in most cases.
20 But for the people that do park there, sometimes
21 it takes them an extra couple of minutes. Maybe
22 their baby is crying. Maybe the elevator is slow
23 because a lot more people are using. For some
24 unforeseen circumstances they may need a couple of
25 minutes. So this is about changing the attitude

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2 about the way we enforce these kinds of
3 restrictions. We're not asking for any change in
4 the parking regulations. We're simply saying that
5 it makes sense to return back to a policy that had
6 been in effect in this City for a long time that
7 presumes that people are trying to do the right
8 thing instead of presuming that people are awful
9 and they're always trying to game the system. We
10 have questions from Council Member Vacca.

11 COUNCIL MEMBER VACCA: I thank you,
12 Mr. Chair. And I want to first--I'll make it
13 quick, Mr. Chair. I'm sorry. I first, Mr. Chair,
14 want to thank you for indulging me. I'm not a
15 member of this Committee but I'm honored to be the
16 first co-sponsor on Councilman Felder's bill. I
17 very much believe in this. I don't know, ladies
18 and gentlemen, if you fully realize how people
19 feel in my community and throughout the City, in
20 many neighborhoods. We feel, many people feel
21 basically that they're under siege. Many people
22 feel that Big Brother is watching them in the name
23 of a traffic ticket. I have stores in my district
24 that have signs in their windows, big signs saying
25 park legally or face \$115 fine. These are

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2 merchants who are basically saying that they're
3 going to go out of business because of the ticket
4 blitz that many of our neighborhoods are under,
5 and they feel that it is harassment and they feel
6 that they're not being considered. And I think a
7 bill like this make sense, in my opinion. I also
8 have to state that when we talk about traffic
9 tickets, many of us still think of traffic tickets
10 in terms of \$35 and \$40. These tickets are \$115,
11 \$110, \$105. This is a lot of money for people,
12 especially now in this economy. And the City
13 wants to hire more traffic enforcement agents in
14 the next budget. The City wants to hire, I think
15 250 more traffic enforcement agents. So no one
16 can tell me that traffic enforcement today is
17 concentrated on guaranteeing public safety.
18 Traffic enforcement today is concentrating on
19 raising revenue for the City of New York. And
20 that's been clear for some time now. Your
21 assumption is the one I differ with, where you
22 seem to assume that everyone will take advantage
23 of the five-minute grace period. I submit to you
24 that most people will not, that most people will
25 still comply with the sign as posted. The issue

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2 is not giving people another five minutes; the
3 issue is understanding that the signs will be left
4 as they are, but that you will not start ticketing
5 for five minutes. Let me ask you something,
6 alternate side parking, most regulations for
7 alternate side parking are for an hour and a half
8 or two hours. Alternate side parking regulations
9 are not less than an hour and a half. Is that my
10 understanding?

11 DAVID WOLOCH: No. In some cases
12 they're a half hour.

13 COUNCIL MEMBER VACCA: Are you
14 talking about the meter?

15 MICHAEL BELLEW: In the commercial
16 areas they're a half-hour. Alternate side--

17 COUNCIL MEMBER VACCA:
18 [Interposing] That's the metered parking half-hour
19 cleaning in the morning. I'm talking about what I
20 know as alternate side where later on in the day
21 or you have--

22 MICHAEL BELLEW: [Interposing]
23 Generally an hour and a half.

24 COUNCIL MEMBER VACCA: Generally an
25 hour and a half. So within an hour and a half

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2 regulation, you seem--and that's my concerned as I
3 was mentioned--you seem to be generally opposed to
4 the bill in all of its aspects, and we in the
5 Council are willing to work with you on a bill
6 like this and with bills that I've proposed that
7 would require pictures on tickets, because we want
8 to have pictures posted when tickets are taken.

9 But that's another hearing for another day. Are
10 you willing to say that on the alternate side
11 where it's an hour and a half, that five minutes
12 of grace period for those who may not make it
13 there on the head of the time at that specific
14 time--let's take the hour and half, let's try to
15 dissect this bill. Are you willing to say that in
16 those cases you would be flexible to working with
17 the Council in negotiating a grace period?

18 MICHAEL BELLEW: No, because it
19 effects the start of the route. It pushes my
20 start of my route back the five minutes.

21 COUNCIL MEMBER VACCA: But sir,
22 with due respect, you are assuming that everyone
23 is going to take the five minute grace period and
24 therefore your sweepers would not be allowed or
25 would not be able to clean the street, where I

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2 submit to you that most people will not take the
3 grace period and will still try to move their car
4 at the time designated. This is more of an
5 administrative bill for our City. This is more of
6 a bill for our City to consider people and what
7 they are dealing with. And I do not think that
8 it's going to be posted everywhere in the City
9 that there's a five-minute grace period. We're
10 not changing alternate side signs that say 9:00 to
11 11:00 no parking to 9:05 to 11:00 no parking.

12 DAVID WOLOCH: But all it does is
13 it takes--if you have 25 vehicles parked on the
14 side of the streets, all it takes is a few of
15 those motorists to know that they have the extra
16 period, and that would hamper his ability to get
17 that street cleaned. And all it takes is one
18 motorist who is confused by the new grace period
19 policy to double-park when otherwise they wouldn't
20 to create a safety hazard.

21 COUNCIL MEMBER VACCA: Well I think
22 that if this law goes in to effect we have to make
23 sure people are not confused. It's called public
24 education. We do that in New York City every day
25 by using newyorkcity.gov, by doing outreach to

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2 community organizations. I don't see where so
3 many people would be confused. It's very simple.

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DAVID WOLOCH: We would inherently
5 be making the system more confusing than it is
6 now. We would have a regulation posted on the
7 sign that would be different from the allotted
8 time that the law would allow.

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COUNCIL MEMBER VACCA: I think that
10 we have reached in this City a saturation point of
11 tickets. That's what people clearly understand.
12 They clearly understand--they may not understand
13 five-minute grace because we haven't gotten there
14 yet. But let me tell you what they understand.
15 They understand that we've reached a saturation
16 point of tickets on little people who pay big
17 fines. And it seems that our efforts to convince
18 the City that this policy has become excessive
19 have not been successful, so therefore we at the
20 Council have to legislate. That's why a series of
21 bills are now being introduced by myself, my
22 colleague Simcha Felder and others, because we
23 feel we have to legislate because traffic control
24 has become out of control. Traffic control has
25 become out of control with these tickets.

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2 SUSAN PETITO: Councilman Vacca, if
3 I could interject. You weren't here when
4 Inspector Hurson provided some very important
5 information about what the traffic initiatives in
6 the administration have resulted in; a reduction
7 in traffic accident fatalities and injuries that's
8 staggering. And so this is not something that we
9 can take lightly. We think it would be very nice
10 to give people an additional five minutes, but
11 what we really believe is that the law needs to
12 remain clear and it needs to remain. If it's 60
13 minutes, 60 minutes, because we don't think that
14 your speculation that most people would not take
15 advantage of it is enough to know that they won't
16 take advantage of it. There's no way to know
17 that. I, you know, my speculation is that a lot
18 of people would know about it and would take
19 advantage of it and would look at their watches
20 and say, oh gee, I have another couple of minutes.
21 And so they would be taking advantage of what now
22 would have been a legislated change.

23 COUNCIL MEMBER VACCA: But I have
24 to differ with you and say that there's nothing in
25 the five-minute grace period that would reduce

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2 public safety.

3 SUSAN PETITO: And we disagree.

4 TERENCE HURSON: We do.

5 COUNCIL MEMBER VACCA: How would
6 the five-minute grace period reduce the safety of
7 the public?8 TERENCE HURSON: If you look at
9 business district with parking meters that's maybe
10 100 meters in a certain areas and they're muni
11 meters and we're giving those 100 parking meters
12 five minutes of grace period. That's going to
13 increase the amount of people who are going to be
14 double parked, waiting for some to move out of the
15 spot, or parking in a bus stop to run into a
16 store. You mentioned the store in your district
17 who has the big sign up reminding people to park
18 legally. There's too many people out there who
19 have a--who think they have a right to park their
20 car illegally for 30 seconds or a minute. We
21 write 8 million parking summonses last year, but
22 any one of us can go outside to Broadway and walk
23 up four blocks and find probably a dozen illegally
24 parked cars. I'd argue even we're not doing
25 enough traffic enforcement in the City.

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COUNCIL MEMBER VACCA: I have to tell you something, there are too many people who take their 80 year old mother to a doctor and as they take their 80 year old mother to a doctor there's a traffic enforcement agent behind them writing a ticket not to their knowledge, and they get the ticket as they're sitting in the car and their mom is going I to the doctor's office. That's what there's too many people out there doing right now--

TERENCE HURSON: [Interposing] And that some motorist--

COUNCIL MEMBER VACCA: --getting victimized that way.

DAVID WOLOCH: But that same motorist who is trying to get to the Doctor's appointment isn't able to find a parking space because our curbs are too congested and there's too much traffic and we don't want to make that worse.

SUSAN PETITO: And the ambulance trying to get down the street is not able to get down the street because somebody double-parked for that reason. On an individual basis, for

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2 individual motorists who feel that the ticket is
3 unfair, there is an entire adjudutory process
4 that's available for them. That is where we think
5 the appropriate remedy for what you would consider
6 unfair or too aggressive ticketing is, but not as
7 an overall City policy that one needs to remain
8 clear.

9 COUNCIL MEMBER VACCA: I will
10 conclude. I still do not know where the five-
11 minute grace period law comes into these issues,
12 and I will also say that when you say that people
13 have the right to go and adjudicate these tickets,
14 you are basically telling people that they have to
15 take a day off from work, because appealing by
16 mail gets you nowhere, you have to take a day off
17 from work, off your job, go to appeal the ticket,
18 not knowing if you'll win or lose. People have
19 work and responsibilities. The level of
20 frustration among the people at this point is that
21 when they get the ticket they pay, whether they're
22 right or wrong because they are frustrated with
23 the amount of tickets and they do not feel that
24 whatever reason they give will be recognized by an
25 adjudication officer. That's the level of

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2 frustration we have out in the boroughs, out in
3 our neighborhoods. Thank you, Mr. Chair.

4 CHAIRPERSON LIU: Thank you,
5 Council Member Vacca. Questions from Council
6 Member Koppell.

7 COUNCIL MEMBER KOPPELL: Mr.
8 Chairman I'm sorry, I have another hearing that
9 I've got to go to and I don't really have a
10 question, but I have a comment for your ears and
11 for the sponsor's ears. And I thought that Simcha
12 Felder made a very interesting, provocative
13 comment when he said if the City would only say go
14 back to a policy of using some sense and
15 discretion he would even withhold his bill. And
16 let me say just because of the dialogue between
17 Council Member Felder and Deputy Commissioner
18 Woloch, I think that it's a good suggestion.
19 Because if we put into law that there's a five-
20 minute grace period as a matter of law, then
21 you're right, people will say let's assume they
22 have to be back at the car at 1:00 by the sign.
23 If they get back at 1:05 and then they get a
24 ticket at 1:06, they're going to say I was only
25 one minute late because it's in the law that they

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2 have a five minute thing. If it's not in the law,
3 if it's still 1:00 by law, but the ticket agent
4 generally speaking won't give a ticket and then,
5 you know, does give a ticket at 1:06, then they
6 can't say that they didn't get a benefit because
7 they got a benefit. It wasn't a law but it was
8 discretion. And I would urge very strongly that
9 the enforcement people and that they mayor give
10 this some consideration because what alienates
11 people is the idea that the ticket agent is
12 waiting like a vulture to jump on them. And if
13 we've passed this law they will look upon the 1:06
14 ticket as being given by a vulture. But if we
15 don't change the law but the agent waits until
16 1:06 they won't see the agent as a vulture.
17 They'll say the agent gave me six minutes and I
18 can't complain about that. And the sponsor was
19 very generous, to my opinion, in saying if the
20 City adopted this as a policy he wouldn't push it
21 to make it a law. I think making it a law creates
22 the problems you're talking about. If you deal
23 with it with some sense and some discretion, then
24 you won't have the situation that you keep talking
25 about, which is the idea that if you're going to

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2 be not looking at it as a one-hour parking space
3 but a one and five hour parking space. No, we're
4 not going to look at it as a one hour and five
5 minutes. It's still a one-hour, but the City is
6 applying some rules of common sense and reason.
7 And in my opinion, you should welcome that because
8 otherwise you're going to face, you know, Jimmy
9 Vacca indicated how upset people are. If you
10 don't, you know, if you fight us on this the
11 likelihood is we're going to pass it. And if the
12 Mayor vetos it, override the veto. So I think you
13 should go back and think very seriously about
14 Simcah Felder's very generous offer, which I
15 assume that the rest of us will go along with. I
16 would go along with--I don't know about the Chair.
17 I don't want to speak for him. But I think that
18 makes sense. Tell the traffic enforcement
19 officers not to issue the tickets for five
20 minutes, but don't put it in the law. Because if
21 you put it in the law then the 1:06 ticket will
22 become the vulture ticket. If you don't put it in
23 the law, the 1:06 ticket will be reasonable. My
24 suggestion.

25 CHAIRPERSON LIU: Thank you very

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much, Council Member Koppell.

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TERENCE HURSON: Just the idea that, you know, there's something wrong with a traffic agent sitting on the street waiting for the law to take into effect for any type of summons violation is that there's somehow something wrong with that. I see that's no different from a Police Officer sitting at a stop sign waiting for someone to blow the stop sign or sitting at the side of the road waiting for someone to pass by and speed. It's the same idea. The law is clearly posted on the street. People should abide by it.

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CHAIRPERSON LIU: Well, Chief-- Inspector, it turns out that there are lots of places where the City turns a blind eye to the posted regulations. So, in matters where safety or even the movement of traffic is clearly at stake, let's take no shortcuts. Let's not make any compromises. In the matter of alternate side parking and metered parking spaces, I think we can introduce a little bit of civility into the way the City enforces these regulations. I mean there are whole stretches of the City where alternate

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2 side parking regulation implicitly allows people
3 to double-park on the other side. So let's not be
4 sticklers for every single posted regulation,
5 because at some point even all of you sitting
6 there would understand that we have to make some
7 kind of reasonable accommodations so that people
8 understand that they have to follow the law, but
9 that there's going to be some reasonable
10 flexibility built in, so that they understand that
11 if they break the law they are going to get fined,
12 but that the City is not out to get them the very
13 minute a restriction goes into effect. We have
14 been joined by Council Member Darlene Mealy from
15 Brooklyn, and we have follow up questions from
16 Council Member Felder.

17 [Pause]

18 CHAIRPERSON LIU: Well you'd better
19 think of something soon because we're going to
20 excuse this..

21 [Pause]

22 CHAIRPERSON LIU: All right. Thank
23 you very much Commissioners and Chiefs and
24 Inspectors for joining us today. Look, I would be
25 in agreement with Council Member Felder and

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Council Member Koppell with their suggestions. You know, we don't try to legislate everything, but legislation is proposed when we see a problem that needs to be addressed, especially a problem that emanates from the complaints of our constituents. So, this is not--Council Member Felder, I think he's a brilliant guy, but this is not his idea. This was in effect for many, many years in this City and we don't see any reason not to return to that kind of approach.

SUSAN PETITO: Mr. Chairman, I don't envision us doing that, but we will certainly take that information back to our respective agencies. But I would make one request as we go forward in this discussion, to try to refrain from demonizing the traffic enforcement agents. They are doing their job. And to have them be personally called vultures and as an invading army and using rhetoric like that I think--you know, we're afraid that it would empower people who are in conflict with traffic agents to become violent. So we would appreciate just that, as a courtesy, to not refer to our agents as vultures.

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CHAIRPERSON LIU: Well,

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Commissioner Petito, I whole-heartedly agree with

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our statements, which is why I and several--and

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most of the members of the council--we talk about

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the City swooping in like vultures. And sometimes

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we wrongly use the words Agents, but it's really

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the City, because the agents are employees who are

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charged with a mandate and they're specifically

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instructed to go out there the minute those

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restrictions to in to effect, so they're just

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following their orders and we fully understand

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that. And in no way would we ever excuse any kind

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of antagonism towards City employees, in this case

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traffic agents, who are simply doing their job.

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SUSAN PETITO: Thank you, sir.

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CHAIRPERSON LIU: Thank you very

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much. With that, thank you very much for

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testifying today and we call up our next panel,

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consisting of Glen Bolofsky of Parking Ticket.com.

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[Pause]

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CHAIRPERSON LIU: Mr. Bolofsky,

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please proceed.

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GLEN BOLOFSKY: Thank you for

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having me here today, gentlemen, ladies and Ms.

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2 Mealy. The simple truth is very obvious, the City
3 is writing too many tickets to too many people too
4 quickly.

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CHAIRPERSON LIU: The Sergeant at
6 Arms has reminded me that you have not identified
7 yourself for the record.

8

GLEN BOLOFSKY: Oh, thank you. My
9 name is Glen Bolofsky. I'm president of
10 ParkingTicket.com. The short story is the City is
11 issuing too many tickets too often in an
12 accelerated fashion. This is disturbing the
13 civility of our City, which is not calm to begin
14 with. So any calmness that exists is being
15 disrupted. This makes people highly stressful.
16 It causes high blood pressure. It causes anxiety.
17 It causes unfriendliness from one person to
18 another. You know instead of a TEA, a traffic
19 enforcement agent, helping a young mother with her
20 child, she's writing her a ticket. Instead of a
21 traffic enforcement agent and even an honorable
22 member of the NYPD helping an elderly citizen into
23 a doctor's office, he's writing him a ticket.
24 These are not extremes that I'm pointing out.
25 This is a standard operating procedure. The

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2 extreme is when an NYPD officer or a TEA does help
3 a mother with her child or an elderly citizen
4 hobble into a doctor's office or out of one. So
5 it is all about civility. It's all about calming
6 the disquiet that we have going on. And really
7 only great leaders, only great leaders can really
8 understand what an average person feels. With all
9 of the attributes of great success that people
10 have, having that calming touch and understanding
11 what the average person is going through takes a
12 tremendous amount of thoughtfulness, and sometimes
13 it's lacking. So I commend the Council for trying
14 to bring civility to New York. That's really what
15 this bill is about. That's all it's about; make
16 living here user friendly. That's all it's about;
17 making life bearable, making life friendly. And
18 of course when you have someone who is wantonly
19 causing a safety issue, act with tremendous speed
20 to correct that, act with vigilance to correct
21 that. But stop picking on the little guy who is
22 ten seconds late. And what was not brought out
23 today, which I would like to bring out is that
24 many times the tickets are written before the
25 violation occurs, because the agents are under

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2 such a strict mandate to write a large quantity of
3 tickets. Another thing that might be interesting
4 to consider is the cost of parking at meters has
5 gone up significantly, I believe something more
6 than 25%. Now if you give people five minutes,
7 that still doesn't make them equal mathematically
8 with the other increase they have already
9 incurred. So mathematically by giving them five
10 minutes, you're only giving them back a piece of
11 the time that they would have otherwise received
12 before the increase in the price of parking. You
13 know, the sanitation gentleman made a great point,
14 he has to get his army of people out on the street
15 like clockwork. You know, they have heavy
16 equipment. They use a lot of gas; it's expensive.
17 They're big machines, big gas engines, therefore I
18 would imagine a lot of pollution. So he wants to
19 expedite his work. And he may be right that he
20 has to start five minutes later. But what people
21 touched upon but really didn't sink their teeth
22 into but just touched upon, is that we already
23 have 150,000 violators that they're already moving
24 their vehicles around. Well, that already exists,
25 and yet they are already managing to sweep the

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2 streets with that. I have never been accused of
3 being a visionary, but I would just like to make
4 this notation here today that it might be useful
5 to consider that the sanitation trucks, which are
6 so expensive, might in some instances be
7 eliminated and be replaced by human beings with
8 long brooms and garbage pails. This would put
9 people back to work. Because the whole concept of
10 alternate side parking is backwards. We are, as
11 individuals, being forced to move vehicles so that
12 other vehicles can sweep the streets. We
13 shouldn't have to move our vehicles. We should
14 have men and women with long arms and long brooms
15 to pull the garbage out from underneath the cars.
16 So my testimony today is in favor of grace. Let's
17 have a little grace, a little civility. Another
18 comment that was made today was about adjudicating
19 parking tickets, which happens to be my definite
20 expertise. The Finance Department was mentioned
21 tangentially today. In my view the word vulture
22 is not often applicable to most thing, but the
23 people that I deal with on a daily basis, both
24 some of the largest corporate enterprises in the
25 country and some of the most humble individual

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2 people you'd ever meet, all have the same feeling
3 that they are being treated not unfairly but
4 improperly and illegally and that the Finance
5 Department more than anyone else is the scofflaw,
6 scoffing at the law and not giving people their
7 rules and regulations. Indeed, even though this
8 is not the Finance Committee, but only because
9 it's directly correlated to the issuance of unfair
10 tickets in one-minute periods or two-minute
11 periods or before the violation occurs, the
12 Department of Finance, when you go in for a
13 hearing has a guy there basically doing a shell
14 game of three card Monty--telling people, oh you
15 know, we'll give you a \$20 reduction or a \$25
16 reduction because the Judge may not dismiss your
17 ticket; your evidence doesn't seem very strong,
18 the Judge may not reduce your ticket. So they're
19 trying to tell people, don't see the Judge; don't
20 get your day in court--even if you go in person.
21 They do the same thing by mail. They send people
22 letters--take \$20 and get lost. That's what they
23 say, nicely, and other times not so nicely. So I
24 want to thank the Council and the Committee in
25 particular for allowing my voice to be heard and

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2 if you have any questions for me I'd be doing my
3 best to answer them.

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CHAIRPERSON LIU: Thank you very
5 much, Mr. Bolofsky, for your testimony and for
6 your information over the years. Thank you.

7

GLEN BOLOFSKY: Thank you.

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CHAIRPERSON LIU: Now we'll hear
9 from Thomas Hillgardner.

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THOMAS HILLGARDNER: Good
11 afternoon, Thomas Hillgardner. I'm the Executive
12 Director of the New York City Parking Justice
13 League. It's a 10-year old membership
14 organization mostly composed of motorists,
15 actually owners of motor vehicles, because the
16 entire system is really looking to reach their
17 hand into the pocket of the owner of the motor
18 vehicle. But most of our members are owners of
19 motor vehicles that are sick and tired and don't
20 believe that the current system we have in place
21 is fair or provides due process in many respects,
22 and in many respects that are beyond the scope of
23 this hearing. But I want to confine my comments
24 today to the proposal of the grace period. And I
25 absolutely laud the Council for your intentions

1 here. We think you're taking the wrong approach.
2 We think that really what needs to happen here is
3 discretion. And Council Member Koppell almost hit
4 the nail on the head when he talked about
5 discretion. There's a famous episode of Law and
6 Order where Jerry Orbach and Chris Noth are
7 interrogating a traffic agent after a murder and
8 all three of them chime in and simultaneously say,
9 once the pen hits the paper it's too late. That's
10 one of the problems. Because of the concern of
11 bribery of traffic agents we've just removed
12 discretion from the traffic agents. They aren't
13 allowed to exercise common sense. They're not
14 allowed to think. We don't want them to think.
15 In fact the handheld computers that were issued,
16 we're trying to make them just not even think
17 anymore--just, blip, scan the registration.
18 Pretty soon I understand there's a proposal to put
19 the signs from the DOT into the handheld, so
20 they're not even going to have to look at the
21 sign, look at the license plate, look at anything.
22 You know if they were ever actually called in to
23 testify about actually what happen they'd say, I
24 don't know; the computer said the guy was in
25

1 violation. And so--but let me just digress to a
2 second. There's one technical problem with your
3 bill. We noticed that proposed 19 213 B, where it
4 is proposed, and I quote, no notice of violation
5 shall be issued for allegedly parking in excess of
6 the allotted time displayed on a muni meter
7 receipt or longer than the time period allowed by
8 a sign posted by the Department until five minutes
9 after the time that such violation occurs. You
10 know the Department is defined in the statute as
11 the Department of Finance, and they don't hang
12 signs. So that's something that really just needs
13 to be addressed as a technical issue on the bill.
14 Yes, it is. Section 19 200 B defines the
15 Department as the Department of Finance. This was
16 changed over in 1995 when they took--in fact this
17 whole section is codified still at the Department
18 of Transportation, but they amended it many years
19 ago in recognition that Finance took over. And if
20 I'm incorrect then the rules of the City of New
21 York posted in the portal misquoted; because
22 that's where it is, it says Department of Finance.
23 More importantly we think that--let me address
24 alternate side of the street parking. You know,

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2 for the longest time, you know, we don't have
3 those rules, hour and a half window, just so cars
4 can move away from the street for an hour and a
5 half. We have those rules so the broom can come
6 down the street and clean it. I'm a really strong
7 believer in that jurisdiction should be removed
8 from every agency except the Department of
9 Sanitation to enforce this regulation. Sanitation
10 agents, in their cars, should follow the brooms.
11 And if a car actually prevents the street from
12 being cleaned, you should be summonsed, fined--he
13 deserves it. And you know the stats you've got--
14 20% of those tickets are issued in the first five
15 minutes, nobody even looked at how many were
16 issued in the last five minutes. You know, when
17 you get to that it's probably almost--it's
18 probably almost half the tickets. A lot of people
19 try to, you know, just get in at the end and a lot
20 of tickets are issued at both ends of that as
21 well. The issue of safety I thought was just a
22 joke. You had this panel up here and I think you
23 all pretty much pooh-poohed it, particularly with
24 regards to alternate side of the street parking
25 regulations. How does that make our street

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2 unsafe? That's just ridiculous. I wish you folks
3 would have some hearings on a lot of the other
4 things. I really think that there's a need--I'm
5 going to wrap up here, we are actually opposed to
6 this legislation because--not because we don't
7 think--I think the sponsor actually realizes and
8 Mr. Koppell realizes that really it's common sense
9 that's what's needed here. You really can't
10 legislate common sense, and there is some merit to
11 some of the folks here who sat and said, you know,
12 people are going to take advantage if you give
13 them the extra five minutes. But when it's all
14 said and done, the system just now, they threw the
15 baby out with the bathwater. We don't let the
16 traffic agents have any discretion on anything. I
17 would wonder how many of those tickets that are
18 issued in the first five minutes are issued when
19 the operator is present, ready to move their car.
20 I would love to have the Committee hear other
21 things about DOT and really--it may be beyond--I
22 think there really needs to be a joint Committee
23 between Public Safety, Finance and Transportation
24 to look into a lot of these issues. There's a lot
25 of illegalities that the City looks the other way.

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2 I'd just like to mention one and then I'm going to
3 wrap up. There is this woman named Nivea Cloud
4 [phonetic]. She was indicted in I think May 2006
5 for issuing false parking tickets by the Queens
6 District Attorney. She sat in her car and issued
7 20 something tickets. She was in a handicapped
8 off street parking spaces with her engine idling,
9 I might add, and she's writing these tickets out
10 for cars that were just phantom tickets. This is
11 what happens when you've got the quotas. Nobody
12 wants to say it; the Police will always deny it,
13 oh there's no quota system. Well this is what
14 happens when there's pressure put on these agents
15 to give out tickets. There's also a subtle
16 rewards system in place over at the Police
17 Department. You know, you get off the foot patrol
18 and you get a car when you issue enough tickets.
19 And it's a lot easier to have that car when it's
20 raining really hard. So people issue tickets just
21 to advance as a traffic agent. That's
22 problematic. Again, but Ms. Cloud was indicted
23 because she presented false instruments for
24 filing. Meanwhile it's a City policy that traffic
25 agents by the thousands, every day issue false

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2 parking tickets. The oath on the bottom of a
3 parking ticket says, I personally observed the
4 commission of the offense charged above, and if
5 the operator is present I personally served the
6 ticket on the operator and if they weren't present
7 I conspicuously affixed it to the car. Well, like
8 all these tickets that are issued in the first
9 five minutes, many times the operator is present,
10 but you know what? The Police Department has a
11 policy to ignore that part of the State law that
12 requires you to ascertain the operator's name and
13 fill it in on the ticket and they just hand it to
14 them; they don't care who the operator is, they're
15 just after the pocket of the owner and they don't
16 really want to bring the operator, who is the
17 actual offender, before the bar of justice and
18 make him liable like the State vehicle and traffic
19 law says he should be, jointly and severally with
20 the owner. And what's most obnoxious about this
21 is that you have a woman like Nivea Cloud who is
22 just--you really can't justify what she did-- but
23 she issued all these false tickets. She's being
24 charged with issuing all these false tickets for
25 filing and meanwhile thousands of false tickets

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2 are filed every day as a matter of the Police
3 Department telling the traffic agents just to
4 ignore the State law provision that requires them
5 to identify the operator if present. And so I
6 think there's a lot of areas to be looked at in
7 improving the situation with parking tickets and
8 that the grace period is--I appreciate the intent.
9 I think it's the wrong approach; you've got to go
10 back to giving discretion to the parking ticket--
11 allow these people to use their brains, allow them
12 to have common sense, allow them to void tickets
13 when they realize tickets shouldn't be issued. In
14 fact sometimes you'll see tickets issued in this
15 city and these people say, oh, your remedy is to
16 go fight it. It's my remedy to go fight it when
17 the agent knows before he signs it and serves it
18 that the offense actually wasn't being committed?
19 But that's what it says, I personally observed the
20 offense being committed. But oh, no, I don't want
21 to--you know if you fill out--the Police
22 Department has a form where you're supposed to
23 void the tickets if you issue one. I don't think
24 any of those forms ever even exist or are issued
25 anymore, because every Police Officer is afraid,

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2 because that form goes straight to the chief of
3 the Department when a ticket is voided. And an
4 investigation is made into that Police Officer
5 whether there's bribery or corruption. This whole
6 culture has got to change. Thank you very much
7 for your time today.

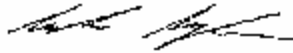
8 CHAIRPERSON LIU: Thank you very
9 much for your time and testimony. There being--

10 [Pause]

11 CHAIRPERSON LIU: There being no
12 other witnesses this hearing of the City Council's
13 Committee on Transportation is adjourned.

C E R T I F I C A T E

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



Signature _____

Date September 16, 2009