

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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October 8, 2009  
Start: 10:00am  
Recess:

HELD AT: Council Chambers  
City Hall

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

COUNCIL MEMBERS:  
Gale A. Brewer  
Leroy G. Comrie, Jr.  
Elizabeth Crowley  
Simcha Felder  
Daniel R. Garodnick  
Vincent J. Gentile  
Alan J. Gerson  
Vincent Ignizio  
G. Oliver Koppell  
Jessica S. Lappin  
Darlene Mealy  
Diana Reyna  
Larry Seabrook  
Eric Ulrich

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

Samara Epstein  
Assistant Commissioner of Constituent Affairs  
New York City Taxi and Limousine Commission

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

Jennifer Crinski  
Speaking on behalf of Senator Liz Krueger

Paul Steely White  
Executive Director  
Transportation Alternatives

Brendan Ogle  
Resident  
Middle Village, Queens

Robert Holden  
President  
Juniper Park Civic Association

Patai Lassisi  
Representative  
City Link

Letite Agala  
President  
City Express Corporation

Mr. Henry  
Whitesand Transportation

Dwight Morrison  
Commuter van operator

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

Gladstone Barrett  
Yours and Mine Transportation

Anna Goldstein  
Resident  
Chatham Towers, China Town

Jeanie Chin  
Resident, Member  
Chatham Square, Community Board 3

John Ost  
Board of Directors  
Southbridge Towers

Nancy Greskin  
Wife of Stuart Greskin  
Killed by commercial bicyclist

Leo Greskin  
Father of Stuart Greskin  
Killed by commercial bicyclist

Betty Doing

Ralph Profetto

Edward Mah

Marilyn Dorado  
Greenwich Village Block Association

Jean Grillo  
District Leader, Member  
66 Assembly District, Community Board 1

Triple Edwards  
Resident, Board member  
Chatham Green

Dorothy Tomm

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

Helen Tam

Sean Sweeney  
Executive Director  
SoHo Alliance

Jack Brown  
Spokesman  
Coalition Against Rogue Riding

Leonard Faziolli

Marjory Levine  
Retired school teacher

Sally Ballhower

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CHAIRPERSON LIU: Good morning.

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Welcome to today's Committee on Transportation

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hearing. My name is John Liu; I have the

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privilege of chairing the Transportation

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Committee. Today we'll be hearing testimony on

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six bills.

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Intro 624 introduced by

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Transportation Committee Council Member Jessica

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Lappin; this bill would make employers of

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commercial bicycle operators liable for their

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operators' violation of commercial bicycling laws.

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This bill would address concerns that some

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commercial bicyclists continue to ignore bicycling

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laws.

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Intro 947 introduced by Council

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Member Liz Crowley will make it illegal to idle an

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unattended car for any amount of time and raise

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the fine for such violations from \$5 to \$250.

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This law was prompted by two tragedies. One in

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Council Member Crowley's district and one in

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Council Member Gerson's district where four people

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, including two toddlers, were killed because two

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people left their vehicles idling unattended.

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Intro 1023 introduced by Council

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2 Member Kendall Stewart would require commuter vans  
3 to post a passenger bill of rights in the commuter  
4 vans. This bill follows on prior Council laws  
5 passed recently that require the posting of bill  
6 of rights in taxies and livery vehicles.

7 The next three bills address  
8 concerns that the Department of Transportation has  
9 been starting large scale projects, pilot projects  
10 and raising parking meter rates without providing  
11 sufficient notice to the community.

12 Intro 1063 introduced by Council  
13 Member Alan Gerson would require the Department of  
14 Transportation to provide notice to affected  
15 community boards and Council Members before it can  
16 begin a major construction project.

17 Intro 1076 introduced by Council  
18 Member Vincent Gentile would require a 60 day  
19 notice before the Department of Transportation can  
20 make parking meter regulation changes, including  
21 the increase of parking meter rates.

22 Intro 1077 also introduced by  
23 Council Member Vincent Gentile would require the  
24 Department of Transportation to make a  
25 presentation to an affected community board at

1  
2 least 60 days before the implementation of a pilot  
3 project.

4 We had also originally had a bill  
5 on the agenda for today that would affect car  
6 sharing programs in this city. That has been  
7 moved to a future date because we have a very busy  
8 docket today.

9 There are many bills that we will  
10 be considering today and I am going to turn the  
11 floor over to the prime sponsors of these various  
12 bills. We have been joined so far by Council  
13 Member Vincent Ignizio of Staten Island, Council  
14 Member Alan Gerson of Manhattan, Council Member  
15 Vincent Gentile of Brooklyn, Council Member  
16 Darlene Mealy of Brooklyn and Council Member Larry  
17 Seabrook of the Bronx. I want to thank the staff  
18 to this committee for their work in preparing  
19 these bills and the hearing today, Legislative  
20 Counsel Philip Hamm and our Finance Analyst Chimo  
21 Bachery. With that, let me turn the floor over to  
22 Council Member Alan Gerson.

23 Ger: Thank you very much Mr.  
24 Chair, my colleagues and thank you for your  
25 indulgence. As you know, due to a longstanding

1  
2 prescheduled medical appointment I will not be  
3 able to remain for the duration of this hearing.  
4 But of course, my office and the community will be  
5 well represented and we will follow up.

6           As this is a first hearing I just  
7 want to, very briefly, address the principles and  
8 goals of Intro 1063 and actually companion piece  
9 that is being drafted will be heard at a near  
10 future date. Obviously, the specific parameters  
11 and the details of the bills will and can and  
12 should be developed as we proceed with the process  
13 from this hearing.

14           But the goal, Mr. Chair and my  
15 colleagues, is to assure that we have adequate  
16 community advance notice and input in  
17 consideration of the full spectrum of community  
18 concerns and needs prior to major street  
19 reconstruction and prior to significant changes in  
20 the streetscapes of our city such as the removal  
21 of one-third of the space in a street available  
22 for moving traffic.

23           This is without prejudice as to  
24 whether or not any specific change is good or bad.  
25 And certainly this is made in the context of my,



1  
2 and I believe the community's, overall full  
3 support to the broad goals of the Department of  
4 Transportation in improving traffic flow and  
5 traffic safety and making this city more  
6 compatible with the full range of transportation,  
7 including of course, non-motorized transportation.

8 We all know the devil is in the  
9 details. A cookie cutter approach does not work  
10 in our diverse communities. A critical, good idea  
11 can very well be derailed if it is implemented  
12 with the wrong configuration and the wrong  
13 particular street or in the wrong way. Similarly,  
14 construction projects can have an adverse impact  
15 on the community, will be on the duration of the  
16 construction unless the community needs are fully  
17 considered.

18 This is impossible unless you have  
19 adequate avenues and that clearly, the record, the  
20 testimony you will hear, Mr. Chair, will reveal  
21 that the current system does not allow adequate  
22 avenues for full community input and dialogue. We  
23 do have a community board process. The community  
24 boards work very well but too often projects,  
25 because of the timing or other reasons or

1  
2 political reasons, are presented to the community  
3 boards as fait accompli approve a project as a  
4 pilot project with the understanding that the  
5 Department would come back or the administration  
6 come back and that does not happen.

7           Too often changes are made without  
8 any advance notice to the community board or the  
9 elected officials. And even with the elected  
10 officials, even with the community board input we  
11 do have a City Council which is the elected arm of  
12 the community which should also have the  
13 opportunity, working with the community board, to  
14 register input.

15           I'm not attributing any malevolence  
16 intent to anybody. Certainly, this Department of  
17 Transportation has done great work, which I  
18 support. I urge the Department to look at this  
19 bill as a way of enhancing and contributing to the  
20 great work that you do. Which requires in order  
21 to reach the level of benefit to our city, the  
22 type of community input this would assure takes  
23 place.

24           Finally, Mr. Chair, the level of  
25 disagreement and adversity between neighborhoods

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and the Department in relationship to specific projects will ultimately undermine the specific projects and the broad goals of the Department if it is allowed to fester. So I urge everyone in this room who is concerned about improving the way transportation is done, making this city greener, making this city more compatible to non-motorized transportation including bicycles, you should support this legislation because this legislation will assure that as we proceed, we proceed together. That is the only way to have a sustainable outcome for transportation improvements for the future beyond the current administration.

I look forward to getting this legislation passed. This is a legislation that's really a basic grass roots democracy legislation and that's what this would call for and that's what our communities and our residents deserve. Thank you very much Mr. Chair.

CHAIRPERSON LIU: Thank you very much Council Member Gerson.

[Applause]

CHAIRPERSON LIU: We have opening

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2 remarks from Council Member Vincent Gentile.

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COUNCIL MEMBER GENTILE: Thank you Mr. Chairman, Chairman Liu, and much like Council Member Gerson, the two bills that I've introduced are designed to change the way that the DOT communicates with communities before implementing changes. They will give residents the tools they need to avoid fines, help guide the programs tested out on their streets as pilot programs. And to be among the first people, the community to be among the first people instead of the last to find out about parking and traffic changes.

The first bill, 1076, addresses regulatory changes in parking meter regulations, and that means parking meter rates or parking signs, so that among other things--Like I said we should know, for example, know the amount of time that one quarter will buy you in a parking meter. Currently the DOT is not required to notify the community board, Council Member or the community of parking meter rate changes or changes in parking regulations.

When the DOT changed the amount of time a quarter will buy you from 30 minutes to 20

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2 minutes earlier this year in many parts of the  
3 outer boroughs, most residents in my community  
4 found out after they put the two quarters in the  
5 meter and, as usual, came back an hour later to  
6 move their car. The difference this time is that  
7 there was an orange ticket on their windshield.  
8 That's an unfortunate way to find out the rules  
9 have been changed on you.

10           Also, it's happened over and over  
11 again where teachers have told me that they've  
12 parked their cars in the morning, went to work and  
13 at 3:00 came back out to get their car and some  
14 time during the day the parking sign had been  
15 changed. When they came back out to their car  
16 there was a ticket. It was legal in the morning,  
17 it was illegal in the afternoon; nobody said  
18 anything. That's just unfair to the people who  
19 are parking.

20           So, if passed, this law would  
21 require the DOT to notify affected community  
22 boards and Council Members of any parking meter  
23 regulation changes 60 days before the change goes  
24 into effect. Our communities deserve as much.  
25 They deserve to be made partners in the rules that

1  
2 govern our streets. As a result of these  
3 notifications, local papers, the blogs, district  
4 offices can all have a chance to discuss the  
5 proposal and spread the word even further. That  
6 discussion is invaluable. I believe that DOT  
7 should be required to facilitate it.

8           It also serves another purpose.  
9 When DOT may be the expert in parking practices  
10 and traffic flow, residents of neighborhoods are  
11 experts when it comes to their blocks and local  
12 businesses. By notifying both the community board  
13 and the Council Member of the affected area,  
14 residents can seize the opportunity to oppose or  
15 even support the regulatory changes.

16           The second bill I've introduced  
17 speaks also to another problem; pilot programs.  
18 Currently the DOT introduces various pilot  
19 projects and programs to achieve or test a variety  
20 of goals. Current and previous projects have  
21 included installation protected bicycle lanes  
22 through the removal of intersections and  
23 installing meter programs that affect the rates  
24 different times throughout the work day.

25           Some communities love these

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projects, other people have concern about them. That's exactly what this bill addresses. I believe as a courtesy, DOT sometimes presents its plans for pilot programs to the Transportation Committees of the affected community boards but this presentation isn't required currently. The amount of detail provided in the presentation is not mandated and the public at large is not guaranteed to find out about the new pilot program.

Our city is at its best when we work together. If passed, this bill would mandate that partnership between DOT and the community boards require that DOT make a presentation before the full community board at its general meeting 60 days before the start of a pilot program. The community board will be given an opportunity to voice its comments, concerns directly to the Department representatives. Although the community board does not have the authority over the Department, DOT must consider the comments and concerns and follow up with the community board at least 30 days before the program begins on whether they plan to implement the program as intended or

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2 with the changes based on the board's  
3 recommendations.

4                   Neither of these bills doubt or  
5 question the intentions of the Department of  
6 Transportation or their methods. Rather they help  
7 to ensure that the voices of local communities are  
8 heard and considered prior to Department actions.  
9 And as with any function of the city, actions are  
10 most likely to be successful when the Department  
11 of Transportation is working with the community  
12 and where the community understands and supports  
13 the Department's actions. That's the purpose of  
14 these two bills and I look for everyone's support.  
15 Thank you Mr. Chairman.

16                   [Applause]

17                   CHAIRPERSON LIU: Thank you very  
18 much Council Member Gentile. We've also been  
19 joined by Council Member Oliver Koppell of the  
20 Bronx and Council Member Simcha Felder of  
21 Brooklyn. With that, I want to thank the  
22 representatives of the Bloomberg administration  
23 for joining us today and we'll turn the floor over  
24 to them. I guess, Susan, Dave, Samara, you guys  
25 can introduce yourselves.



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SAMARA EPSTEIN: Good morning  
Chairman Liu and members of the City Council  
Transportation Committee. My name is Samara  
Epstein and I'm the Assistant Commissioner of  
Constituent Affairs of the New York City Taxi and  
Limousine Commission. Thank you for the  
opportunity to appear before you today to speak  
about Intro 1023 regarding the commuter van bill  
of rights.

As you know, local law already  
requires a taxicab passenger bill of rights and a  
livery passenger bill of rights. The new livery  
passenger bill of rights has been well received by  
the public and we appreciate you working to make  
sure passengers riding in TLC regulated vehicles  
know their rights in how to make a complaint,  
compliment or comment through 311.

We support your introduction of a  
commuter van bill of rights. However, we suggest  
one minor change to the language as proposed.  
Number four specifies a knowledgeable driver who  
is familiar with city geography. Commuter vans  
are authorized to operate to and from particular  
areas. They are not permitted to operate for hire

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2 outside of these zones. Because of this, we  
3 propose changing number four to state a driver  
4 familiar with the areas where a van is authorized  
5 to provide service. Thank you for your time. I  
6 would be happy to answer any questions you may  
7 have.

8 CHAIRPERSON LIU: Thank you very  
9 much. Please proceed.

10 DAVID WOLOCH: Good morning. My  
11 name is David Woloch, Deputy Commissioner for  
12 External Affairs at the New York City Department  
13 of Transportation. Thank you for inviting me here  
14 today to testify on Intros 1076, 1077 and 1063.

15 Intro 1076 requires DOT to notify  
16 the affected community board and Council Member 60  
17 days before changes to parking meters go in  
18 effect. We appreciate the goal of this bill and  
19 would like to work with the Council on an  
20 iteration that requires the kind of notice that we  
21 believe the bill is designed to capture without  
22 unnecessary impacts. A 30 day timeframe would be  
23 more appropriate. The bill should be clarified so  
24 that it applies to changes in meter rates,  
25 specifically. We don't believe the intent is to

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2 require this kind of notice, for example, if DOT  
3 moves a single meter.

4           Finally, as the Council has been  
5 made aware at previous hearings, often when we  
6 make changes on our streets, our crews bundle work  
7 for optimal efficiency. We can't always say  
8 precisely when work will take place so far in  
9 advance. Therefore, rather than providing notice  
10 with a precise date, we request to issue  
11 notification of the earliest possible date meter  
12 rates will be changed. This small modification  
13 will ensure that the spirit of the legislation is  
14 met without unnecessary cost to the agency and the  
15 taxpayer.

16           Now let me turn to Intros 1063 and  
17 1077, which require DOT to provide notification in  
18 advance of major construction and pilot projects,  
19 respectively. Intro 1063 requires notification of  
20 major construction projects be issues to affected  
21 community boars and Council Members 30 days prior  
22 to proposed implementation. It gives them an  
23 additional 30 days to respond and then mandates  
24 that DOT considers comments and forwards a final  
25 plan back to the community boards and Council

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2 Members another 30 days before implementation.

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4 Intro 1077 requires DOT to present  
5 plans 60 days prior to implementation of a pilot  
6 program to affected community boards at the  
7 regularly scheduled meeting. It gives the  
8 community board an indeterminate amount of time to  
9 make recommendations. Once received, DOT must  
10 review and forward the amended plan back to the  
11 board or provide notice it will proceed as planned  
12 30 days before implementation. As I will discuss,  
13 we're not entirely clear what projects these bills  
14 would cover. But I'd like at the outset to  
15 describe the outreach that the DOT currently  
16 undertakes.

16

17 There's no question that in recent  
18 years DOT has been making many changes on our  
19 streets; implementing new treatments and designs  
20 aimed towards improving safety, better providing  
21 for many modes of travel and better serving our  
22 neighborhoods. At the same time we've ramped up  
23 an aggressive outreach program that goes well  
24 beyond what had taken place in years past and what  
25 these pieces of legislation seem to contemplate.

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We're committed to the integrity of

1  
2 the work we do and as such, our projects are  
3 monitored and re-evaluated as needed with ample  
4 consideration for communities. Public input is  
5 integral to our work and we'll continue to pursue  
6 ways to best reach communities, soliciting their  
7 advice and keeping them apprised of our efforts.

8 We take the customized approach,  
9 guided by the specific needs of each community,  
10 conducting extensive outreach on projects large and  
11 small, staffing six separate borough offices  
12 including one for lower Manhattan to facilitate  
13 closer communication with communities and elected  
14 officials. I think we all can agree DOT borough  
15 commissioners and their staffs are extremely  
16 responsive to community inquiries, needs and  
17 requests. On average, these DOT borough offices  
18 attend literally hundreds of meetings of elected  
19 officials, community boards and civic  
20 organizations every month.

21 As a general rule for projects we  
22 not only go to community boards and often appear  
23 multiple times before the boards. We also meet  
24 informally with the offices of elected officials  
25 and do extensive flyering of communities before

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2 projects. Over the past two years we've begun to  
3 supplement community board meetings with a variety  
4 of other forms of outreach, including workshops,  
5 sharets [phonetic] open houses and regular  
6 convened citizen advisory committee meetings for  
7 larger projects.

8           One clear lesson is that a cookie  
9 cutter approach is just not appropriate for the  
10 variety of work we conduct. Every project takes  
11 on a life of its own and requires a customized  
12 strategy. For example, months prior to  
13 implementing one of our Safe Streets Fro Seniors  
14 initiative, the University Heights Project on  
15 Fordham Road and Sedgwick Avenue in the Bronx,  
16 this past July, we presented to and obtained  
17 support from local community boards 5 and 7, sent  
18 notice to the Fordham Road BID, borough president,  
19 Council Member and other local elected officials,  
20 offered briefings to elected officials and  
21 conducted a presentation at the borough  
22 president's district cabinet meeting.  
23 Additionally our Bronx Borough office distributed  
24 flyers, by hand to every local store owner and  
25 local apartment buildings notifying them of this

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project.

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Our Green Light for Midtown

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initiative required a different strategy given the

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unparalleled nature of the project, the type of

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area and the many stakeholders involved. DOT

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presented its project formally at two public

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community board meetings, community 4 on March 16

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and community board 5 on March 18. Two open

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houses were also held on March 11 and 12 so that

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businesses, stakeholders, residents and other

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interested parties could drop in and have the

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project explained to them. The open houses

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consisted of one-on-one interactions between

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department staff and members of the public. this

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way, individual questions or concerns were

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directly addressed.

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In addition, many other

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stakeholders, including offices of all the

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impacted elected officials, were provide with

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briefings. Additionally we conducted a wide

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distribution of targeted brochures and flyers to

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inform as many people as possible the project and

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solicit feedback prior to its implementation.

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Following the project's completion in August, the

1  
2 public was encouraged to provide feedback through  
3 a survey hosted on DOT's web site and at two open  
4 public forums that took place just this past week.

5 Both the University Heights and  
6 Midtown cases in some ways are typical for DOT.  
7 We went to the public with plans for a specific  
8 area, took feedback and have and will continue to  
9 make adjustments where appropriate. For other  
10 initiatives that provide an opportunity to make  
11 improvements in many different neighborhoods we've  
12 used different outreach efforts.

13 For example, our Plaza program  
14 revolves around a community opt in program where  
15 requests are generated by individual communities.  
16 Our Park Smart program also uses an opt in  
17 approach. While we've presented a project  
18 proposal to a number of communities around the  
19 city, we only implement by request.

20 As part of this program, meter  
21 rates are raised in commercial areas to facilitate  
22 turnover, helping local businesses to serve more  
23 customers. We hope to conduct a number of pilot  
24 programs and have already begun in the West  
25 Village in Manhattan and Park Slope in Brooklyn.



1  
2 In both cases, pilots commenced following formal  
3 request from the community boards and local civic  
4 councils and plans were modified based on  
5 recommendations as well as feedback from local  
6 businesses and BIDs.

7 For example, in Brooklyn DOT  
8 initially proposed rates be raised from \$.75 to  
9 \$2.00. The community felt the amount was too high  
10 and we agreed to begin testing the program at  
11 \$1.50. In Manhattan after the pilot period had  
12 concluded having raised rates from \$1.00 to \$2.00,  
13 the community board asked us to raise the rates  
14 again, which will be in effect some time this  
15 fall.

16 The boundaries of the program in  
17 both boroughs were also a result of a discussion  
18 between the Department and local stakeholders. As  
19 we receive more requests for Park Smart in other  
20 neighborhoods throughout the city, we'll continue  
21 to work as closely with communities to develop  
22 programs tailored to meet their needs.

23 The outreach programs I've  
24 described are, of course, works in progress. We  
25 continue to want to work with the Council and

1  
2 other stakeholders to develop new outreach tools,  
3 broaden our reach and solicit more input. We  
4 certainly appreciate the importance of dialogue on  
5 this topic. However we do have concerns about  
6 1063 and 1077, are not convinced they're necessary  
7 and believe they could be counterproductive.

8 We're also not entirely clear what  
9 work is captured by the legislation. Both bills  
10 lack definitive descriptions for the projects they  
11 apply. Major construction is defined in Intro  
12 1063 refer to projects that "alter motor vehicle  
13 volumes along affected streets by 10% or more".  
14 It's unclear whether the legislation is referring  
15 to projects that alter vehicle volumes during  
16 construction or after. Most projects will have  
17 some impact during construction. Is the bill  
18 intended to capture regular roadway paving or  
19 street lighting construction projects? If the 10%  
20 refers to the impact post construction, you should  
21 realize many of our projects could have  
22 significant community impacts without causing an  
23 actual 10% variation in traffic.

24 Intro 1077 is similarly ambiguous,  
25 offering no definition of pilot project. Given

1  
2 the absence of a legal definition, it's important  
3 to make clear that in some sense every project DOT  
4 undertakes may be considered a pilot.

5 The bills also have the potential  
6 to delay necessary work including safety  
7 improvements. 1077's lack of a deadline for  
8 community board responses could delay projects  
9 indefinitely. Of most concern to us is the narrow  
10 approach to notification the Council seems to be  
11 suggesting. Crucial to our outreach process is  
12 the ability to customize our efforts to fit the  
13 particular project and community affected. Intros  
14 1063 and 1077, while aimed at bolstering outreach  
15 to involve communities, actually dictates a more  
16 narrow approach.

17 At present DOT is fully committed  
18 to more aggressive efforts in communicating with  
19 the public. However we do not want to discourage  
20 DOT in the future from similarly dedicated and  
21 creative outreach to New Yorkers. Codifying the  
22 way outreach should be conducted, over time will  
23 simply create another bureaucratic check, eluding  
24 the greater goal of more comprehensive community  
25 involvement in DOT projects.

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2 We're confident the Council seeks  
3 to make our outreach efforts more comprehensive  
4 and responsive, not more rigid and parochial. We  
5 don't believe codifying DOT procedure is the  
6 appropriate way to address concerns over outreach  
7 but as we're always looking to do better, we'd  
8 like to continue discussions with concerned  
9 Council Members on how to better inform our  
10 approach.

11 Thank you for the opportunity to  
12 testify before you today. Following the testimony  
13 of Assistant Commissioner Petito, we will be happy  
14 to answer any questions that you may have.

15 SUSAN PETITO: Good morning Mr.  
16 Chair, members of the Council. I'm Susan Petito,  
17 Assistant Commissioner of Intergovernmental  
18 Affairs of the New York City Police Department.  
19 And I'm pleased to discuss with you two bills  
20 before you today, Intros 624 and 947.

21 Intro 624 would amend  
22 administrative code Section 10-157, which governs  
23 the operation of bicycles used for commercial  
24 purposes. This section currently requires  
25 businesses to provide various forms of

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2 identification of their businesses for their  
3 bicycle delivery people. They must also provide  
4 such bicycle delivery men and women with  
5 protective head gear as well as various types of  
6 safety equipment for the bicycle.

7           This bill would amend section 10-  
8 157 in two major ways. First, the bill would add  
9 three new concepts to the universe of businesses  
10 intended to be covered by the law; those that are  
11 similar entities, those that arrange for the  
12 provision of a service and those with whom the  
13 bicycle operator is affiliated. We are concerned  
14 that these terms are vague in nature and  
15 susceptible to differing interpretations and thus,  
16 we can not predict the ultimate impact of the  
17 proposal because these terms are not defined in  
18 the bill.

19           For example, a person who calls for  
20 an order of take out food or messenger service  
21 could fall within the scope of the bill by being  
22 deemed the one who arranges for the provision of  
23 the delivery service. Because there are criminal  
24 penalties arising from violation of this law,  
25 we're concerned that the lack of clarity regarding

1  
2 the intended scope of the bill could render the  
3 bill susceptible to Constitutional challenge on  
4 due process grounds.

5 Further, in some parts of the bill  
6 the concept of employment would be deleted from  
7 the existing section. This may have the  
8 unintended consequence of allowing the business  
9 entity to limit its liability if the bicycle  
10 operator is not considered its employee for the  
11 purpose of attributing responsibility for the  
12 operator's negligence.

13 We should note that depending on  
14 the factual circumstances, in general, employers  
15 are held vicariously liable for the negligent  
16 conduct of their employees but not conduct which  
17 is reckless or criminal in nature. By introducing  
18 some doubt as to whether the people involved in  
19 these circumstances are employees, the bill might  
20 unintentionally represent an effort to change by  
21 local law a subject that is essentially a matter  
22 of state law beyond the purview of local law.

23 The second major aspect of the bill  
24 removes the penalty for bicycle operators filing  
25 to carry or produce the required ID and failing to

1  
2 wear the required bicycle helmet while seeking to  
3 hold the business entity solely liable for these  
4 violations. We respectfully suggest that without  
5 holding the operator accountable for these  
6 violations, the ultimate purpose of the bill would  
7 be frustrated in many instances. There would be  
8 no basis for police officers to stop or give a  
9 summons to a bicycle operator who is committing  
10 one of these violations and therefore no way to  
11 determine who is in fact employing him or her to  
12 make deliveries.

13 We note the administration's strong  
14 support for the Council's action in 2007 when the  
15 Council enacted local law 9, which required  
16 commercial bicycle operators to wear helmets. We  
17 would recommend focusing on and enhancing this  
18 requirement rather than eliminating it.

19 Turning to the other bill before  
20 you, Intro 947 amends administrative code Section  
21 10-111, which prohibits leaving a motor vehicle  
22 unattended for more than three minutes without  
23 first stopping the engine, locking the ignition  
24 and removing the key. We understand and support  
25 the Councils' intent to strengthen this

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prohibition by making the violation immediate rather than effective after a three minute period.

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We note that some language changes may be needed

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to ensure that any vehicle left unattended but

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with the key in the vehicle, whether idling or

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not, continues to fall within the scope of the law

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so that the separate public safety interest in

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preventing vehicle theft continues to be

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addressed.

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However we also have concerns about

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the elimination of the exemption for buses, which

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exists in the current law. There may be

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particular situations in which a bus driver leaves

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the bus in order to help passengers or unload

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luggage and it is unclear whether a driver in that

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circumstance would be leaving the bus unattended.

18

Thank you for the opportunity to

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provide our comments on Intros 624 and 947. And

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as always, we remain available to discuss in

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detail the ways in which we may address the

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concerns we've raised. Thank you and we all

23

welcome your questions.

24

CHAIRPERSON LIU: Thank you very

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much Commissioners. We've been joined by Council



1  
2 Member Eric Ulrich from Queens and Elizabeth  
3 Crowley from Queens and Council Member Leroy  
4 Comrie from Queens. We have opening remarks about  
5 the legislation by Council Member Liz Crowley.

6 COUNCIL MEMBER CROWLEY: Thank you  
7 Chairman, fellow members. Today we are reviewing  
8 a piece of legislation, Intro 947 also known as  
9 the Robert Ogle Bill to raise the fine for anybody  
10 who leaves their vehicle running and unattended.  
11 The current fine for leaving your car ignition  
12 running and unattended is only \$5. With this new  
13 legislation I introduced in March, the fine would  
14 be raised to \$250 to deter anyone from being  
15 careless with their vehicles.

16 Leaving your car running and  
17 unattended seems like a minor, careless mistake.  
18 But all New Yorkers must understand that it's  
19 irresponsible, dangerous and potentially deadly.  
20 Last February a seemingly avoidable tragedy struck  
21 my district. Two young men, Robert Ogle of Queens  
22 and Alex Paul of Brooklyn, were killed by a  
23 drunken thief who minutes before had stolen a car  
24 that had been left running and unattended.  
25 Another similar tragedy occurred weeks before in

1  
2 China Town when a unoccupied van was left in  
3 reverse and mounted a sidewalk, ramming into a  
4 group of preschool students, killing two and  
5 injuring at least 11 other children.

6           Furthermore, in the 104 precinct  
7 alone, which covers the area where the tragedy  
8 took place in Middle Village, 10% of the cars that  
9 are stolen in 2008 were because people left their  
10 cars running and unattended. Today the parents of  
11 Robert Ogle, Brandon and May, are here with us in  
12 honor of their son. As a mother and a neighbor I  
13 admire their strength and their courage to be here  
14 with us to make sure that what happened to their  
15 child does not happen to anyone else's.

16           With the hope that you will help us  
17 pass this legislation, I will continue to work  
18 with the Ogles and my community on an awareness  
19 campaign to prevent people from leaving their cars  
20 running while unattended. Thank you for your time  
21 and I look forward to working with the members of  
22 the Transportation Committee and Chairman Council  
23 Member Liu to move this legislation forward.  
24 Thank you.

25                           [Applause]

1  
2 CHAIRPERSON LIU: Thank you. Thank  
3 you Council Member Crowley. So I appreciate the  
4 commissioners for joining us today. We're off to  
5 a--I can't say it's an awful start. It's not a  
6 great start but we're kind of like batting 500  
7 right now. We're trying to raise that batting  
8 average by the end of this hearing.

9 Commissioner Samara Epstein, you're  
10 basically saying that the administration would  
11 support Intro 1023 with just a couple of minor  
12 wording changes. But the administration is okay  
13 with that. All right, I think that's good just  
14 because commuter vans are still an important and  
15 in some ways, growing, part of the transportation  
16 fabric in New York City. So that's a good thing.  
17 That may be the highest point of this hearing.  
18 Hopefully not but it may be.

19 It sounds like the administration  
20 is supportive of Council Member Crowley's Intro  
21 947?

22 MS. PETITO: We believe we could  
23 work together to make it something that we can  
24 certainly support. I think there are some  
25 specific problems with the drafting that are

1  
2 unintentionally either bringing it into conflict  
3 with the current law in a way that we don't agree  
4 with. For example, the section of the law is now  
5 called Locks on Motor Vehicles. The bill would  
6 change that to call it Unattended Idling Vehicles.  
7 But we don't want to even imply that the engine  
8 has to be idling in order for this to be a  
9 violation.

10           The other thing that the bill does  
11 is remove the requirement that somebody remove the  
12 key from the vehicle. We believe that that  
13 unintentionally weakens the current law rather  
14 than strengthening it, which we understand is your  
15 intent. So we also would need to make sure that  
16 this bill would amend the law in a way that's  
17 harmonious with the new idling law that the  
18 Council enacted. Because that has a three minute  
19 idling period, one minute around schools. So we  
20 have to make sure to harmonize this bill with  
21 current law.

22           But strengthen it in a way that I  
23 think we all agree, is very useful. This law goes  
24 back to 1949 so I think that explains the \$5.  
25 There's also a two day jail term possible under

1

2 the current law. So I don't think that that's  
3 inconsiderable but I think we can certainly work  
4 together to bring the law into the 21st century  
5 and not weaken it unintentionally.

6

CHAIRPERSON LIU: Well, I think  
7 Council Member Crowley was very clear in her  
8 comments. It seems to me that the NYPD and the  
9 administration it is in favor of what the bill is  
10 essentially trying to do. It does sound to me  
11 that there are just some wording changes and  
12 clarifications.

13

MS. PETITO: Right. It is drafting  
14 issues. I should also point out that this already  
15 exists in the parking regulations. There is a  
16 traffic rule, a parking violation for this very  
17 violation--

18

CHAIRPERSON LIU: [interposing]  
19 Yeah, well you get five bucks.

20

MS. PETITO: That's for when people  
21 are not present at the vehicle. In other words,  
22 but there's no three minute period in the traffic  
23 rule as a parking violation. A police officer  
24 seeing a key in an ignition can issue a parking  
25 summons and put it on the car. This

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2 administration code section is about serving a  
3 criminal summons on the person at the vehicle. So  
4 there are slightly different options available.

5 CHAIRPERSON LIU: All right but it  
6 does seem like this kind of wording could be  
7 worked out over the next couple of weeks.

8 MS. PETITO: Yes.

9 CHAIRPERSON LIU: So that we can  
10 push for it. This is the first hearing so we  
11 won't push for a vote on this bill. I think these  
12 are changes that can be reconciled pretty quickly.  
13 And we'll have some questions from Council Member  
14 Crowley also. I want to thank her for introducing  
15 this very important bill because the thought of  
16 those little kids being crushed against the wall  
17 because somebody was idiotic enough to leave their  
18 car in reverse and didn't even know about it.  
19 It's just that can't happen in this city anymore.  
20 That just can't happen.

21 The DOT Commissioner while you're  
22 saying that 1076 you're generally okay with, the  
23 administration is generally okay with?

24 MR. WOLOCH: Yes. Again, I think--

25 CHAIRPERSON LIU: [interposing]

1  
2 Just a couple of changes in time frame. I feel  
3 like that's also a bill that the language can be  
4 ironed out in the next couple of weeks and we  
5 could...

6 MR. WOLOCH: Absolutely. Similar  
7 to what Commissioner Petito had to say about the  
8 other bill. I think there is some language  
9 changes we can make that would lead us to a bill  
10 we're all comfortable with and I think complies  
11 with the spirit with what the Council Members were  
12 trying to do here.

13 CHAIRPERSON LIU: Okay. Which just  
14 leads us to the other three bills, which  
15 coincidentally we have a large amount of testimony  
16 from the public about. Intro 624 on the  
17 commercial bicycling liabilities as well as the  
18 Department of Transportation's or the requirement  
19 for the DOT to actually give some significant  
20 input to the community and notice to the  
21 community.

22 It's funny that the testimony given  
23 by the DOT today refers to some examples where the  
24 DOT has actually characterized these exercises  
25 being typical of what they do and that there's

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2       been a tremendous amount of community input and  
3       that there's been lots of notification and public  
4       hearings provided by the DOT.  There are, as you  
5       can imagine, I have a feeling we're going to hear  
6       from some people here today instances where the  
7       DOT has not given a whole lot of information and  
8       has not attended hearings and has not made  
9       information or the Department personnel themselves  
10      available to the public.

11

12               So while the DOT may cite the  
13      University Heights and Midtown cases in today's  
14      testimony, I think there are lots of other cases  
15      where the community will complain that the DOT has  
16      been absolutely been closed minded and not been  
17      open with the process.  It's just a little  
18      troubling to hear that the DOT doesn't believe in  
19      codifying procedure because the DOT is always  
20      making it their outreach efforts more  
21      comprehensive and responsive, not more rigid and  
22      parochial.

23

24               That's--I won't say what I think  
25      about that comment but the fact of the matter is  
26      that some people would say that it's been too  
27      rigid.  How would you characterize, because you do



1  
2 bring up examples where the DOT has conducted full  
3 outreach. How would the DOT characterize today in  
4 this hearing, the outreach efforts in the case of  
5 the re-engineering and reconstruction of Chatham  
6 Square, the bike lanes on Flushing Avenue in  
7 Williamsburg? Those are just two examples that  
8 have come up in recent hearings so that's why I  
9 bring it up.

10 The testimony here just kind of  
11 doesn't even address any of those issues and yet  
12 it has been those issues that have been the  
13 impetus behind these kinds of bills that the DOT  
14 is opposing today, specifically Intro 1063 and  
15 1077.

16 How would the DOT characterize the  
17 outreach efforts in those two cases?

18 MR. WOLOCH: Sure. I think those  
19 actually are good examples. When you say Flushing  
20 I think you're talking about Kent Avenue.

21 CHAIRPERSON LIU: I'm sorry Kent  
22 Avenue, yes.

23 MR. WOLOCH: In Brooklyn and  
24 there's an example where we had gone to the  
25 community, community board last year with a

1  
2 proposal. We had the community board support. We  
3 implemented it and then we got a lot of feedback  
4 that what we had put in place was not working. So  
5 we rolled up our sleeves, we went back to the  
6 table. We got a lot of suggestions, particularly  
7 from elected officials to come up with an  
8 alternative scheme, which we then developed and we  
9 went back to the stakeholders. Went back to the  
10 community board. There's no question there are  
11 some people in the community that have been  
12 supportive and some people in the community that  
13 have not. But we've had a lot of discussion about  
14 that project. I think, again, it's a good example  
15 of us trying something and recognizing when it's  
16 not working and taking in that feedback and then  
17 trying something again.

18 In the case of Chatham Square,  
19 there has been about five years' worth of dialogue  
20 between the city and it's not just DOT but there  
21 are other agencies involved and the community.  
22 Probably more than for almost any other project,  
23 there has been sharing of all the studies that  
24 have been done to the point where I believe we  
25 turned over the data at the request of the

1  
2 community, behind the studies for their analysis.  
3 So there has been lots and lots of dialogue. I  
4 think the kind that these pieces of legislation  
5 contemplate.

6 That doesn't mean that there aren't  
7 folks, and I'm sure you'll hear from them today,  
8 who have a lot of concerns about that project.  
9 But in terms of having lots of back and forth  
10 between the city and affected stakeholders, there  
11 has been a lot.

12 CHAIRPERSON LIU: Well, in the case  
13 of the Kent Avenue bike lanes, I understand that  
14 the Department of Transportation did make changes  
15 to the changes. So in other words, that was a  
16 case where the Department of Transportation went  
17 ahead and made those changes and as far as I can  
18 see, caused a great deal of anxiety in the  
19 community only then to backtrack on some of those  
20 changes. You're spin is that it was in response  
21 to the input from the community.

22 MR. WOLOCH: If our attitude is  
23 everything that we do, if we change it it's  
24 backtracking then I think we're all collectively  
25 going to be in a bad place. I think there needs

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to be a willingness to take input before changes go into effect and also afterwards. That's why we're going to much greater lengths than we had in previous years and probably in a way that's never happened to evaluate projects and not be afraid to go back and make changes.

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I think, listen, we are making, and there's no question about it, lots of changes on the streets. Many of these changes are changes that are being requested by stakeholders around the city. They're changes to improve safety, to reduce congestion, to improve mobility, to widen the array of options for people to get around. This is hard work.

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It would be much easier, I think, certainly for my job if we weren't doing any of this and we took all our marbles and went home and didn't make changes. Then you wouldn't have some of the disagreements that can arise but the city-- if I could just finish. The city would not be as well off. We would not be saving as many lives as we're saving, we would not be reducing congestion, we would not be promoting alternative modes.

25

I think for us to improve all these

1  
2 things, it does require the kind of dialogue I  
3 think we all want. But there is sometimes tension  
4 and there is sometimes disagreements and I think  
5 we have been doing an immense amount of work over  
6 the past two years to improve how we engage in  
7 those dialogues. There's no question there's more  
8 room for improvement.

9 CHAIRPERSON LIU: This committee  
10 never says that the DOT doesn't do anything  
11 valuable. We're not saying that at all. But the  
12 DOT's testimony is that these two bills are  
13 totally not necessary. In fact, it would be  
14 dangerous, in fact the DOT believes that codifying  
15 these procedures in not the appropriate way to  
16 address these concerns and that the DOT is always  
17 looking to make outreach efforts more  
18 comprehensive and responsive, not more rigid and  
19 parochial. That's the kind of stuff that we're  
20 talking about.

21 You cite a couple of examples where  
22 the DOT has in fact engaged the public and taken  
23 into account the community's concerns and input.  
24 But there are other cases, plenty of other cases.  
25 All I'm doing is citing two recent examples or

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2 examples that have come under great public  
3 scrutiny in the last matter of months.

4 MR. WOLOCH: And those are--

5 CHAIRPERSON LIU: [interposing] But  
6 there are lots of other examples where--we'll get  
7 to you Eric. Where the DOT has not made these  
8 kinds of efforts. For the testimony to simply  
9 disregard or to cast aside any need for this  
10 legislation by saying that the Department of  
11 Transportation has engaged in a comprehensive and  
12 thorough outreach and has been totally responsive.  
13 That's something that we have some comments about.

14 I think you're going to get a lot  
15 of pushback today about the DOT's testimony here.  
16 And I'm certainly not criticizing the DOT for  
17 backtracking or for making changes to some other  
18 changes that the DOT has already implemented over  
19 the vociferous objections of the local community.  
20 That was the right thing to do because the DOT did  
21 respond to some of the very serious concerns that  
22 the local communities had.

23 But the point is that perhaps the  
24 major changes should not have been enacted in the  
25 first place over the vociferous concerns of the

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community.

MR. WOLOCH: In that particular case there were not vociferous concerns. We actually had the support of the community board at the time to go ahead with that project.

CHAIRPERSON LIU: I think there had been some questions about that.

MR. WOLOCH: There are certainly questions. That's the thing. There are always-- when we make any change, big or small, there are often questions. Not everybody is going to be happy with everything we do but we had the community board approval for that project. We also, afterwards, had concerns that were raised by the community board. So again, a great example-- and I'm glad that you brought up that example.

The testimony was not an attempt to cite just the only examples where we've done outreach. There is a long, long list. The two projects that you raised also are projects that involve substantial outreach and community--

CHAIRPERSON LIU: [interposing]  
Let's talk a little bit about the Chatham Square project because we had a little bit of a dialogue

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2 on that earlier this year. There were what I  
3 consider clear documents that showed in fact that  
4 the Department of Transportation had not made the  
5 plans available until the very last minute. And  
6 then told the community that well the DOT and the  
7 city had to go ahead with this project because of  
8 all sorts of critical paths and the timeframe and  
9 the planning and the reconstruction of the  
10 Brooklyn Bridge, all sorts of thousand reasons why  
11 the plan had to go forward even though no plans or  
12 drawings had actually been made available to the  
13 public and the community. Where is the Chatham  
14 Square project now?

15 MR. WOLOCH: The work hasn't  
16 started yet and it's still going to happen. I  
17 believe it's been moved to next year.

18 CHAIRPERSON LIU: And when was it  
19 supposed to? Earlier this year when we sat at  
20 these very same seats, wasn't it supposed to have  
21 started in like February or March.

22 MR. WOLOCH: This would not be the  
23 first project that, for various reasons, would  
24 have slipped.

25 CHAIRPERSON LIU: But wasn't it



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2 critical for the reconstruction of the Brooklyn  
3 Bridge?

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5 MR. WOLOCH: There were timing  
6 concerns but I think the--

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8 CHAIRPERSON LIU: [interposing] Is  
9 the reconstruction of the Brooklyn Bridge  
10 proceeding?

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12 MR. WOLOCH: The Brooklyn Bridge is  
13 proceeding; both projects are proceeding.

14

15 CHAIRPERSON LIU: Even though the  
16 Chatham Square has not started?

17

18 MR. WOLOCH: They are proceeding in  
19 a way that's going to be implemented so that the  
20 work is not happening on top of each other the way  
21 it's going to be damaging to the--

22

23 CHAIRPERSON LIU: [interposing] So  
24 in fact the very fast track plan for the  
25 construction or the reconstruction of Chatham  
26 Square as put forth to the community earlier this  
27 year that it was critical for the reconstruction  
28 of the Brooklyn Bridge. In fact, it was not  
29 critical. In fact, the rest of the project did  
30 start and in fact, there was the opportunity to  
31 engage the community more in finding solutions

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2 that would have made more sense for both the city  
3 as a whole and the community. That in fact, the  
4 timeframe was not as critical as the Department of  
5 Transportation was putting it out to be.

6 MR. WOLOCH: Like many projects  
7 there were probably many reasons for the slippage.  
8 Obviously if it gets pushed out there's going to  
9 be more dialogue but there's ample dialogue over a  
10 five-year period prior to this year.

11 CHAIRPERSON LIU: And I think the  
12 Department of Transportation--and this I mean  
13 again I have to say this is not so much about the  
14 Department of Transportation because they are  
15 simply the front agency for the underlying problem  
16 here and that is that the community, as best as I  
17 understand it and certainly Council Member Gerson  
18 who represents that particular area has made it  
19 very clear to me. That the way in which Chatham  
20 Square was going to be reconstructed, that was  
21 just simply making permanent the closure of Park  
22 Row. Again, that was not a DOT decision.

23 But again, it leads to serious  
24 questions about credibility when the community is  
25 being told that oh, it's got to be done now

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2 because so many other things will be held up. We  
3 might even move some funding for these important  
4 projects. And then a number of months later,  
5 things are still fine. There certainly was, I  
6 don't even want to call it luxury at this point  
7 but there certainly was flexibility for the city,  
8 the administration and the DOT to engage in  
9 serious dialogue with the community to come up  
10 with a plan that becomes a win-win for everybody  
11 and not simply ramming it down the throats of the  
12 community.

13           Again, I don't think there's any  
14 neighborhood here in this city that does not  
15 understand that in some cases the city has to  
16 undertake projects that may not be in to the full  
17 benefit of that particular local community but is  
18 needed for the city as a whole. But we need to  
19 engage in that dialogue. That's the point of  
20 these introductions, that I am dismayed to hear  
21 not only opposition to these two particular bills,  
22 1063 and 1077, but these claims that they're  
23 totally unnecessary because the city and the DOT  
24 is doing everything they need to do or that they  
25 can do.

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MR. WOLOCH: Let's be clear though.

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The suggestion isn't that we're doing everything

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perfectly. In fact, over the past couple of years

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as we've begun to do more work than was happening

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before, we've made changes to how we do outreach.

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We're constantly improving how we do outreach.

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Does that mean that we're at the pinnacle, that

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we're doing everything we can? Absolutely not.

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I think there's certainly more we

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can do. There's always ways for us to improve and

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I'm sure that there's more the administration and

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the Council can talk about in terms of how we

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improve the outreach. But that is a process that

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it doesn't appear to us is served by this

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legislation.

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CHAIRPERSON LIU: Do you recall the

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bill that was introduced by Council Member Alan

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Gerson and passed in City Council a number of

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years ago that required certain notification to

21

the public and the City Council before streets

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were closed in the city?

23

MR. WOLOCH: Yeah. Do I remember

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that bill?

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CHAIRPERSON LIU: There's a

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2 requirement that before streets in this city are  
3 closed--

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MR. WOLOCH: [interposing] Right,  
5 if they're going to be closed for 180 days, sure.

6

CHAIRPERSON LIU: Advance notice.

7

MR. WOLOCH: Yes.

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CHAIRPERSON LIU: All right. But  
9 that advance notice is no longer necessary if  
10 there is just a pilot program, right?

11

MR. WOLOCH: According to that law  
12 if there's a full closure for more than 180 days  
13 that sort of notice is required. We provide  
14 notice and will go to communities for many  
15 projects that fall well short of that kind of  
16 movement, if that's your question.

17

CHAIRPERSON LIU: All right. I  
18 have some more questions but--

19

MR. WOLOCH: [interposing]  
20 Councilman, I think there's a frustration that  
21 you're expressing. I think a lot of that has to  
22 do with the projects themselves. As I said, not  
23 everybody is always going to be happy with every  
24 project--

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CHAIRPERSON LIU: [interposing] No,

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2 I can't--

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MR. WOLOCH: [interposing] But the outreach and communication that we've been doing for projects has improved tremendously. It's not just these examples I'm citing. There are dozens and dozens more. Almost every major project that we're undertaking, we will go through a process like that. Each one is going to be different and each one is going to have different expectations from the affected communities in terms of how we go about that outreach. But we're doing it in ways that we had not been doing in years past.

CHAIRPERSON LIU: Let's be clear. I am in no way questioning the Department of Transportation's judgment or capability when it comes to enacting these changes. I am not a transportation engineer. I've never worked for the DOT and so I'm not professionally qualified to pass judgment on some of the changes that the DOT is making. But this committee has always been focused on, and my questions to you this morning and in past hearings have been focused on, keeping the Department of Transportation accountable; mostly accountable for its own statements and

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claims and accountability towards adhering to law.

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I bring up the street closure

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requirement in light of the changes that have been

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made to Broadway at Times Square and at Herald

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Square. Those changes resulted in the closure of

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a major street in this city. Again, I'm not

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making any statement as to whether I support those

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changes or not. I happen to think that--I don't

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even want to say what I think about those changes

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because it's not about what I think or what my

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opinion is about those changes. But the fact of

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the matter is that we have a law in city

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administrative code that requires notification

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before these streets are closed. Was there any

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notification that those streets were going to be

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closed, short of the press conference?

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MR. WOLOCH: There was lots of

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notification. I described it in the testimony.

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There was--

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CHAIRPERSON LIU: [interposing] So

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it wasn't--right now it's technically a test

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program, right, a pilot program?

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MR. WOLOCH: Correct.

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CHAIRPERSON LIU: And that is the

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2       loophole that allows the administration to go  
3       around the notification requirement.  Isn't that?

4               MR. WOLOCH:  I believe we weren't--  
5       I need to check on that--

6               CHAIRPERSON LIU:  [interposing] Did  
7       you give 180-day notice about the closure of  
8       Broadway?

9               MR. WOLOCH:  I believe we were in  
10       compliance with CREA.  I don't think there is any  
11       way we're not in compliance with that.

12              CHAIRPERSON LIU:  Okay.  Well, that  
13       subject requires its own total and separate  
14       hearing.  Let me defer to my colleagues who have  
15       questions and I'll follow up with some others.  We  
16       have questions from Council Member Ulrich.

17              COUNCIL MEMBER ULRICH:  Thank you  
18       Mr. Chairman.  Commissioner, I want to thank you  
19       for your testimony today.  With respect to your  
20       comments on Intro 1063, you stated that a cookie  
21       cutter approach is not appropriate and that you're  
22       already engage in customized outreach initiatives  
23       as a strategy for notifying communities of major  
24       projects.  Who was responsible for developing or  
25       tailoring a strategy to notify a specific



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2 community about a program right now, currently?

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MR. WOLOCH: I think the most important voice are going to be our borough commissioners and their offices. One of the aspects of outreach that I touched on in the testimony, just as an example, is the flyering that we've begun to do for a lot of our work. Here's an example of one and I think we're beginning to use flyers like this more and more for our projects.

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We will, in most cases, take the direction from our borough commissioners as to for what projects we should be flyering, who we should be getting these out to, when we should be distributing them. That's been one of the many benefits of having the borough commissioner involved.

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COUNCIL MEMBER ULRICH: Is that a citywide rule that the borough commissioners are responsible for notifying the appropriate elected officials, community boards, groups, residents about major projects?

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MR. WOLOCH: It certainly is a policy for our agency. I think the borough

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2 commissioner offices have evolved over time but  
3 the real value to us is they are a go-between  
4 between neighborhoods and stakeholders and the  
5 agency--

6 COUNCIL MEMBER ULRICH:

7 [interposing] What happens if the borough  
8 commissioner doesn't give you a timely  
9 notification or any notification?

10 MR. WOLOCH: Is there a particular-

11 -

12 COUNCIL MEMBER ULRICH:

13 [interposing] No, I'm not going to bring up a  
14 particular instance. I'm curious here. What  
15 happens if the borough commissioner doesn't give  
16 you notification about a specific project?

17 MR. WOLOCH: My suggestion would be  
18 if there were a particular issue to reach out to  
19 that borough commissioner. I think members of the  
20 Council over the years and other elected officials  
21 and community boards and community groups have  
22 developed good relationships with our borough  
23 offices and our borough commissioners. And I  
24 would talk to the borough commissioner about it.  
25 We may find that there was, I don't know what the

1  
2 example is, maybe you'll tell us at the end. But  
3 there may be a case where there was work that we  
4 did that earlier notice would have been  
5 appropriate. Tell us about it and again, this is  
6 an area we're always trying to improve.

7 COUNCIL MEMBER ULRICH: The second  
8 part of that question is you also stated that 1063  
9 might actually prove to be counterproductive.  
10 Under what circumstances or give me a specific  
11 instance where you feel that the passage of this  
12 bill would be counterproductive to your customized  
13 strategy to notify people about specific  
14 construction projects.

15 MR. WOLOCH: There's been a lot of  
16 instances where we talked about different work  
17 that DOT does before this committee and the  
18 concern raised by the Council is we're not just  
19 concerned about what you're doing now but we're  
20 concerned about future administrations and future  
21 DOTs. I know right now we're doing outreach in a  
22 very aggressive way, as you said, in a very  
23 customized way, particularly for major projects.  
24 So I'm just--

25 COUNCIL MEMBER ULRICH:

1  
2 [interposing] Could you--I'm waiting for an answer  
3 to the question.

4 MR. WOLOCH: Just let me finish.  
5 By prescribing steps like this you are sending a  
6 message to future DOTs, well here's what you have  
7 to do to do outreach, go through these steps. I  
8 think in many cases we'd want to take other steps  
9 and have broader outreach and reach more folks.  
10 So I think that's one potential downside.

11 COUNCIL MEMBER ULRICH: This bill  
12 does not prohibit you from going above and beyond  
13 and certainly DOT is not one to shy away from  
14 something like that. So for instance if this bill  
15 were to become law and you did have to notify the  
16 community boards, the elected officials and the  
17 other stipulations that are in the bill, that  
18 doesn't prevent you from still doing the flyers  
19 and doing your customized strategy. We just want  
20 to make sure that we get the most basic  
21 fundamental community review involved in the  
22 process because as the Chair of the committee I  
23 think correctly pointed out, sometimes that  
24 minimum standard isn't even met.

25 And there are other instances where

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2 I'm sure you do go above and beyond, where you  
3 notify everybody well in advance, where you do a  
4 lit drop, where people are made aware of the  
5 specific project. But I think that we have to set  
6 the bar somewhere and that's the intent behind  
7 this bill. The motivation I think, I'm not the  
8 author of the bill, is that there is a lack of  
9 subjecting these projects to community review and  
10 sometimes they find out early and guess what,  
11 sometimes they don't. They answer they get in  
12 both instances, that's too bad, the shovel's in  
13 the ground.

14 I just think that, again, I  
15 understand some of your hesitations, some of your  
16 reservations regarding Intro 1063 but certainly,  
17 again, as I've read it, it does not prevent you  
18 from still doing your customized outreach  
19 initiatives and any other plans that you might  
20 have. I think that we're just trying to set a  
21 standard across the board and I don't think  
22 there's anything wrong with that. So that's my  
23 statement.

24 The other thing I do want to say,  
25 Mr. Chair, I do want to urge my colleagues on the

1  
2 passage of Councilwoman Crowley's bill, Intro 967.  
3 Although that terrible tragedy did not occur in my  
4 district I do happen to know the family of the  
5 victim, the father, I worked with the uncle of the  
6 victim, he's a Catholic priest in Queens, Father  
7 Sean Ogle. What happened in Middle Village could  
8 happen anywhere in this city. I just want to  
9 thank Councilwoman Crowley for her efforts in  
10 leading this legislation. I will be signing on as  
11 a supporter.

12 CHAIRPERSON LIU: Thank you Council  
13 Member Ulrich. Thank you very much. We've been  
14 joined by Council Member Diana Reyna of Brooklyn  
15 and Queens and Council Member Gale Brewer of  
16 Manhattan. Questions from Council Member Gentile.

17 COUNCIL MEMBER GENTILE: Thank you  
18 Mr. Chairman. My colleagues have made some of the  
19 arguments very artfully so I'll keep my questions  
20 brief. But Commissioner Woloch, I do want to pick  
21 up on what Council Member Ulrich said in regard to  
22 1077 as he did in regard to 1063. The purpose of  
23 1077 is to open up the process to as many people  
24 as early as possible so that the input is there  
25 from the beginning. So give that, would you agree

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2 with me that you have mischaracterized I think  
3 both 1063 and 1077 when you say that they may  
4 actually dictate a more narrow approach?

5

Isn't that really a  
6 mischaracterization of those two bills? In  
7 effect, as Council Member Ulrich was trying to  
8 make the point, that both of those bills, both  
9 1063 and 1077 actually mandate a baseline  
10 approach. They don't mandate a more narrow  
11 approach or may dictate a more narrow approach.  
12 They actually mandate a baseline approach.

13

MR. WOLOCH: But in doing so, while  
14 I'm confident that we're going to continue to  
15 improve on the outreach work that we do and  
16 continue to be very aggressive about our outreach,  
17 down the road that may be very, very constraining  
18 in the sense that DOT may say we're meeting the  
19 letter of this law. This is enough.

20

COUNCIL MEMBER GENTILE: Are you  
21 saying then that you will not continue to do the  
22 types of outreach you now say you're doing with  
23 the--

24

MR. WOLOCH: [interposing] Of  
25 course we would continue to do the outreach that

1  
2 we're doing. And as we've been expanding the  
3 outreach over the past two years, I'm sure we're  
4 going to continue to expand it and we're going to  
5 continue to find new ways to get more input from  
6 more neighborhoods around the city.

7 COUNCIL MEMBER GENTILE: So if  
8 that's the case then what's the problem with  
9 instituting a baseline. When I say baseline, what  
10 the legislation requires a certain particular  
11 things that have to be presented at a community  
12 board hearing. Right now, my understanding is  
13 that sometimes you bring sufficient information to  
14 a community board hearing. Sometimes you don't  
15 and sometimes it's before a full board hearing and  
16 sometimes it's not; sometimes it's before a  
17 committee of the full board.

18 If that's the case and you're going  
19 to do the outreach anyway the other aspects that  
20 you talk about, why not set this baseline of what  
21 this bill, 1077 and I'm assuming 1063, require.  
22 In the particular 1077, it requires that the  
23 presentation that you make to community boards  
24 include a full community board hearing, include at  
25 minimum the cost of such project, a map showing



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the streets affected by such project and all traffic studies related to such project and the projected start and end dates for such projects.

Those are baseline issues that we can now be sure that will be part of every presentation that the DOT makes to the full community boards. What's wrong with that?

MR. WOLOCH: As you know there are 59 community boards and each one operates differently. One of the aspects of our experiences over the passed few years in dealing with community boards, there are some that suggests we come to the Transportation Committee. There are some that want us to come to the Transportation Committee and then the full board. There are others that just want us to come to the full board. So it's really going to vary community board by community board. I think each one operates a little differently. Each one has its preferences.

What we've been doing it we've been working with the community boards and generally doing what they suggest in terms of when we go to them and how we go to them.

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2 COUNCIL MEMBER GENTILE: Well,  
3 given the fact that we're trying to get as much  
4 information up front as possible, it would seem to  
5 me having a public meeting at the community board,  
6 inviting not only community board members but  
7 members of the public would achieve that goal.  
8 That's what the goal here is in 1077. I hear what  
9 you're saying about individual policies but I  
10 think this bill seeks to standardized the  
11 approach, especially with pilot projects that  
12 affect those communities.

13 If, as you say in your testimony,  
14 you're willing to go back and look at pilot  
15 projects and re-implement changes that come to you  
16 from feedback to those pilot projects. Why is it  
17 then that you don't welcome the opportunity to  
18 have that input up front and have the input before  
19 the implementation of the pilot project rather  
20 than have feedback after the pilot project is in  
21 place?

22 MR. WOLOCH: We want that feedback  
23 before, we want it after and as I said, we're not  
24 obligated to do this but for the major projects  
25 that we do, we are going to community boards and

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2 in one way, shape or form, making a presentation  
3 and getting that feedback. I think what's  
4 important is we should be soliciting and getting  
5 feedback beforehand. We should be getting it  
6 afterwards.

7

8 I think part of the challenge here  
9 is we do lots of different kinds of work on the  
10 streets, from the big to the small. I have to  
11 say, I'm not entirely clear what your legislation  
12 is designed to cover and what we mean by pilot  
13 projects. Short of a DDC full construction, let's  
14 say, where we were to widen the sidewalk. We're  
15 certainly not going to come in a few months later  
16 and take that out. Most of the work that we do  
17 ourselves at DOT is work that we can continue to  
18 make adjustments to. It's very important that  
19 we're willing to do that.

20

21 Again, if I could just go back to  
22 this issue of the different kinds of work that we  
23 do, I don't think what you want to do is have us  
24 go to the community board for every little change  
25 that we make; a meter added, a signal timing  
adjusted, even some changes in an intersection to  
improve traffic, I think. But again, I'm not

1  
2 clear that you mean larger projects. But we want  
3 to have a dialogue in different ways with  
4 communities about as much of our work as possible.

5 COUNCIL MEMBER GENTILE: I think  
6 the word pilot project in the legislation refers  
7 to what you consider to be a pilot project.  
8 Frankly, that was the intent of the legislation  
9 and if in fact one way around the legislation is  
10 not to call something a pilot project then I need  
11 to know that up front. Is that what you're  
12 suggesting is some things by not being pilot  
13 projects?

14 MR. WOLOCH: Again, almost  
15 everything we do is inherently a pilot project for  
16 that location because we will, if necessary, go  
17 back and make adjustments. There is not that much  
18 work that we do where we do something and then  
19 there's no way we could go back and change it.

20 COUNCIL MEMBER GENTILE: Right, but  
21 I--

22 MR. WOLOCH: [interposing] There  
23 are certainly projects that we do where we will  
24 emphasize that a project is a pilot and is  
25 something that can be changed. There are other

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2 instances where we are trying something in the  
3 city for the first time o we haven't tried in  
4 other locations, I think that's a pilot in a  
5 different way. But I think the important thing is  
6 a lot of the work that we do, we do monitor and  
7 again, must different ways than I think  
8 historically has been done by the agency. We want  
9 to make changes as we go along.

10 COUNCIL MEMBER GENTILE: I think  
11 what we're saying here is that we're talking about  
12 what you consider a pilot project that has a  
13 beginning and an end or an analysis at some point.  
14 This pilot is going to run for a particular amount  
15 of time. Now, that's the intent of this  
16 legislation. Whether or not you call everything a  
17 pilot project, I don't know. But that's the  
18 intent of this legislation; something that starts  
19 and ends, has some type of evaluation period.

20 In my particular district there was  
21 one project in which you came to the community  
22 board, you came to the transportation committee of  
23 the community board and you discussed the  
24 particular change in bike lanes and in a number of  
25 traffic lanes. But there were no maps and there

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2 was no visualization of what you were trying to  
3 do. Then when it was implemented, as it is today,  
4 it's become a disaster and it's created great  
5 havoc in the community.

6 Had you been required, as you would  
7 be under this bill, to bring all types of  
8 information and visualization of what you're  
9 trying to do, it may have been, we may have saved  
10 this community great havoc and great burden so--

11 MR. WOLOCH: [interposing] I'm  
12 actually glad you bring that up the visualization  
13 issue. I think that's an important issue and  
14 again, is something that I think historically we  
15 had not done a good job of. We've been, I think  
16 in a lot of ways, expanding the toolbox that we  
17 have to not just bring a map and show the  
18 parameters of a project but to show stakeholders  
19 and show communities what changes are going to be  
20 like and to do things like renderings.

21 Again, I think it's a toolbox of  
22 things we can do to better communicate what these  
23 changes actually involve, hard to capture, I think  
24 in legislation but it's work that we're doing.

25 COUNCIL MEMBER GENTILE: Mr.

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2 Chairman, I'm anxious to hear some of the comments  
3 from the public so I'll end here. Thank you  
4 Commissioner.

5 CHAIRPERSON LIU: Thank you Council  
6 Member Gentile. Questions from Council Member  
7 Crowley.

8 COUNCIL MEMBER CROWLEY: Thank you  
9 Chairman. I have a question for Commissioner  
10 Petito in regards to Intro 947. You mentioned in  
11 your testimony concerns for buses and an exemption  
12 for buses. Can you go into further detail about  
13 how you think that should be included or excluded  
14 out of the current introduction?

15 MS. PETITO: I'm not actually sure  
16 what the intent of the legislation is, whether  
17 it's meant to prevent a bus driver from being able  
18 to leave the cab of the bus. I'm thinking of the  
19 greyhound bus, for example, where the bus will  
20 stop and the driver will come out and assist the  
21 passengers in retrieving their luggage from  
22 underneath the bus. The removal of that  
23 exemption, which the bill does, would not say the  
24 bus driver depending on how you define unattended,  
25 the bus driver would not be able to do that. So

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2 that's something that I think we have to discuss.

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I don't know what the parameters are, what would be acceptable behavior for the bus driver in that circumstance. Under the law right now, the bus driver is able to leave the key in the ignition but leave the bus and come down, clearly. So I don't know what the impact of that removal would be, that's something that we would have to discuss.

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COUNCIL MEMBER CROWLEY: Right.

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Well I would see that a dangerous situation. The potential for someone to then leave with the bus, steal the bus while it's left running and unattended is the same as, in my point of view, as leaving a vehicle whether it be a car or a bus running an unattended. Or how the bus driver may think, as in the case of the van in China Town recently, where the car was left in reverse and not actually in park.

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The intent of the bill is to prevent accidents from happening and tragedies from happening. I would think it wouldn't be too much to ask, to much of an onerous task of the bus drivers to just simply turn off the ignition and



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2 take the key with him as he assists passengers who  
3 are looking to get on or off or to put luggage  
4 within the cargo or the bus.

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MS. PETITO: Again, that's  
6 something that we would have to discuss. I don't  
7 know whether or not there's a reason that that  
8 exemption is in there beyond what I've stated.  
9 But certainly it's something that we would be just  
10 happy to discuss with you.

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COUNCIL MEMBER CROWLEY: I also  
12 have a question about statistics. Do you know the  
13 percentage of how many cars are stolen because  
14 they are left unattended?

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MS. PETITO: I don't have that. I  
16 don't know what we collect that data on a system  
17 wide basis. I was very interested to hear the  
18 stat from the 104 precinct. I don't know if that  
19 was something that they collected themselves as  
20 opposed to a department wide statistic. I don't  
21 think that's something that we reflect department  
22 wide. I don't know the answer to that.

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COUNCIL MEMBER CROWLEY: Do you  
24 know that or whether there is any enforcement of  
25 the \$5 penalty?

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2 MS. PETITO: The \$5 penalty is not  
3 really the issue. The issue is it's two days in  
4 jail. In agreement, this is a 60 year old statute  
5 and certainly the penalty is an issue but I do  
6 know that summonses have been issued for this.  
7 There were so far in 2009 about 800 summonses  
8 issued for this, criminal summonses issued for  
9 this violation.

10 COUNCIL MEMBER CROWLEY: And was  
11 there a penalty attached to it?

12 MS. PETITO: That's determined by  
13 the court so I don't have dispositional data for  
14 that. We don't keep records of what happened  
15 ultimately to the C summons in court but I can  
16 tell you about the issuance. There was about 800  
17 issued so far this year.

18 COUNCIL MEMBER CROWLEY: We pretty  
19 much, did we discuss in addition to the bus driver  
20 situation that whether we include or exclude that  
21 of the legislation. Then the only other issue to  
22 iron out is the jail time, which currently you  
23 could be fined and given that two day jail  
24 sentence.

25 MS. PETITO: Yes. That's what

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2 makes it a criminal violation, that there is jail  
3 time associated with it. It's a violation level  
4 criminal offense. So that's what a person would  
5 be issued a criminal summons for this violation.  
6 But a very critical aspect of our discussion has  
7 to conclude restoration of the requirement that  
8 somebody remove the key.

9 COUNCIL MEMBER CROWLEY: Can a DOT  
10 enforcement agent give that summons?

11 MS. PETITO: The DOT doesn't have  
12 enforcement agents. It's traffic enforcement  
13 agents of the Police Department and they would not  
14 issue this summons. They don't issue criminal  
15 summonses but they would issue a parking violation  
16 under the traffic rule that already exists. It's  
17 Section 4-08 of the traffic rules subdivision N5.  
18 What that does is prohibit a person from leaving a  
19 vehicle unattended without removing the key,  
20 locking the ignition and setting the brake. There  
21 is no three minute period for that. That already  
22 exists but that's for the situation where there is  
23 no driver present or on the scene soon after. A  
24 parking violation is issued to the car not to the  
25 person. Criminal violation is issued to the

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2 person, not to the car.

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COUNCIL MEMBER CROWLEY: But the parking violation, is that only after three minutes?

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MS. PETITO: No.

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COUNCIL MEMBER CROWLEY: Do you know what the parking violation is?

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MS. PETITO: I just--that's what it is.

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COUNCIL MEMBER CROWLEY: That's the 4-08 N5.

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MS. PETITO: Yes and there is no timeframe in there. Under the parking rule you are not allowed to ever leave the car unattended without stopping the motor, locking the ignition, taking the key and setting the brake. That's the language of the parking rule.

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COUNCIL MEMBER CROWLEY: Once again, how often is that enforced, do you know?

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MS. PETITO: I don't have data on parking violations under that section. We can try to get that from the Department of Finance but we don't capture that tiny type of sub category of one particular traffic rule. I can tell you how

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2 many parking summonses are issued overall but not  
3 for that particular violation. We would have to  
4 get that from the Department of Finance.

5 COUNCIL MEMBER CROWLEY: Okay.

6 Thank you.

7 CHAIRPERSON LIU: Thank you Council  
8 Member Crowley. And now questions from Council  
9 Member Reyna.

10 COUNCIL MEMBER REYNA: Thank you  
11 Mr. Chair. I just wanted to ask Commissioner  
12 Woloch. As far as the Kent Avenue description of  
13 what we had just undergone and continue to just  
14 try to resolve, is Kent Avenue currently truck  
15 traffic route?

16 MR. WOLOCH: Yes, Kent Avenue is  
17 still a truck route but now that it's one way it's  
18 just a truck route northbound.

19 COUNCIL MEMBER REYNA: I just  
20 wanted to point out because of these changes,  
21 primarily the population that was vociferous after  
22 its first implementation of bike lanes are the  
23 businesses on Kent Avenue and what they're  
24 suffering. This particular resolution has had a  
25 negative effect so that we still have a long way

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2 to go as far as finding a balance between the  
3 green way that at one point will be implemented  
4 along Kent Avenue, along the waterfront. So that  
5 I wanted to just re-emphasize Council Member  
6 Gentile's point as far as synthesizing a bigger  
7 picture when presenting in front of the community  
8 board.

9 One of the facts that is true was  
10 presenting a plan only affecting the  
11 implementation of Kent Avenue, bringing in bike  
12 lanes but never taking into consideration the  
13 others streets such as Bedford, Berry, Wythe,  
14 which are all bike lanes. So that now we have  
15 more of a bike lane sympathy as opposed to a  
16 vehicular one sided situation where we're  
17 balancing one more so than the other in ridership.

18 There's chaos right now with this  
19 northbound one way on Kent Avenue. I just want to  
20 make sure that the Department of Transportation,  
21 although we are very grateful for the work up  
22 until now that we've been able to engage to try to  
23 resolve this. By far, by no means is this  
24 resolved 100%. So I just want to make sure that  
25 we have an understanding as to how we can continue

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2 to work on Kent Avenue and the bicycle lane issue.

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MR. WOLOCH: Absolutely. And as we've told the community board at a meeting a few weeks ago, we're going to be collecting a lot of data and bringing that back. I should point out that the plan that we put in place now was at the request of a lot of businesses because it restored their loading areas. And there were also residents that were happy because we restored parking.

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The plan also what we described to the community didn't just talk about what's going to happen on Kent Avenue but talked about the concerns about truck traffic on surrounding streets. Again, it's a good example of good back and forth with the community when we presented in the spring. We heard concerns from the folks on North 11th Street that too much truck traffic was being put there. And we revised the truck plan accordingly. So it's a good example, I think, of an ongoing back and forth. This project really tried to take into account the needs of all the different users, including the businesses, including the residents as well as the cyclists.

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2 COUNCIL MEMBER REYNA: As far as  
3 the northbound truck traffic, where has that been  
4 deviated to?

5 MR. WOLOCH: The northbound truck  
6 traffic, the idea was to try not to just put it  
7 all in one place but to spread it out among the  
8 truck routes and to keep them off of local streets  
9 and put them on the major truck routes like  
10 Greenpoint and McGinnis. And to work with the  
11 Police Department to keep them off of local  
12 streets and to use the existing truck route  
13 network.

14 COUNCIL MEMBER REYNA: So a tractor  
15 trailer, more so than anything else because of the  
16 construction happening, should they be running  
17 along Bedford Avenue because of the changes on  
18 Kent Avenue?

19 MR. WOLOCH: Bedford's also a truck  
20 route. It's also northbound so my guess is  
21 Bedford probably isn't going to get a lot of the  
22 truck traffic.

23 COUNCIL MEMBER REYNA: And we are  
24 so I just wanted to point that out. I was just  
25 trying to wonder where that particular route was



1  
2 deviated in to. But you're telling me that  
3 Bedford Avenue is not or is a truck route.

4 MR. WOLOCH: It is a truck route.

5 COUNCIL MEMBER REYNA: It is a  
6 truck route.

7 MR. WOLOCH: I think--

8 COUNCIL MEMBER REYNA:  
9 [interposing] But you did not expect it to be  
10 overwhelmed with--

11 MR. WOLOCH: [interposing] One of  
12 the things to remember and this is true I think  
13 for many projects that involve major traffic  
14 changes is that it will take a few weeks for the  
15 traffic patterns to adjust. This project just  
16 this passed weekend was completed just in terms of  
17 the one way conversion. What you're seeing now is  
18 probably not what you're going to see in a few  
19 weeks.

20 COUNCIL MEMBER REYNA: Okay. As  
21 far as signage is concerned on Broadway and Kent,  
22 is that going to have--I've been trying to avoid  
23 that particular intersection but is that going to  
24 have better signage. Because all of it has been,  
25 as far as traffic mitigation there and barriers in

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2 the middle section that never existed before now  
3 present, there's a lack of signage since the  
4 changes on Kent Avenue so that you made it one way  
5 for a couple of blocks.

6

7 Is signage going to be increased so  
8 that it's not just a surprise once you're at the  
9 intersection so that it's anticipated a couple of  
10 blocks before getting to Kent Avenue so you have  
11 an ability to make a left or a right, if  
12 necessary?

12

13 MR. WOLOCH: There are a few  
14 different parts of the signage plan. There are a  
15 lot of signs that are going up particularly in  
16 terms of directing the truck traffic. We've been  
17 using variable message signs to let people know  
18 about the upcoming changes. At Broadway and Kent,  
19 that was the first phase. A lot of what was  
20 happening there now that the other phases have  
21 been put in place is probably going to dissipate.

21

22 COUNCIL MEMBER REYNA: Okay. Well,  
23 I appreciate the work that you're agency has put  
24 into trying to resolve this issue with us. And I  
25 look forward to just continuing to have oversight,  
making sure that we reach a balance between the

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vehicular traffic as well as the bicyclists and mitigating the truck issue that we've always been plagued with in Williamsburg Green Point.

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I wanted to really thank your borough commissioner, Palmeri, who has been excellent in just trying to deal with so many components here. I just hope that we can continue to address this in a manner that will be suitable. Thank you.

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CHAIRPERSON LIU: Thank you Council Member Reyna. We have questions from Council Member Brewer. I'm sorry, Council Member Felder.

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COUNCIL MEMBER FELDER: I want to apologize to all. We had a hearing across the hall and a vote that I had to leave. Having said that, I have two questions; first of all in terms of the schedule of street repaving, is it true that there is some sort of policy where streets if they're more than five years old if they're in bad shape that that's how you do your repaving schedule routine?

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MR. WOLOCH: We have a team of folks who will go out and rate the quality of streets. That's not the only part of the equation

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2 but that's an important part. We want to make  
3 sure that we're focusing the resources--

4 COUNCIL MEMBER FELDER:

5 [interposing] Would it be fair to you say if I  
6 said to you today, since you have those records  
7 anyway. If I said I'd like to see a copy or maybe  
8 with the technology that this administration has  
9 put forward online, I'd like to see how you graded  
10 streets. In other words, I'll pick one street  
11 randomly, Foster Avenue for example. To know how  
12 these streets have been rated and when the last  
13 time they were paved. You have all of that  
14 information. Could that information be made  
15 public?

16 MR. WOLOCH: I believe so. Let me  
17 take that--it's Foster Avenue?

18 COUNCIL MEMBER FELDER: No, that  
19 was an example. That was an example. What I'm  
20 saying to you is--

21 MR. WOLOCH: [interposing] Give us  
22 the streets you're concerned about--

23 COUNCIL MEMBER FELDER:

24 [interposing] No, no, no, no that's what you want  
25 to do. I don't want to do that. That's what you

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want to do. I want to do something--

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MR. WOLOCH: [interposing] I want to do what you want to do.

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COUNCIL MEMBER FELDER: If you want to do what I want to do then I would think that whether it's by community board, Council Member district, however it's easier for you. If on an annual basis we could get a report that you have as of the end date that gives you details of streets. Again, however you do it is fine with me in terms of the community board or otherwise. Tell me how you rated the streets and when they are expected to be repaved. The reason I'm asking that is for a number of different reasons.

But it would be of great help for example if I knew that X number of streets are set to be repaved during the covered period then some of the outreach, some of the discussions that maybe should take place that doesn't always take place would take place. I don't know about certain things I don't know and I think community board, despite your best efforts--and I would agree with you.

You made a comment, you said things

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2 have gotten better. I think that's absolutely  
3 true. But since I'm here to help you, I would  
4 like to make it even better. I want those reports  
5 if we can have them. So do you think we can have  
6 them?

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MR. WOLOCH: It sounds like a  
reasonable request. Let me take that back.

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COUNCIL MEMBER FELDER: Yeah, so  
you're going to get back to the Chair or to me?

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MR. WOLOCH: However you would  
like?

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COUNCIL MEMBER FELDER: Chair? I'm  
making a general request and since it's not about  
Simcha Felder or my district only. The request  
was that we get routinely, whether it's every  
year, a detailed report on the streets in our  
districts or community boards with the Department  
of Transportation's ratings, that would be one  
column. The other column would say when they  
expect to repave them or if they don't in the  
coming year.

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The other question I had for you is  
that if the Chair, with the permission with the  
Chair.

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2 CHAIRPERSON LIU: We would  
3 certainly request that the DOT provide it to the  
4 committee directly as well as the Council Member.  
5 But it is also on the record that the Department  
6 of Transportation testifies that they will do  
7 whatever Council Member Felder says.

8 MR. WOLOCH: Absolutely.

9 COUNCIL MEMBER COMRIE: And Comrie,  
10 and Comrie.

11 COUNCIL MEMBER FELDER: I had so  
12 many good jokes; let me tell you. In some  
13 customs, until the holiday asuckat [phonetic] is  
14 over, the doors are still open for repentance. I  
15 want to seal my good deal for the year so I will  
16 shut up.

17 But the other question I had for  
18 you is in terms of accidents with the regard, the  
19 bicycles. The issue of the commercial bicycles  
20 really ties into the issue of bicycles in general.  
21 Do you have any idea how many bicycle accidents  
22 there were in the city last year?

23 MR. WOLOCH: The total number of  
24 accidents involving bikes?

25 COUNCIL MEMBER FELDER: Yeah.

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2 MR. WOLOCH: Not at my fingertips  
3 but we can get that. It's probably a few  
4 thousand.

5 COUNCIL MEMBER FELDER: I would  
6 appreciate that information because I think that  
7 the issue with the commercial bikes is not  
8 isolated. I think it's just part of the general  
9 discussion of the bicycles as well. I would like  
10 to know as well do you know, if you don't know  
11 maybe your colleague would know, how many tickets  
12 were issued to bicyclists for violations of the  
13 law in the same period?

14 MR. WOLOCH: We don't do ticketings  
15 so.

16 COUNCIL MEMBER FELDER: No, I'm  
17 just saying to you because again, I think it's a  
18 wonderful thing, the discussions about alternative  
19 modes of transportation. At this point since I'm  
20 in top form and fit, I don't need the exercise of  
21 the bicycle but if at some point in time I might,  
22 I would like to know how many accidents comparably  
23 have taken place, especially with the increase in  
24 number of bicyclists, which is a good thing. And  
25 how many tickets have been issued to bicyclists in



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2 violation of the law. I'd like to compare that to  
3 vehicle tickets.

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5 MR. WOLOCH: The one thing I can  
6 tell you, and again I don't recall the specific  
7 numbers, but it is interesting that over the past  
8 two years or so, bike ridership has grown  
9 dramatically and the number of accidents have not  
10 at the clip.

11

12 COUNCIL MEMBER FELDER: I'm happy  
13 to hear you say that. I would still like to know,  
14 again, what I asked you. Since you made a  
15 commitment from now and forever to do whatever I  
16 want, I would--

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18 MR. WOLOCH: [interposing] This is  
19 for today.

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21 COUNCIL MEMBER FELDER: It was only  
22 for today.

23

24 MR. WOLOCH: Today only.  
25 COUNCIL MEMBER FELDER: Well, with  
the permission of the Chair, I have a variety of  
other requests. I don't want to take up time but  
I--

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27 CHAIRPERSON LIU: [interposing]  
28 That's all right. Council Member Felder, why

1  
2 don't you get that list ready. We'll go to  
3 questions from Council Member Brewer.

4 COUNCIL MEMBER FELDER: All right.  
5 Thank you.

6 COUNCIL MEMBER BREWER: Thank you  
7 very much. I want to say, like others have, that  
8 the Manhattan Commissioner Margaret Forgione is  
9 terrific and very, very in tuned with the  
10 community boards and elected officials. I do  
11 think though that for the future to have some  
12 knowledge for the community boards in terms of  
13 input would make sense. I know that right now you  
14 have great commissioners in the boroughs but you  
15 never know about the future.

16 My question though is when you're  
17 doing some of these presentations. We had one at  
18 community board 7 regarding the bicycle lanes,  
19 which I'm pleased passed the community board last  
20 night. But do you have any 3-D PowerPoint because  
21 with all due respect and I wasn't there but I  
22 heard the person who did the presentation could  
23 use improvement in terms of the presentation. If  
24 the commissioners input and interests in bicycle  
25 lanes is going to continue, and I personally

1  
2 support that as long as there are certain  
3 guidelines that I think are obviously to the  
4 Department in safety and seniors and pedestrian  
5 safety being number one. Then what kind of  
6 presentation can we look forward to in the future?

7           When Lincoln Center, obviously  
8 that's top line architectural dollars and so on,  
9 did their transformation, the 3-D PowerPoint  
10 really made an impact. You could see where the  
11 walkers were, where the vehicles would be, etc.  
12 So just in terms of that small issue, how will you  
13 be presenting this informant in the future?

14           MR. WOLOCH: Council Member you may  
15 not have been here earlier.

16           COUNCIL MEMBER BREWER: I wasn't.

17           MR. WOLOCH: We talked a little bit  
18 about this. It's not a small issue; I think this  
19 is a really important issue. It's not just a  
20 question of us showing up to meetings and talking  
21 about projects. It's providing good information  
22 and being able--because we're talking about  
23 changes in the streets that people need to see  
24 being able to show visualizations. And that's  
25 something--

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COUNCIL MEMBER BREWER:

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[interposing] Right, I heard that part but I

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didn't hear 3-D PowerPoint as something you're

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going to invest in.

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MR. WOLOCH: I think we're talking

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about the same thing. We are beginning, for

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certain projects, to use a animated

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visualizations. I think it's a sort of technology

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that as we go along will become less and less

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expensive. We're trying to do much more with

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photos and with videos and with this kind of

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animation of visualization, again, in ways that we

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hadn't done in years passed.

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You would certainly appreciate as

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Chair of the Technology Committee the tools that

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we have available are going to keep evolving. We

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are, I think in many different ways, starting to

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tap in to those tools to improve how we do

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presentations.

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The other piece of it is doing more

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training, which we've begun to do, with the folks

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that work in our borough offices and with other

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staff who come out and do these presentations.

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Again, it's not just a question of having somebody

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show up but really equipping our folks with the knowledge and the tools to do a good job of explaining the work that we're proposing to do.

COUNCIL MEMBER BREWER: It is needed. Second, I think those of us who work in communities with many bicyclists appreciate the fact that they're there, both commercial and recreational. I know I'm supposed to know this. This is my understanding, having spent I don't know how many hundreds of hours at hearings on the issue of bicycles and safety and having passed a couple of laws with Council Member Gerson, Council Member Liu and many others. You need a bell, you need a light, you need a helmet and you need some kind of identification if you're commercial as to from whence you come, is that correct?

MR. WOLOCH: For commercial.

COUNCIL MEMBER BREWER: For commercial, bell, light, some kind of identification from whence you come and a helmet, is that correct?

MR. WOLOCH: Yes.

COUNCIL MEMBER BREWER: Okay, so the legislation I think is trying to, we're all

1  
2 trying to figure out ways of continuing to address  
3 this problem because for whatever reason people  
4 don't abide by that. If you go down, whether you  
5 are leisure or commercial, there are a lot of  
6 violations of these issues. So how much  
7 enforcement is going on or do you think new  
8 legislation. I know I read your testimony but do  
9 you think that there are ways that the legislation  
10 could be improved?

11 MR. WOLOCH: If I could just  
12 comment--

13 COUNCIL MEMBER BREWER:  
14 [interposing] Yeah, you could ask the Police  
15 Department.

16 MR. WOLOCH: --initially about the  
17 existing law that applies to commercial cyclists.  
18 I think one step that we can take I think in  
19 collaboration is when these laws went into effect  
20 two years ago. We did some initial outreach to  
21 the business community...

22 COUNCIL MEMBER BREWER: I know.

23 MR. WOLOCH: ...and I think part of  
24 the issue is there's probably more of that that we  
25 collectively need to do. Because the burden is

1  
2 really on the businesses to post the information  
3 about safe cycling and--

4 COUNCIL MEMBER BREWER:

5 [interposing] And the Police Department,  
6 unfortunately, to enforce it, it's a lot on the  
7 Police Department, too.

8 MR. WOLOCH: I'm not saying that  
9 enforcement isn't important but I think there's  
10 some more education that we had done in the  
11 beginning and I think we probably can do some  
12 more.

13 COUNCIL MEMBER BREWER: Can the  
14 Police Department--go ahead.

15 MS. PETITO: Sure. Regarding the  
16 enforcement, so far this year we've issued over  
17 3,300 criminal summonses for violation of  
18 administrative code Section 10-157, which is  
19 specifically about commercial bicyclists. It does  
20 require the helmet and the various pieces of  
21 safety equipment be provided by the business. But  
22 one of the issues we have with the bill in  
23 particular is that the bill eliminates any  
24 responsibility for the operator to actually wear  
25 the helmet or carry the identification. We think

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2 that's a seriously undermining amendment.

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We have other suggestions, if the Council is seeking to strengthen this law. But be, in a sense, more kindly disposed towards the operator. But we really think that removing the responsibility of the operator to wear the helmet or carry the ID is a mistake.

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COUNCIL MEMBER BREWER: I hear you loud and clear. Are you also, though, working on trying to figure out more creative ways to provide assistance to the Police Department in the precincts? Because 1,352 of those that you just mentioned is in the 2-0, I happened to know the exact numbers. So my question is, are there thoughts about how to continue enforcement at the same time do an education to commercial establishments and everybody else.

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MS. PETITO: I think it's an issue of competing resources and competing needs, unfortunately. In the area where we're so constrained by losses to the headcount...

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COUNCIL MEMBER BREWER: Okay, all right.

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MS. PETITO: ...it's difficult.



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2 COUNCIL MEMBER BREWER: Okay, thank  
3 you.

4 CHAIRPERSON LIU: Thank you very  
5 much Council Member Brewer. With that, I want to  
6 thank the--

7 [Applause]

8 CHAIRPERSON LIU: I want to thank  
9 the Commissioners for joining us today. Thank you  
10 very much. We look forward to working with you on  
11 those bills that we can move forward with. Can  
12 you hold on for a second? We've been joined by  
13 Council Member Daniel Garodnick of Manhattan and  
14 Council Member Jessica Lappin of Manhattan as  
15 well.

16 COUNCIL MEMBER LAPPIN: Don't even  
17 start with me Simcha. I'm sorry that I'm late and  
18 I'm sorry that you were about to head out the  
19 door. But I did want to talk to you briefly about  
20 the bill that I'm the sponsor of, Intro 624,  
21 because it's legislation I introduced a while ago  
22 and I've been waiting a long time for this  
23 hearing. I think, as you know from the  
24 background, we certainly get a lot of calls in my  
25 district from constituents who are afraid for

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2 their lives, people who have been injured. In  
3 some cases there are people who actually have been  
4 hit and stricken to death. In fact, there's a  
5 woman here today, Nancy Greskin, who lost her  
6 husband after a bicycle delivery man who was  
7 riding the wrong way struck him as he was crossing  
8 the street.

9                   While there are a lot of laws on  
10 the books that deal with bicycle delivery people  
11 in terms of what they're supposed to wear, the  
12 identification of the store, a bell, an ID card, a  
13 log at the restaurant. All of these things don't  
14 seem to be enough of a disincentive. We have done  
15 a lot of education, the posters that are now up.  
16 I have personally talked to managers and owners of  
17 restaurants. I have flyers in many languages that  
18 I have distributed and I have interns that have  
19 distributed.

20                   But at the end of the day I just  
21 don't think the employers have enough of a  
22 disincentive. Very often the people who are  
23 riding the bikes who are immigrants, who may or  
24 may not speak the language don't know what the  
25 rules of the road are or are under a tremendous

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2 amount of pressure from their employer to get food  
3 to people as quickly as possible, even if that  
4 means disobeying the laws.

5           This is something that we had been  
6 talking about for a while, this bill, moving the  
7 liability or at least some of the liability to the  
8 owners of the businesses who get away with saying  
9 that these are contractors, contractor-contractee  
10 relationship and that they're not responsible.  
11 There's similar legislation on the state level,  
12 which I'm sure you're aware of, in the State  
13 Senate and in the State Assembly as well but it's  
14 basically the same concept.

15           So I just wanted to kind of ask  
16 from your perspective if you think that there are  
17 ways that we could work together to try and tackle  
18 this issue.

19           MS. PETITO: Absolutely. I think  
20 that the approach the bill takes is something we  
21 can not agree with. We don't believe that we  
22 should be removing the liability from the actual  
23 operator of the bicycle. There are ways to  
24 enhance the business entity's responsibility  
25 without doing that. In fact, if you remove any

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2 liability from the operator, you frustrate the  
3 purpose overall of the legislation by preventing  
4 police officers from being able to find out who  
5 they work for.

6

7 There's no reason to stop a bicycle  
8 delivery person not wearing a helmet if he's not  
9 committing an infraction for not wearing a helmet.  
10 So we can make some suggestions if we would need  
11 to make the owner more liable for that violation,  
12 the bill can be amended to do that. Because  
13 currently the only requirement that the owner has  
14 to require the operator to do is wear a jacket.  
15 Well the other elements are up to the operator to  
16 do or the business owner to supply.

16

17 You could take an approach that  
18 says the owner must require the operator to wear  
19 the helmet. The owner must require the operator  
20 to carry and produce the identification. Then it  
21 becomes a violation on the part of the business  
22 and that can be enforced. If there is a feeling  
23 about wanting to help the recipient of the ticket,  
24 the operator because maybe they don't understand  
25 what they're responsibilities are, perhaps we  
could suggest making the business owner

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2 responsible for paying the fine or reimbursing the  
3 employee for the amount of the fine, things like  
4 that rather than--

5 COUNCIL MEMBER LAPPIN:

6 [interposing] That's exactly--I think, one, I'm  
7 very happy to hear that we can work together on  
8 this because I think it sounds like we have the  
9 common goal. Which is, to my mind, making sure  
10 that the owner of the business is somewhat--I  
11 understand they're not riding the bike but they  
12 have a financial stake in the way that their  
13 employees are acting. Just in the way that each  
14 and every one of us has responsibility, to some  
15 extent, for the way our employees are acting. So  
16 finding a way to force them and not put it solely  
17 on some of these employees who, in fairness to  
18 them, aren't educated properly I think would go a  
19 long way. I hope it would go a long way in terms  
20 of making the sidewalk safer. Thank you.

21 Thank you Mr. Chair for indulging  
22 me.

23 [Applause]

24 CHAIRPERSON LIU: Thank you Council  
25 Member Lappin. I want to thank the Commissioners

1  
2 for joining us today. And again, look forward to  
3 working on some of the bills that I believe we can  
4 call a vote on in the coming weeks. Thank you.

5 We'll invite Jennifer Crinski, a  
6 representative for State Senator Liz Krueger and  
7 we'll also invite Paul White to come up at the  
8 same time; they'll be followed by a panel  
9 consisting of Brendan Ogle and Robert Holden.

10 We have a large number of people  
11 that wish to testify today. I would like to get  
12 everybody's input in as expediently as possible.  
13 I will request every person testifying today to  
14 limit your remarks to two minutes. At the end of  
15 this hearing, after everybody has had a chance to  
16 put in their words, we can certainly come back for  
17 a second round if people wish to add more to the  
18 record. Thank you Ms. Crinski, please proceed.

19 JENNIFER CRINSKI: Hi, I'm Jennifer  
20 Crinski here on behalf of Senator Liz Krueger,  
21 presenting testimony on her behalf.

22 My name is Liz Krueger and I'm the  
23 State Senator representing New York's 26th Senate  
24 District, which includes the east side and midtown  
25 neighborhoods in Manhattan. I'm here to express

1  
2 my strong support for Intro 624 by Council Member  
3 Jessica Lappin, which works to increase necessary  
4 safety protections for pedestrians, bicyclists and  
5 drivers.

6           Some people mistakenly argue that  
7 trying to rationalize and enforce safe biking laws  
8 means you are somehow opposed to bike riding in  
9 our city. This is, of course, untrue. In our  
10 densely populated city we need common sense laws  
11 which are enforceable, which recognize the oft  
12 competing needs of pedestrians, bike riders and  
13 motor vehicle operators, buses, cabs, autos,  
14 trucks and emergency vehicles for limited sidewalk  
15 and street space.

16           A very real dilemma throughout my  
17 district is that of delivery bikes operating in  
18 violation of New York City bicycle laws. This  
19 puts pedestrians, other bike riders and even  
20 swerving motorists into harm's way. In 2002, I  
21 introduce similar legislation in the Senate to  
22 address the significant concerns voiced by large  
23 numbers of residents in my district regarding the  
24 practices and conduct of many delivery bicyclists.  
25 Over the years I received countless reports from

1  
2 residents of all ages, senior advocacy groups,  
3 neighborhood associations and police officers of  
4 delivery bicyclists going against the flow of  
5 traffic, illegally utilizing the sidewalks as a  
6 roadway and knocking over slow walkers.

7 Sidewalks were created for use by  
8 pedestrians; not for speeding delivery bicycles  
9 attempting to shave minutes from their delivery  
10 times. The safety of pedestrians utilizing  
11 sidewalks must be ensured and protected and in  
12 like, so must be protected the safety of other  
13 non-commercial bicyclists in the streets.

14 The inherent problem with  
15 regulating the practice of commercial bicyclists  
16 lies in the practicalities of enforcement.  
17 Additionally, the inequity of placing fines solely  
18 upon the bicyclists and not upon the operators of  
19 the businesses by whom the bicyclists are employed  
20 must be addressed. The truth is that the current  
21 system does not work.

22 Penalizing bicycling delivery  
23 persons through ticketing has not changed  
24 behavior. Their employers rarely even learn that  
25 their delivery people are being ticketed. Under



1  
2 this bill, the business will face the penalty and  
3 hence have economic incentive to require their  
4 bicycle operating employees to follow that law.

5 Placing fines and strict regulatory  
6 practices upon businesses, which Council Member  
7 Lappin's bill will do, provides an alternative  
8 conduit for enforcement of proper cycle safety.  
9 Without monetarily placing responsibility on  
10 businesses which fail to enforce proper bicycling  
11 safety protocol, there is little which can be done  
12 to put a stop to the race to the finish line  
13 mentality of delivering food and goods.

14 While there have been great strides  
15 forward in securing bicyclists' safety by the city  
16 Department of Transportation's creation. Of the  
17 200 miles of new bike lanes along city streets,  
18 many of these lanes do not reach the east side of  
19 Manhattan, creating an environment ripe with  
20 hazards for non-commercial bicyclists. The  
21 current scarcity of these lanes forces non-  
22 commercial bicyclists into perilous situations  
23 with delivery persons who do not heed proper  
24 safety.

25 The proposed regulations in Intro

1  
2 624 would create a safer environment for all  
3 bicyclists as well as the millions of pedestrians  
4 on sidewalks and entering crosswalks each day.  
5 But clarifying who is responsible for violations  
6 and enabling pedestrians to identify a reckless  
7 cyclist and associate the cyclist with the  
8 business with which their affiliated, the City  
9 Council will facilitate enforcement by the  
10 authorities and improve safety for pedestrians,  
11 bicyclists and motorists in our communities across  
12 New York City. Thank you for consideration of my  
13 views.

14 [Applause]

15 CHAIRPERSON LIU: Thank you very  
16 much. We acknowledge that the Senator does have  
17 similar legislation in the State Senate. Mr.  
18 White?

19 PAUL WHITE: Thank you Chairman Liu  
20 and congratulations on your recent primary  
21 victory. I'm Paul Steely White, Executive  
22 Director of Transportation Alternatives, a non  
23 profit, non partisan advocacy organization working  
24 for better and safer biking, walking and public  
25 transit in New York City. Transportation

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Alternatives believes that Intro 1063 and 1077 will not bring the meaningful communication desired outcomes sought and therefore we do not support the proposed measures.

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Intro 1063 appears to be incongruent with the public demand for better mobility, safer streets and the greening of our surface transportation network. By defining major street reconstruction projects as those where the project is expected to alter motor vehicle volumes and impact motor vehicles, the bill creates a transportation definition defined exclusively in relation to cars, disregarding for example the more than half of New York City households who do not even own cars, much less use them to commute every day.

It is difficult therefore to avoid coming to the conclusion that this bill places an inappropriate emphasis on automobiles to the detriment of other modes of daily transportation. The bottom line here is that the vast majority of the street changes are saving lives. There's data that clearly shows these are saving lives so we don't want these life saving measures to be bogged

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down in unnecessary red tape.

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The DOT is doing a terrific job of going to community boards. Yes, there's probably some things they could be doing better but generally we think things are moving in a safer, more livable direction and we want that to continue.

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We support Intro 624. It's a bill that aims to improve the safety of commercial cyclists as well as pedestrians and the cycling public. Like this committee, the City Council as a whole and the administration, Transportation Alternatives supports commercial cyclists' safety for the sake of both delivery people and for pedestrians.

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Finally, we also like to lodge our support of Intro 1023. We believe that it is a common sense policy and we hope that it will help to foster more responsible operation of commuter vans and we support the amendment proposed by the TLC. Thank you.

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CHAIRPERSON LIU: Thank you. We have questions from Council Member Lappin.

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COUNCIL MEMBER LAPPIN: Actually I

1  
2 wanted to thank you for your support of my  
3 legislation. I really appreciate that. And I  
4 wanted to thank the Senator for submitting  
5 testimony. It's something that, as I mentioned,  
6 she and I had been working on together for a long  
7 time. There has been some debate about whether it  
8 should be done at the city level or the state  
9 level. I think now there's some consensus that  
10 city level so I look forward to continuing to work  
11 tougher.

12 CHAIRPERSON LIU: Great.

13 MR. WHITE: Thank you Council  
14 Member Lappin. Quick follow up, we're also  
15 suggesting--

16 CHAIRPERSON LIU: [interposing]  
17 That's okay. Council Member Lappin didn't ask any  
18 questions. Thank you Council Member Lappin.  
19 Questions from Council Member Brewer.

20 COUNCIL MEMBER BREWER: You can  
21 answer whatever you want, it will help. My  
22 question is to Transportation Alternatives, Paul  
23 what in the Police Department's report they  
24 mentioned they felt the ownness was placed  
25 incorrectly in this bill. How do you respond to

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that?

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MR. WHITE: We simply think that there must be some additional accountability for business owners because they are putting a lot of pressure on their employees to get food delivered quickly, as Council Member Lappin point out. So we need more accountability there and so we think it's a smart bill. I think it would actually be a more efficient use of enforcement resources. Ticketing the cyclists themselves is generally not as effective as hitting it with the businesses.

We also propose that the city, the Council or the administration, provide some funding to print some of these information posters that are already required under your previous smart bill, Council Member Brewer. It's unfair for the businesses to have to print all of these themselves and provide that information. So a little investment from the city side, I think, could help spread the word.

COUNCIL MEMBER BREWER: I think that Transportation Department hinted at that when they said that they know that they need to do more education.

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MR. WHITE: Indeed.

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COUNCIL MEMBER BREWER: Thank you.

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CHAIRPERSON LIU: Thank you Council

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Member Brewer. And thank you very much. We're

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just trying to get everybody in here expediently.

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Thank you. Our next panel consists of Brendan

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Ogle and Robert Holden. They will be followed by

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a panel consisting of Anna Goldstein, Jeanie Chen,

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Jan Li and John Ost. Mr. Ogle, thank you very

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much for joining us and--

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[pause]

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BRENDAN OGLE: Greetings, my name

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is Brendan Ogle. I'm a resident of Middle

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Village, Queens. I'm here on behalf of

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Councilwoman Crowley's bill about unattended cars.

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I kind of look at an unattended running car like

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low hanging fruit for deranged people. Common

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sense would tell a person not to walk away from

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the vehicle in the street but it happens.

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Perhaps money talks; if people are

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aware that it could cost them \$250 for this,

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they'll be aware not to do such a thing. I'm very

23

much for this legislation. Thank you.

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CHAIRPERSON LIU: Thank you Mr.

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2 Ogle. We'll hear from Council Member Crowley  
3 shortly. Our sympathies for your loss. Mr.  
4 Holden.

5 ROBERT HOLDEN: My name is Bob  
6 Holden. I'm president of the Juniper Park Civic  
7 Association, representing 1,600 families in Middle  
8 Village and Maspeth. Yes, we did suffer a  
9 tremendous loss. Brendan Ogle's son, Robert and  
10 another gentleman and countless lives around the  
11 city are lost because of engines running  
12 unattended, a car running unattended. It's like a  
13 loaded gun. Would we leave a loaded gun on a  
14 table for anybody to take? We wouldn't do that  
15 but yet we look the other way and the Police  
16 Department has looked the other way when we leave  
17 these cars unattended.

18 This car was double parked and a  
19 felon came along, stole the car and snuffed out  
20 two lives. And it's happened over and over again.  
21 It is really a crime, obviously, to leave the car.  
22 The person should be responsible who leaves the  
23 car unattended.

24 Just a side story on this, it  
25 happened to me, actually, when I first got my



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license. I guess it was 1969. My mother had just purchased a brand new Ford Maverick. I don't know if people remember that. I pulled up to a candy store, got out and parked legally but I left the engine running; put it in park. The car slipped into reverse when I got out and made a U-turn across the street and slammed into a pole, luckily and just damaged the car. Later I found out that Ford had recalled the cars because cars were slipping out of park and going into reverse.

That's happened over and over again recently in Manhattan, a child was killed because the driver thought he had put the car in park and actually was in reverse. We lost some children there. I thank Elizabeth Crowley, our Council person for introducing this worthwhile bill. If it could save lives certainly we should do this and do this quickly and I thank Chairman Liu.

CHAIRPERSON LIU: Thank you very much Mr. Holden. Thank you very much Mr. Ogle. We have questions from Council Member Crowley.

COUNCIL MEMBER CROWLEY: I would just like to thank both of you for coming down today and testifying. I know Brendan, it must be

1  
2 particularly difficult, it's only been a few  
3 months since you lost your son. I hope that we  
4 can work together with my colleagues here to move  
5 forward on this bill to get it passed quickly and  
6 together in the community and throughout the city  
7 work on an awareness campaign to prevent a tragedy  
8 like this from ever happening again. Thank you.

9 CHAIRPERSON LIU: The testimony  
10 from the NYPD official indicates that they are  
11 inclined to support this with some changes in the  
12 wording. This is something that we'll push  
13 forward with. Thank you.

14 Let me call up our next panel  
15 consisting--we have a large number of witnesses  
16 and so I'm going to have to insist that everybody  
17 abide by the time limit. We have just one panel  
18 of witnesses on Intro 1023 so I'm going to ask  
19 them to come up all now; Mr. Henry, Dwight  
20 Morrison, Gladstone Barrett, Patai Lassisi and  
21 Letite Agala. If you are here, please come up to  
22 testify.

23 I had called up a different panel  
24 before but because we only have one panel on Intro  
25 1023 I think it's in everyone's best interest to

1  
2 hear this one panel. And then let me call up Anna  
3 Goldstein, Jeanine Chin, Jan Li and John Ost. Is  
4 anybody here to testify on Intro 1023, Mr. Henry,  
5 Dwight Morrison, Gladstone Barrett, Patai Lassisi  
6 and Letite Agala. This is on the commuter van  
7 bill of rights. Please come up to the witness  
8 table and please limit your testimony to the issue  
9 of commuter van bill of rights.

10 Thank you for joining us. Please  
11 proceed. Please pull a microphone, identify  
12 yourself for the record.

13 PATAI LASSISI: My name is Patai  
14 Lassisi, I'm representing City Link. I support  
15 the 1023. The 1023 is all right but the one thing  
16 wrong is the van community would need a van stop.  
17 We would not have the right to pick up passengers.  
18 We give a ride to all passengers but we don't have  
19 a right to pick them up because of the enforcement  
20 with the legal mind.

21 The van stop we have is not enough  
22 for our ride so we need a van stop. If we had a  
23 van stop and everything go. 1023, we support it.  
24 We have no objection on that but we don't have the  
25 right to pick these people up.

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2 CHAIRPERSON LIU: Thank you Mr.  
3 Lassisi.

4 MR. LASSISI: Thank you.

5 LETITE AGALA: Thank you the  
6 Chairman. My name is Letite Agala. I'm the  
7 president of City Express Corporation. I'm in  
8 support of this new legislation in general but I  
9 have specific reservations about the law.

10 The first one is the issue of the  
11 government trying to regulate the parameters upon  
12 which the driver is being given a tip. I think  
13 that is very intrusive in a transaction that is  
14 basically private and unsubsidized by the  
15 government. I think that section should be taken  
16 out. The choice of when to give tip and when not  
17 to give tip to a driver is a private issue; it  
18 should not be legislated.

19 I'm concerned, too, as we're giving  
20 more and more rides, writing bill of rights for  
21 our riders, the operation of the van - - burdened  
22 by so many regulations that we've been trying to  
23 change forever and nobody is listening. You  
24 giving rights to the passengers but in the  
25 meantime the van operating company doesn't have

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the right to pick them up in enough legitimate spots, like the van stops. Basically we need more van stops in our areas we operate. We don't have enough van stops.

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Furthermore I would like to take this privilege to address an issue about another legislation concerning the buses. It looks like they do not understand the requirement that the key should be taken out from a bus. You can not operate the bus like that. We had the ADA to comply with, the American for disability law. We have to comply with that. The lift can not operate without the engine running. You must have the engine running before they can operate the lift so they can not turn it off.

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CHAIRPERSON LIU: That's an informed clarification. Thank you very much. You gentlemen are going in you own order so why don't the next person go up? Just identify yourself for the record.

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MR. HENRY: Yes. I'm Mr. Henry from Whitesand Transportation. Good morning to the committee. I want to testify that we don't have enough stops for the commuter vans. I

1  
2 approve all these in the met [phonetic]  
3 regulations. I approve of all of these in the met  
4 but our main concern is getting stops either on  
5 the side streets. We are already on the side  
6 streets for now but we're still getting pulled  
7 over with many tickets.

8 The cops know the difference  
9 between the legal vans and the illegal vans. The  
10 Taxi and Limousine give us a sticker on the back,  
11 the side and the front of the van to tell the  
12 difference between the legal vans and illegal  
13 vans. My main issue is that we need more  
14 enforcement on the illegal vans and leave the  
15 legal vans, who have all requirements from Taxi  
16 and Limousine. It's pretty easy to tell the  
17 difference between illegal vans and the regular  
18 vans, we have a livery and we have a sticker from  
19 the TLC--

20 CHAIRPERSON LIU: [interposing] We  
21 understand that.

22 MR. HENRY: Okay.

23 CHAIRPERSON LIU: Thank you.

24 MR. HENRY: Thank you very much.

25 DWIGHT MORRISON: Yes, good

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morning.

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CHAIRPERSON LIU: Good morning,  
good afternoon at this point.

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MR. MORRISON: But I've been here  
since this morning. Good afternoon to everybody  
in the Council, thank you guys for giving me an  
opportunity to speak at this forum. I need people  
of the press to take notice of what I'm going to  
be saying right now.

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CHAIRPERSON LIU: Just state your  
name for the record.

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MR. MORRISON: My name is Dwight  
Morrison and I operate a commuter van. I would  
like the Council Member to address or bring forth  
a bill of rights for the drivers who drive the  
vans on the street. You talk about the rights of  
a passenger but nothing, ever giving any thought  
to the rights of the driver.

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We are required by law to have TLC  
stickers, DOT stickers, CD and license, Hack  
license, a physical namely - - plus insurance yet  
still we're being harassed daily by the police  
officers. All we do is transport law abiding  
citizens to and from work and I think we have a

1  
2 right to exist and/or co-exist. In my community I  
3 operate and most of us operate by the request of  
4 the people.

5 We, the drivers, need rights and  
6 protection from police harassment and the  
7 overturning of a law signed by former Mayor  
8 Dickens preventing us from existing on main  
9 streets. After a business that's 20 something  
10 years that has been operating in the city, we are  
11 still in the back streets--

12 CHAIRPERSON LIU: [interposing]  
13 Okay. I appreciate your testimony. We've had  
14 numerous hearings on the proliferation of the  
15 commuter van industry. This, today's hearing, is  
16 solely on this particular intro on the passenger  
17 bill of rights. I think you have testified in  
18 favor of that.

19 MR. MORRISON: I am saying because  
20 they allow me another minute, I'm talking about  
21 the bill of rights for the drivers.

22 CHAIRPERSON LIU: That is not under  
23 consideration today. I'm not saying that that's  
24 not important but that is not under consideration  
25 today.



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2 MR. MORRISON: I understand Mr.  
3 Liu, could I get 30 more seconds - -, sir?

4 CHAIRPERSON LIU: On the passenger  
5 bill of rights.

6 MR. MORRISON: Okay. If that's  
7 what you call it. The driver supports the Ford  
8 company, the tire companies, the restaurants, gas  
9 stations, mechanics and also - -, we put on  
10 barbeques in the communities and we have already  
11 pledged donations to the Police elected league.  
12 Twice this city was closed down due to lack of  
13 transportation and you guys were used as means of  
14 transportation. Were celebrated and hailed for  
15 moving the city and as soon as the work was done,  
16 they hypocrisy began again--

17 CHAIRPERSON LIU: [interposing]  
18 Thank you. I think you've made your point. I'd  
19 like to keep this hearing on the topics that are  
20 on the agenda today. Thank you very much.

21 MR. MORRISON: That's your agenda.

22 CHAIRPERSON LIU: Mr. Barrett.

23 GLADSTONE BARRETT: Mr. Chairman.  
24 Gladstone Barrett, Yours and Mine Transportation.  
25 I'm going to definitely stick to the passenger

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2 bill of rights, which we are discussing today.

3 CHAIRPERSON LIU: Thank you.

4 MR. BARRETT: Now, Mr. Chairman,  
5 the passengers that we are transporting is at a  
6 disadvantage at this time, at this moment I'm  
7 speaking. The passengers can not identify the  
8 legal van from the illegal vans. The reason why  
9 I'm saying this, TLC has tried to introduce the  
10 last time a logo on the van, which is small like a  
11 diamond. They require that it's written on the  
12 side of the van, the name of the company, the name  
13 of the operator, the telephone number. Inside of  
14 the van we have information to inform TLC 311 if  
15 the passenger should see any violation from the  
16 driver.

17 But as it is now, if you Mr.  
18 Chairman should come to Queens and see a van  
19 coming towards you, you're at the disadvantage of  
20 identifying that van as being a legal van with all  
21 the authority to operate. There is no specific  
22 signs on the vans coming towards you that you can  
23 identify that van. I have taken on myself the  
24 initial of speaking to 105 precinct, Sergeant  
25 Carlos Rivera and the captain there. I have gone

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ahead, which I'm going to submit to you Mr.

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Chairman, a written in front of my vehicle. The

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slash across the windshield, authorized commuter

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van and on the side,, big and bold, authorized

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commuter van.

7

I was also praised by the Captain

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because, in his own words, he said he sees vans

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operating out there...

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CHAIRPERSON LIU: [interposing]

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Thank you Mr. Barrett.

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MR. BARRETT: ...the first time

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that he has a captain can identify the van. So--

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CHAIRPERSON LIU: [interposing] Mr.

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Barrett, I appreciate your testimony. You have

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not said anything about Intro 1023.

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MR. BARRETT: That's what I'm

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telling you, we need the public, the passenger

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that we are carrying is at a disadvantage. So in

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the bill, sir--

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CHAIRPERSON LIU: [interposing] No,

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that's enough Mr. Barrett. I'd be happy to meet

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with you gentlemen to talk about additional

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measures that are necessary to protect both

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passengers and the drivers. And we will leave

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2 your business cards, we will get together but that  
3 is not the agenda. That is not on today's agenda.  
4 You are holding other people up from testifying on  
5 what's happening today.

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MR. BARRETT: I'd like to introduce  
7 into the passenger bill or rights, the right that  
8 when the police officer stop an illegal commuter  
9 van, they have the right to take the next van.

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CHAIRPERSON LIU: Thank you.

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MR. BARRETT: They don't have that  
12 right, right now. They don't have that right.

13

MR. MORRISON: Excuse me, Mr. Liu,  
14 can I ask one question before I leave?

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CHAIRPERSON LIU: No, you can not.

16

MR. MORRISON: No, I can not.

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Okay.

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CHAIRPERSON LIU: Next panel

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consisting of Anna Goldstein, Jeanine Chen, Jan Li  
and John Ost. We have a large number of witnesses  
today so again, I will ask everybody to abide by  
the two minute rule and I'd be happy to stay and  
listen to more testimony in a second round. But  
we'll now hear from a large number of witnesses on  
Intros 1063 and 1077 and then they will be

1  
2 followed by a large number of witnesses on Intro  
3 624. Please identify yourselves for the record  
4 and proceed.

5 ANNA GOLDSTEIN: My name is Anna  
6 Goldstein. I live at Chatham Towers in China  
7 Town. In October 2008 our community was shocked  
8 to learn that the DOT would be holding a public  
9 hearing on December 2 for the \$50 million  
10 reconstruction of Chatham Square. The national  
11 economy had just been thrust into a major  
12 recession. All over the city businesses hoped to  
13 survive as they prepare for the critical holiday  
14 season.

15 China Town businesses were forced  
16 to organize for a public hearing regarding a plan  
17 that would dig up and reconstruct the largest  
18 intersection in our community, Chatham Square. It  
19 is one of the most complex intersections in the  
20 entire city. Where seven streets merge and where  
21 narrow Worth Street is the rare street that  
22 provides cross town access in the downtown area.

23 Although community board 3 had  
24 budgeted Red Cross funds for community traffic  
25 engineer to analyze the DOT's redesign, the date

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2 barely allowed time for our traffic engineer to do  
3 a thorough analysis. To make matters worse, he  
4 had to repeatedly ask for the information that he  
5 needed to do the property analysis. DOT gave him  
6 incomplete information and delayed giving it to  
7 him. Pleading letters from businesses, local  
8 organizations and residential developments all  
9 fell on deaf ears as we were told that the hearing  
10 would proceed as stated.

11 At the December 2 public hearing.  
12 Louis Sanchez, the lower Manhattan borough  
13 commissioner for the DOT said we're moving ahead  
14 with the Chatham Square project right now. People  
15 in the audience were outraged and shouted that  
16 this is a fait accompli, this is a sham.

17 The China Town and Civic Center  
18 community was forced to organize without  
19 information, diagrams or maps. There was no  
20 posting of information anywhere on the web sites  
21 of the DOT, CB3 or DCP. It was only after Jan Li  
22 of the Civic Center's Residents Coalition  
23 complained that this information was finally  
24 posted in January 2009--

25 CHAIRPERSON LIU: [interposing] Ms.

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2 Goldstein, please wrap up.

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MS. GOLDSTEIN: We ask that the City Council pass Intro 1063 to prevent any other community from going through the hellish ordeal that the DOT has inflicted on the China Town community. Thank you.

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CHAIRPERSON LIU: Thank you. Ms. Chin. All right, Mr. Li.

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JAN LI: Thank you Mr. Chairman. Once again, you demonstrated that you know a lot more about my community than the DOT does and I think that that's indicative that the way that the community has been treated. I'm going to cut to the chase. We need to support Intro 1063. I'll give you an example of why.

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The Department of Transportation's lack of transparency is really evidenced by a recent meeting coordinated by Bloomberg supporters in China Town and the commissioner of DOT Janette Sadik-Kahn. At a closed door meeting in early June, the supposed start date for a \$50 million tear down of Chatham Square, she dropped a bomb shell that should have been shared in a community forum and not a campaign rally designed as

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2 community outreach.

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4 The Commissioner, in a very rare  
5 visit to China Town told less than 10 people in a  
6 room, all Bloomberg supporters, that Chatham  
7 Square was going to be delayed for a year. The  
8 reason given was that bids did not go out in  
9 January as they had told the community board and  
10 community members initially, rather they were  
11 sitting on them all the time, fearing protests  
12 during the Mayor's campaign.

12

13 Chatham Square, you see, has become  
14 either a bargaining tool or a threat, inextricably  
15 tied to this Bloomberg campaign. She left the  
16 news to be disseminated further, if they chose to  
17 do so, by this small group, in a small room, in a  
18 small part of a very large affected area that is  
19 Chatham Square.

19

20 Even today the community board has  
21 not received any written document expressing a  
22 definite change of schedule, which leads me to  
23 believe that this was a ploy to garner support  
24 during an election year. The bulldozers may still  
25 roll in after November. There are no commitments,  
we have no faith in anything the Commissioner has



1  
2 said. On has to only look at the method in which  
3 she said it, if you question my suspicion.

4 To say that anyone who supports  
5 Intro 1063 is somehow delaying the process towards  
6 safety is absolutely irresponsible. Intro 1063  
7 begins to set forth a process for once that favors  
8 communities over municipalities and politics. For  
9 without the interest of communities considered,  
10 the city as a whole would be less interesting,  
11 more expensive, undemocratic and less safe.

12 CHAIRPERSON LIU: Thank you Mr. Li.  
13 Ms. Chin or Mr. Ost.

14 JEANIE CHIN: Yes, hi. I'm Jeanie  
15 Chin and I live at Chatham Square. I'm on the  
16 board at a cooperative there, I'm also on  
17 community board 3's public transportation outreach  
18 and a public member as well. I'm going to  
19 disregard my prepared testimony because I just  
20 want to address some of the issues that were  
21 raised by the DOT gentleman that was sitting here  
22 today.

23 The DOT's outreach was outrageous  
24 in China Town and is repeatedly outrageous. They  
25 characterized five years of meeting with our

1  
2 community. This is five years of meetings where  
3 they came to speak to us, they never presented any  
4 final plans. Everything was shown to us; no  
5 information was allowed to go back to our  
6 community. Then suddenly we're told we're going  
7 to have a meeting. The information was never  
8 presented on any web site.

9           Now they had repeated meetings.  
10 Then we were very naïve at that time and we did  
11 not realize that the reason for those meetings was  
12 to specifically to rubber stamp their plan. So  
13 every time we met with them we were confused as to  
14 why they never considered anything we had stated  
15 in the previous meetings. They just repeated  
16 their same plan over and over again so that we  
17 realized then they were just trying to use us as a  
18 rubber stamp. If this is their idea of outreach,  
19 it is outrageous.

20           Also, the Manhattan Bridge is a  
21 critical traffic hot spot in China Town where many  
22 people have been killed for four decades that I am  
23 aware of. However, the DOT shifted the focus  
24 instead to Chatham Square and has, to this day,  
25 never put up a sign slowing down traffic coming

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2 off the Manhattan Bridge where many of the people  
3 in the community have been killed. So this, to  
4 me, is totally outrageous.

5

6 The DOT came into the community and  
7 worked with groups in a very derisive manner.  
8 What they did is they would meet with small  
9 groups. We never heard each other's input. We  
10 never understood why other people had concerns and  
11 we wanted them to hear also our concerns. So this  
12 is another tactic they used.

12

13 However--just one last sentence.  
14 When they tried this same tactic at community  
15 board 1, the Seaport Community, I'm so glad that  
16 they told them that they would not be able to  
17 present any plan because of the way they had  
18 behaved. Thank you very much for this  
19 introduction.

19

20 CHAIRPERSON LIU: Thank you Ms.  
21 Chin. Mr. Ost.

21

22 JOHN OST: Hi, my name is John Ost  
23 and I serve on the Board of Directors of  
24 Southbridge Towers, a 1,600 unit housing  
25 cooperative, four blocks east of City Hall. I  
support Intro 1063 calling for mandatory community

1  
2 input of the Department of Transportation capital  
3 construction projects.

4           The DOT under the present Bloomberg  
5 administration has demonstrated a lack of  
6 sensitivity to those who live in the neighborhoods  
7 it serves. DOT plans a major reconstruction of  
8 the Brooklyn Bridge, which will result in  
9 significant traffic problems on the lower east  
10 side of Manhattan. Initially a presentation was  
11 made to CB1 but not to CB3, which will also be  
12 impacted. It was only upon CB3's making a request  
13 that a presentation was eventually made to them.

14           At a joint hearing in February of  
15 the Councils' Lower Manhattan Redevelopment and  
16 Transportation Committees, it was proposed to DOT  
17 that free transit through the Brooklyn Battery  
18 Tunnel be arranged through the Brooklyn Bridge  
19 reconstruction when it was closed, to mitigate the  
20 impact of traffic in our neighborhoods. Borough  
21 Commissioner, at that Louis Sanchez stated that he  
22 would consider that idea but indicated that no  
23 request had gone to MTA to make those  
24 arrangements. At a recent CB1 hearing last month,  
25 a DOT representative stated that those

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arrangements still had not been made.

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There are numerous occasions where the DOT has ridden rough shot over neighborhoods, whether by installing bike lanes in Brooklyn's Williamsburg or on Manhattan's Grand Street or planning to begin a reconstruction of Chatham Square where both CB1 and CB3 oppose the city's plan, installing bus bulbs over numerous objections and now the reconstruction of the Brooklyn Bridge.

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I only mention a few issues to indicate that this legislation is sorely needed. Please pass this intro. Having heard the testimony this morning about the other bills, which I wasn't expecting to hear, it sounds like good legislation and I urge this committee to pass all of it.

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CHAIRPERSON LIU: Thank you very much Mr. Ost. We're going to call up one of the witnesses. I'm sorry, a panel, we're going to call up on panel on Intro 624 and we certainly are sensitive to the personal nature of one of the witnesses here. So let me ask Nancy Greskin, Lou Greskin, Betty Doing and Ralph Profetto to come up

1  
2 to testify on Intro 624. This panel will be  
3 followed by a panel consisting of Edward Mah, Jean  
4 Grillo, Marilyn Dorado and Josephine Lee. Ms.  
5 Greskin, please proceed.

6 NANCY GRESKIN: Thank you very  
7 much. It is with mixed emotions that I sit here  
8 before you today. [Crying] I'm sorry. I'm happy  
9 that I am doing something in speaking out against  
10 a very big problem I see in our city. I am very  
11 sad that it has taken my husband's death by a  
12 bicyclist going the wrong way down the street to  
13 put a human face on this horrific problem, our  
14 face.

15 My husband could have been anyone  
16 of you here. He was young, he was healthy,  
17 energetic and had an unstoppable work ethic and  
18 was a very successful and extremely well-loved  
19 vice president of his firm. He was a beloved  
20 father of 12-year old twins who were three weeks  
21 away from their Bena Mitzfah [phonetic] when he  
22 was killed by this bicyclist last April. He was  
23 struck on April 28 and died from his massive brain  
24 injuries on May 1.

25 While I applaud this Council to

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2 bring this vicarious liability to the floor, I  
3 really believe there are some things in this bill  
4 that actually might make it a little more strong.  
5 There is something very important missing from it  
6 and I believe that this is an education and  
7 training component for the cyclist. It could be a  
8 win-win situation for everybody as it could be  
9 revenue producing for the city as well as protect  
10 our citizens.

11 The idea would be to mandate that  
12 if an employer is to employ bicyclists then each  
13 cyclist must complete five hours worth of  
14 education and training. This mandate makes  
15 logical sense. If we ask drivers of a car to take  
16 road tests to make sure they know the rules of the  
17 road, then it follows logically that bicyclists  
18 should have training as well because they too are  
19 following the same rules of the road. The city's  
20 DMV would provide the training and an employer  
21 would pay the cost.

22 At the educational training, the  
23 cyclist would receive an ID card that they would  
24 carry at all times to prove that the employee has  
25 had the training. For non-compliance there would

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2 be a sliding scale of fines. I truly believe that  
3 this would affect the sanity of our streets. I  
4 know my time it out.

5

I just want to say in conclusion, I  
6 have started a foundation in memory of my late  
7 husband to focus on public safety and awareness.  
8 I hope to work hand in hand with the elected  
9 official on a couple of ideas to make the street  
10 safer for everyone. Thank you very much for  
11 giving me the time to address you today and on  
12 behalf of my late husband, Stuart, thank you.

13

CHAIRPERSON LIU: Thank you Ms.  
14 Greskin. Our sympathies for your loss.

15

LEO GRESKIN: I am Leo Greskin. I  
16 am the father of Stuart, the person that was so  
17 tragically killed by this delivery person that  
18 Council lady Lappin mentioned that was going the  
19 wrong way, did not have a bell on his bicycle and  
20 I understand that there were no brakes on the  
21 bicycle. All I can do is just ask you and urge  
22 you to pass whatever legislation is needed to  
23 prevent accidents from ever happening again.

24

It's unbelievable as the doctor  
25 told us when he met with us in the hospital, New



1  
2 York Presbyterian, that your life will never be  
3 the same again. We don't want anything of this  
4 sort ever happening so tragically to anybody here.  
5 So please help us and I want to express my very  
6 sincere appreciation and gratitude to Council  
7 Member Lappin for handling this for us and for  
8 doing what she's doing to mitigate these problems.

9 CHAIRPERSON LIU: Thank you Mr.  
10 Greskin. Ms. Dorado, I'm sorry, Ms. Doing.

11 BETTY DOING: Hello, I'm Betty  
12 Doing. I certainly express my sympathy for Nancy  
13 and her family. I've been working on this problem  
14 of lawless bicycling for 30 years and so I support  
15 anything that will try to sort of reduce the utter  
16 anarchy out there on the streets of commercial and  
17 otherwise, too.

18 I'm having trouble talking today  
19 but I know that so many people that aren't here  
20 from civic groups and everywhere that are just so  
21 afraid everyday when they're crossing the street  
22 for a silent bike that's going to come at you from  
23 any direction. There are deaths and we've held  
24 vigils for several other deaths by a bicyclists  
25 running a red light. But there are countless

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2 injuries that you never hear about and then  
3 there's the every day stress and the breaking of  
4 the law. And we don't want that; this flagrant  
5 breaking of the law by most commercial cyclists.

6 Certainly, I'm so glad that Nancy  
7 is doing this in honor of her husband and her  
8 family. I will certainly support Jessica and  
9 anybody who will work toward reducing this what  
10 really is two-wheeled anarchy. Thank you.

11 CHAIRPERSON LIU: Thank you very  
12 much. Mr. Profetto.

13 RALPH PROFETTO: Thank you, sir.  
14 I'm in support of any legislation that would end  
15 the practice of bicycle riding on sidewalks. It's  
16 a dangerous practice to life and limb. In my  
17 former 11 years in the New York City Public  
18 Advocate's office there were many incidents of  
19 bike injuries and fatalities.

20 In fact, there was one of them that  
21 comes to mind. On a bicycle tour sponsored  
22 reportedly by Transportation Alternatives,  
23 bicyclists coming out of Pelham Park in the Bronx.  
24 One of the bicyclists hit a frail, elderly senior  
25 citizen who was a sidewalk pedestrian and

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2 critically injured him. This practice is bad.

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4 While we're focusing on the  
5 commercial bicyclist, in my practice and in my  
6 reports, the more dangerous rider is the  
7 recreational or physical fitness rider. They ride  
8 these raising bicycles at high speeds. In fact,  
9 in my office after this incident when I had the  
10 occasion to notify 76 precincts in the City of New  
11 York about this practice for enforcement I left my  
12 office at City Hall and was going out to the  
13 subway right here on Broadway.

13

14 I was speaking about that incident  
15 to a police officer from the 40th precinct. Low  
16 and behold one of these physical fitness  
17 bicyclists came upon the sidewalk and almost  
18 knocked me and the officer down so these are the  
19 people we have to concentrate on, sir.

19

20 I respectfully suggest that this  
21 bill is passed, 624. I also support 1063, 76 and  
22 77. And I thank you for your time.

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23 CHAIRPERSON LIU: Thank you very  
24 much Mr. Profetto. Council Member Lappin has  
25 comments and questions for this panel.

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COUNCIL MEMBER LAPPIN: Before you

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get up, Ralph. First of all I just wanted to thank the four of you and everybody else who is here today to testify on this bill. I may not get to hear from each and every one of you but it really means a lot to me that you came and to show your support. To the Greskins, that you have taken a tragedy and are trying to do something positive, really says a lot about who you are. Because it's hard to do that. So I wanted to thank you for, not just being here for today but for the foundation and for the work that you're going to be doing. I look forward to talking more and working together more in the months ahead.

And Betty, you've been working on this issue since before I was born, I think. And I know it's not easy for you to come down here so I appreciate you coming down as well so thank you very much for your support. Hopefully we'll be able to make some of these changes and move forward. Thank you.

CHAIRPERSON LIU: Thank you. We have questions from Council Member Gentile. Thank you Council Member Lappin.

COUNCIL MEMBER GENTILE: Just to

1  
2 comment, I want underscore what Mr. Profetto said  
3 about bicycles and the danger of the sport  
4 bicycles. As you know, Ralph, in our community I  
5 always get complaints from senior citizens about  
6 bicycles that almost have knocked them down and in  
7 some cases have knocked them down. So it is a  
8 menace and a threat, not the bicycle itself, the  
9 fact that the bicycle is riding on the sidewalk.

10 MR. PROFETTO: It's like a bicycle  
11 and an automobile are an important means of  
12 transportation but when used incorrectly, they  
13 become instruments of death and injury. We know  
14 this issue with elderly Rabbi Swiss who was  
15 knocked down years ago by a bicycle.

16 COUNCIL MEMBER GENTILE: Thank you.

17 MR. PROFETTO: Thank you so much.

18 COUNCIL MEMBER GENTILE: I want to  
19 thank you--

20 COUNCIL MEMBER LAPPIN:

21 [interposing] My Rabbi Swiss?

22 MR. PROFETTO: Your Rabbi Swiss and  
23 my Rabbi Swiss also.

24 COUNCIL MEMBER LAPPIN: He married  
25 me and Bat Mitsfah'ed me, too.

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2 MR. PROFETTO: He also married me  
3 and that's an Italian Christian, he married me.  
4 Thank you.

5 CHAIRPERSON LIU: Thank you. Thank  
6 you Betty for all of your input over the years.  
7 Next panel please come up, Mr. Mah, that's Edward  
8 Mah, Jean Grillo, Marilyn Dorado and Josephine  
9 Lee. Mr. Mah please proceed.

10 EDWARD MAH: Thank you Chairman  
11 John Liu and also the members of the Council. I  
12 appreciate for this opportunity to make testify  
13 for the Intro 1063. I'm a very much impressed  
14 today at the - - led by Chairman about this  
15 situation. I have to say you have so many  
16 projects from the D train closing in 1995 because  
17 of repair bridge, broken bridge and also the City  
18 Planning and also the Chatham Square and the  
19 Brooklyn.

20 I think especially Chatham Square,  
21 I think the Deputy Commissioner David Wally, his  
22 presentation just distorted the whole reality in  
23 truth. That's not exactly, it has no reach out to  
24 community, five years. Well where is he? He just  
25 distorted. If this is the reality is true as what

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he described then we wouldn't be here today.

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In last December there was a CB1, 2, 3, three community boards public hearing. I think the Deputy Commissioner of Manhattan Commissioner Louis Sanchez mentioned this and said, use \$50 million project. You better take it. No matter what you like or not, we are going to proceed exactly to the previous Jeanie Chin mentioned about the complete opposite.

Especially I think it's a very, very close mind. Also, especially appreciate Council Member Gentile's mention. Everything the DOT is doing is just the last one to notify the community. We have closed that door. To everything they have closed the door. In other words, they are trying to make shoes to feed their shoe and cut their foot to make their shoes. I think the whole thing is just poor communication. And their incompetency of their doing and more for politics rather than for community. Thank you. Thank you, Chairman.

CHAIRPERSON LIU: Thank you very much, Mr. Mah. Ms. Dorado.

MARILYN DORADO: I'm representing

1  
2 the Greenwich Village Block Association. I'm  
3 going to be short anyway. The Greenwich Village  
4 Block Association is a citywide coalition  
5 dedicated to preserving and improving the quality  
6 of the life for residents of our historic  
7 neighborhood. We are deeply concerned about the  
8 danger posed by cyclists who disregard traffic  
9 regulations.

10 The current administration appears  
11 to be engaged in a policy of build it and they  
12 will come towards cyclists as part of an effort to  
13 decrease the number of cars that travel our city  
14 streets. This may be a good thing if coupled with  
15 consistent traffic enforcement on all street  
16 vehicles. This, however, is not presently the  
17 case. The evidence of our own eyes daily informs  
18 us that cyclists routinely ignore traffic  
19 regulations.

20 Indeed, the media seems complicit  
21 in this behavior. The current issue of New York  
22 Magazine encourages cyclists to use their own  
23 judgment as they go through red lights,  
24 rationalizing this behavior because we all jaywalk  
25 anyway.



1  
2 Although Intro 624 is well intended  
3 the result may be merely additional paperwork for  
4 employers with no appreciable improvement in the  
5 safety of our streets. If passed in its current  
6 form, it may actually serve to undermine the  
7 enforcement of previous laws. We believe that the  
8 emphasis should be on enforcement of existing law  
9 regarding moving violations. Cyclists are not  
10 unredeemable miscreants. They just disobey  
11 traffic laws because they can.

12 We also support Intros 1063.  
13 Generally the GVBA supports anything that improves  
14 the democratic process and we believe that that's  
15 the intent and hopefully the result of this. Can  
16 I give this to someone?

17 CHAIRPERSON LIU: Thank you, yes.  
18 Give it to the Sergeant. Ms. Grillo, welcome.

19 JEAN GRILLO: Yes, hi. Hello,  
20 congratulations. I am speaking as both the  
21 District Leader for the 66 Assembly District and  
22 as a public member from community board 1. I want  
23 to thank Jan Li for letting me know about this  
24 hearing. I'm speaking in support of 1063 but also  
25 in support of the bike bill, which I'm hearing

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2 about today as well.

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I have heard nothing from DOT this morning that would prevent anything but improving the DOT through this 1063. As a member of the TriBeCa committee of community board 1, I have been on the receiving end of several of their done deal fiats, most recently when they came to us notifying us that 20 buses would be moved from under the FDR and would be parked along West Street for between two to five years.

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We had no notification from the Department of Transportation. There was no discussion, no hello do you think this is a good idea, do you think this is a bad idea. We were stunned. These buses would be parked as a wall of metal spewing out fumes.

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It was presented in a slide presentation to the TriBeCa committee and it was not even up for discussion. I remember at that presentation, the gal from the Department of Transportation said the Mayor apologizes that when all of these parking lots were made into high rises we forgot that we made no plans for where those buses would go. Sorry. You get these buses

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2 now for two to five years.

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This kind of sorry, accept it, goodbye is unacceptable and this is why this bill is crucially important. I totally support it. I thank you for bringing it up and you have our support and for the bike bill as well. Thank you very much.

CHAIRPERSON LIU: Thank you very much.

MR. MAH: I just forgot the mention I give credit to Council Member Alan Gerson. He drafted this law, Intro 1063. I really am grateful for him, for his contribution. Thank you.

CHAIRPERSON LIU: Thank you Mr. Mah. I want to thank the panel for...

MALE VOICE: Councilman Liu.

CHAIRPERSON LIU: ...hearing with us today.

MALE VOICE: I'm reading something for Josephine Lee, she had to step out for an emergency. Can I just read her statement?

CHAIRPERSON LIU: Okay. What I can do is if it's written testimony we're going to

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2 accept it into the record.

3 MALE VOICE: Okay.

4 CHAIRPERSON LIU: Thank you very  
5 much.

6 MALE VOICE: All right, thank you.

7 CHAIRPERSON LIU: Let me call up  
8 Triple Edwards, Dorothy Tomm, May Wong Song, and  
9 Helen Tam. We acknowledge that we received  
10 written testimony from Josephine Lee  
11 representative of the Coalition to Protect China  
12 Town and the Lower East Side. We've also received  
13 testimony from Con Edison, from Darcell Kennedy a  
14 lower east side resident, testimony from National  
15 Grid, testimony from the AAA American Automobile  
16 Association, Antinella Vocaro and testimony from  
17 Michelle Burnbown. Okay, please proceed Triple.  
18 And let me ask Sanford Goldstein and his wife Anna  
19 to come up to the witness table also. We also  
20 received written testimony on behalf of Sanford  
21 Goldstein. Let me invite Lucy Garnett to the  
22 witness table and then Glen Bolofski. All right,  
23 thank you very much Mr. Edwards. Please proceed.

24 TRIPLE EDWARDS: Hi, my name is  
25 Triple Edwards and I'm a resident at Chatham Green

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and on the board and a stakeholder in China Town.

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I'm going to forgo what I previously had written.

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I was ready to talk about how arrogant that the

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DOT was to tell a community what's best for them.

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I wanted to speak about how we should work

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together as a community.

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But it has become so clear to me

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after sitting here for the last couple of hours

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and listening to this DOT rep that this Intro 1063

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has to be passed because this guy is nothing but a

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spin doctor. Councilman Liu, I am amazed that you

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can sit there with a straight face because I

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certainly can't so I'll say what you probably

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can't say.

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This guy is so full of bull and he

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doesn't even--like five years in communication

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with us? Even to this day, there is still no

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clear record of when the project is going to

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start, when the promenade is going into effect,

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when that's going to begin. They still have no

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communication with us, which I think is so

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ludicrous. I don't know how else to say but this

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is just a necessity now. It's just become

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ridiculous.

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2 CHAIRPERSON LIU: Well, thank you  
3 very much. I hope you will speak your mind next  
4 time. Ms. Tom.

5 DOROTHY TOMM: Hi, thank you very  
6 much for giving me the chance to air my concerns  
7 and my grievances. I do support the 1063 bill to  
8 be proposed but I also want to say I have very  
9 deep reservations about this proposal for the  
10 reconfiguration of Chatham Square. Okay? The DOT  
11 has put out information to build a case to try to  
12 convince the community that this is going to  
13 benefit the community--

14 CHAIRPERSON LIU: [interposing] Ms.  
15 Tomm, I'm sorry. I know that's an issue that's  
16 important to you. What I'd like to do is if you  
17 would like to testify to that issue, you're  
18 welcome to. But I want to get everyone else who  
19 has come to testify on 624 and 1063 before we--

20 MR. TOMM: [interposing] I'll make  
21 it short. I was at a meeting with a DOT had sent  
22 their representatives to present their case to the  
23 community. They did not give us any assurances  
24 that changing the four lanes to two lanes on the  
25 Bowery is supposed to help ease traffic or to

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2 improve the quality of the community. They did  
3 not give us any assurances that they articulated  
4 buses would have a safe turn. They did not give  
5 us any assurances that the design would help to  
6 protect safety for pedestrians, especially  
7 children and elderly people.

8           At the end of that meeting, all of  
9 a sudden we had spent the time there talking,  
10 giving our concerns, telling us what their  
11 concerns were. They totally ignore us. At the  
12 end of the meeting, Mr. Sanchez who was the  
13 assistant to the DOT came right out and said this  
14 is a done deal. We're going to go ahead with  
15 whatever we had planned and to heck with the rest  
16 of you. Whatever you had to say, we're not  
17 interested. That is what was horrifying, that we  
18 spent so much time, our thoughts, our concerns, I  
19 had gone to meetings, tried to present to them our  
20 concerns and they totally ignore us.

21           They put on this proforma meeting,  
22 this token meeting, pretending that they care,  
23 that they're going to be positively receptive to  
24 whatever our concerns were. Secondly, in the best  
25 of all possible worlds this project, the

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destruction to the quality of life to this

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community without any benefits that will come from

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this particular project.

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CHAIRPERSON LIU: Thank you Ms.

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Tomm.

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MS. TOMM: Destruction to the

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businesses, the quality of life, to safety, to the

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air, the businesses, just the city, the community

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would just go downhill.

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CHAIRPERSON LIU: Thank you Ms.

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Tomm. Please proceed.

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HELEN TAM: I'm Helen Tam, how are

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you and congratulations to you. The 1063 should

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be the minimum time required for the city to do

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anything to the traffic. Traffic is the life

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blood of any community. Not too long ago they

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closed Park Road - boom. It's a city action or in

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the name of safety. All of these actions causes

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damages to the community without community input.

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30 day notice is the minimum and from the sound of

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the city, they don't even want to give 30 day

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notice.

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After they closed Park Road most of

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my favorite restaurants just closed up. One



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restaurant where I took my wife to on our third date closed up because they don't realize when you close a road, not only do you close the road, you denying economic access to it, all in the name of safety.

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While they talk of safety, safety, safety, they forgot the founding fathers' principle of liberty. Those who seek safety above that of liberty to not deserve both, Benjamin Franklin.

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[Applause]

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And again repeated by Thomas Jefferson ten years later because it is such an important issue. We have conceded a victory to the terrorists by closing Park Road. The economic damage to China Town was severe but that's not important. We have conceded a victory to the terrorists that they neither earn nor deserve. Thank you.

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CHAIRPERSON LIU: Thank you very much Mr. Tamm. Thank you. I do appreciate everybody for staying so long for this hearing. Our next panel will consist of Sean Sweeney, David Louis, Jonathan Horne, Jack Brown. One of those

1  
2 gentlemen are not here. Let me ask Leonard  
3 Faziolli. Mr. Sweeney, welcome.

4 SEAN SWEENEY: I'm Sean Sweeney.  
5 I'm the Executive Director of the SoHo Alliance,  
6 an 1,100 community organization. I'm here  
7 actually on two topics. 624, I support. It's a  
8 good idea but I really don't think it goes far  
9 enough. There should be provisions for moving  
10 violations as well. It seems to create a lot of  
11 paperwork and a \$25 fine but what is that going to  
12 do to keep the illegal cyclists deliveries and  
13 recreation, as mentioned, off the sidewalks. I  
14 think there should be provision for moving  
15 violations and much stronger fines as well.

16 Regarding 1063, I'm just going to  
17 read from our annual newsletter. This is going to  
18 be the fourth time the word fait accompli has been  
19 said in this meeting today. Last summer, without  
20 ever consulting those, the bureaucrats at DOT  
21 decided what SoHo needed was a mall on Prince  
22 Street. The plan was to close the street to  
23 traffic all day on weekends during the summer.

24 Prince Street is already packed.  
25 What else did we need? At a standing room only

1  
2 community board, over 150 residents and businesses  
3 organized by the SoHo Alliance showed up to jet  
4 vociferously to what DOT thought was a courtesy  
5 call to announce fait accompli. Indeed DOT had  
6 already announced that this Prince Street mall was  
7 going to open up in a matter of weeks; they set  
8 the date, Memorial Day 2008.

9 Well, it was apparent they had  
10 never dealt with SoHo activists before. Such was  
11 our numbers and our passion that the bureaucrats  
12 were stunned. They went back to their boss and  
13 reported that SoHo was united in not having this  
14 proposal implemented. The bureaucrats listened  
15 and thankfully our neighborhood has not been  
16 turned over carte blanche to tourists and  
17 peddlers. If this experiment were paraded on  
18 Prince Street, the rest of SoHo could have  
19 followed.

20 All of SoHo owes a debt of  
21 gratitude to their neighbors who attended the  
22 meeting that night. Not only that, but the  
23 Broadway bus bulbs were done without community  
24 input, the summer streets gone from Santero to  
25 Lafayette was done without community input. The

1  
2 community board sued the Gansport. There was some  
3 street work done there without community input.  
4 You get the idea.

5 CHAIRPERSON LIU: Thank you very  
6 much, Sean. Thanks for your testimony. You're  
7 not Mr. Louis, right? Mr. Horne.

8 JACK BROWN: I'm Mr. Brown.

9 CHAIRPERSON LIU: Mr. Brown, please  
10 proceed.

11 MR. BROWN: Members of the City  
12 Council, members of the public, my name is Jack  
13 Brown. Today I appear as a spokesman, no pun  
14 intended, for the Coalition Against Rogue Riding.  
15 I'm also a former owner of a the High Ho Cyclery  
16 located at 165 Avenue A of the Northwest corner of  
17 Thompkins Square Park in New York's lower east  
18 side.

19 I know the intoxication of the  
20 unmistakable aroma of rubber and grease. We come  
21 today to consider a proposed legislation, Intro  
22 624, also called the Vicarious Liability Bill.  
23 The purpose of this bill is not only to place the  
24 financial burden, the liability for violations  
25 incurred by delivery agents using bicycles on the

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2 owners and business entities for which they ride.

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In the opinion of myself, some of Intro 624 has merit. Bike riders should wear helmets, should use bells, lights and clothing that identifies them. A business might well keep a delivery log to better monitor business and behavior.

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However, if the intention of 624 is to remedy the scofflaw practices commonly employed by working cyclists running red lights, riding against traffic and on sidewalks to speed delivery, thereby creating a traffic environment of me first, license and jeopardy then 624 needs to direct its attention to the danger and damage law, the moving violations. I suggest that there is an inadequacy in this.

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In May, a study, Biking Behavior in Midtown, was issued by the Department's of Sociology and Urban Affairs at Hunter College, Professor Peter Tuckle, principal investigator. This rigorous study was conducted during the month of April. It observed 5,275 cyclists at 45 intersections. Of the three categories of cyclists, working, commuter and recreational, the

1  
2 working cyclists were cited as most often lawless.  
3 The hours of--is that it?

4 CHAIRPERSON LIU: Just wrap up  
5 please.

6 MR. BROWN: I would like to thank  
7 Councilman Dan Garodnick for taking the initiative  
8 to meet with Chief Diaz of Manhattan South to  
9 refocus the enforcement of the bicycle laws.  
10 Coalition Against Rogue Riding advocates an even  
11 handed enforcement of the vehicular laws so as to  
12 try to manage the rogue riding, which is creating  
13 this atmosphere of jeopardy.

14 I would also make a suggestion.  
15 This took two and a half year to get 624 to the  
16 floor. What I think makes sense and it was a  
17 proposal put forth by Sean Kahn, Head of Community  
18 Affairs at the Borough President's Office is to  
19 from a task force. Bringing together  
20 representatives of the NYPD, the Department of  
21 Transportation, elected public officials involved  
22 with the legislations, some advocacy groups and  
23 any pertinent person or agency pu--

24 CHAIRPERSON LIU: [interposing]  
25 Thank you Mr. Brown. Thank you.

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MR. BROWN: All right, thank you.

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CHAIRPERSON LIU: Mr. Faziolli.

3

LEONARD FAZIOLLI: I am for the

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laws to be passed for motorcycles to follow

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traffic laws. It is motorcycle doesn't follow

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moving vehicle law they would put their own life

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at risk as well as pedestrians because they could

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get hit by a car or a bus as well. When someone

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steals a car that has a motor running in a car

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they might go and get involved in a 12 car pile up

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accident or running away when they steal a car

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like that. They might get into accidents running

13

away, a car like that.

14

CHAIRPERSON LIU: Thank you very

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much M. Faziolli. I want to thank you, thank this

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panel for testifying today. Thanks. Let me ask

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Ms. Marjory Levine and Mr. Eric Shepparo. Mr.

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Eric Shepparo and Sally Ballhower. Note for the

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record that Ms. Jeanie Chin also wanted to testify

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on Intro 624. Let it be noted for the record that

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Jeanine Chin supports Intro 624. Ms. Levine.

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MARJORY LEVINE: Yes, I am Marjory

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Levine. I am a retired school teacher. I taught

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for 5 years in this city. I taught sixth grade

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1  
2 and now I am retired and I do walk around a great  
3 deal during my day. I am here to speak and I just  
4 want to say that I'm in favor of 624 but I am not  
5 in favor of it because it is not broad enough.

6 Article 34 of the New York State  
7 traffic laws state that bicycle riders are  
8 mandated to follow New York State traffic laws.  
9 They do not. They ride at very, very high speeds  
10 through red lights. They ride the wrong way on  
11 one way streets and they ride on the sidewalks.  
12 This puts all pedestrians at risk.

13 I do think that the police need to  
14 issue stronger consequences when they seek bike  
15 riders not obeying the law. There has to be  
16 larger public awareness in place regarding this  
17 law. I think that 624 just includes bicycle  
18 messengers but it has to be broader to include  
19 consequences in place for recreational riders.  
20 It's basically, largely the recreational riders  
21 who are breaking these laws.

22 The messengers, if they wear  
23 helmets and they carry ID, how does that protect  
24 the pedestrians who are at risk when they cross  
25 the street from these recreational riders who are



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2 riding so quickly through red lights and not  
3 keeping the street safe. Consequences must be in  
4 place and they should receive tickets from the  
5 police when they break the law.

6 CHAIRPERSON LIU: Thank you very  
7 much Mr. Levine. I'll note that those laws  
8 already exist so there's not much more we can  
9 legislate with regard to laws that already exist.  
10 So they then become enforcement issues. But the  
11 bill at hand today has to do with cases where  
12 there is a business involved and that the bike  
13 rider is riding that bicycle on behalf of that  
14 business. This bill seeks to transfer the  
15 liability to the business and not limited to the  
16 rider, him or her self.

17 MS. LEVINE: Okay, thank you.

18 CHAIRPERSON LIU: Thank you. Ms.  
19 Ballhower. Please identify yourself for the  
20 record.

21 SALLY BALLHOWER: Sally Ballhower.  
22 Bicycles must follow traffic regulations. They  
23 must stop at the red light, they must go in the  
24 proper direction of traffic. Laws are in place  
25 for moving vehicles and must be strictly enforced.

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Solutions: tickets to the business and to the cyclist, the businesses for the messengers claim that these messengers are independent contractors and therefore the business is not liable. This is wrong.

7

The other, point two, take the bike away at the time and charge \$100 to return it.

8

9 Photos of cyclists at traffic intersections,  
10 computerized with traffic lights, letters to  
11 businesses, public service announcements telling  
12 people on NY1 or Our Town, which is a New York  
13 magazine how dangerous it is to go through red  
14 lights and how dangerous it is to go in the wrong  
15 direction. Possibly have an auxiliary police  
16 force to ticket these offenders. This would  
17 create jobs and revenue for the city.

18

I also said, Chairman Liu that this  
19 also applies to the recreational riders but I'm  
20 focusing on the messengers for this meeting. And  
21 possibly another idea would be for the insurance  
22 companies to work with the police departments and  
23 charge higher penalties if there is a traffic  
24 ticket or any accident from a bike.

25

Lights on the bike are safer for

1  
2 the pedestrian and the cyclist from back light and  
3 a bell or a whistle. A license with the name of  
4 the business, also, this way if they go through a  
5 traffic light it can be picked up.

6 Public safety is of the utmost  
7 importance. We should do this and do this  
8 quickly. The city is not safe at this point and  
9 this is a very correctable situation.

10 CHAIRPERSON LIU: Well, thank you  
11 very much Ms. Ballhower for your testimony and Ms.  
12 Levine. We appreciate you staying for this entire  
13 hearing.

14 BOTH: Thank you very much.

15 CHAIRPERSON LIU: Thank you. There  
16 being no other witnesses, today's hearing of the  
17 City Council's Committee on Transportation is  
18 adjourned.

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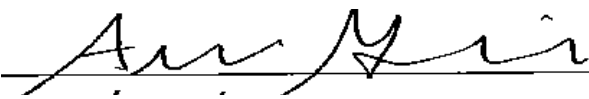
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C E R T I F I C A T E

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

Signature 

Date October 21, 2009