

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS: Fernando Cabrera  
Andrew Cohen  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Rafael L. Espinal, Jr.  
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Antonio Reynoso  
Donovan J. Richards  
Deborah L. Rose

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

Monty Dean, Chief of Staff to the Chief  
Operations Officer, New York City Department of  
Transportation

Joshua Benson, Deputy Commission for Traffic  
Operations, New York City Department of  
Transportation

Sean Quinn, Assistant Commissioner for Street  
Improvement Projects and head of our Bicycle and  
Pedestrian Units, New York City Department of  
Transportation

Steven Ettannani, Executive Director for  
External Affairs at the New York City Department  
of Consumer and Worker Protection Appearing for:  
Lorelei Salas, DCWP Commissioner

Jean Souliere, CEO, Bus Patrol

William Smith, Vice President of Local 1-2  
AFLCIO, Representing Utility Workers in New York

Al Russo, Vice President of the Communication  
Workers of America, Local 1101

Xavier Maynard, Member of Communication Workers  
of America, Local 1101

Christine Berte, Chekped

Eric McClure, Executive Director, StreetsPAC

john Orcott, Bike New York

Erwin Figueroa, Senior Organizer of  
Transportation Alternatives

Amy Masai, Council Member, City Wide Council for  
District 75

2 (sound check) (pause) (gavel)

3 CHAIRPERSON RODRIGUEZ: Good afternoon  
4 everyone. Welcome to this hearing of the City  
5 Council Transportation Committee. I'm Ydanis  
6 Rodriguez, the Chair of this committee. First, let  
7 me recognize that we've been joined by Council  
8 Members Diaz, Levine and Kallos. Just last week as  
9 everyone knows, we saw a three-years old child being  
10 hit by a pickup truck making a left turn at 116 and B  
11 Broadway and First Avenue. You know, we sent out  
12 prayers to the family, and, of course, I know here in  
13 this room we have a lot parents, and/or some of you  
14 have grandchildren, and as someone that has 12-years-  
15 old and a 6-years-old, we cannot, you know, think on  
16 how that mother is dealing today with the loss of a  
17 loved one. So, this is putting politics, governmental  
18 things aside just thinking about crashes continue  
19 happening in the city of New York, and now we know  
20 that it's not the lack of leadership, it's not the  
21 lack of effort, but this is, you know, the city that  
22 we inherit, and the city that unfortunately we built  
23 around having cars as the center of our street, we've  
24 been working so hard trying to change the culture  
25 through policy, strategies initiatives, legislation

2 and, of course that what this thing on First Avenue  
3 crash remind me to the importance that we need, we  
4 must separate the time for drivers to turn and  
5 pedestrians to cross. You know, this—the way of how  
6 and we know that there's a number of pilot projects  
7 already in place, and many of them serve us to look  
8 at data. I know at the local level that Broadway and  
9 Dyckman is never the same when a pedestrian cross  
10 from north to south at Dyckman when the pedestrian  
11 have a light only to them to cross, and drivers must  
12 stop, and then when the light is for the driver, the  
13 pedestrian know that they cannot cross so that pilot  
14 project is working in many intersections, and I hope  
15 again that we as the city of New York with the DOT as  
16 the agency that we assigned our responsibility,  
17 continue making as many intersections as possible as  
18 intersections where the light for—for drivers and  
19 pedestrians that are completely separated. I also  
20 hope that we get state approval to reduce the speed  
21 limit when drivers make a turn. You know, we did  
22 great by working together and reduce the 25 mile per  
23 an hour, but what is the speed limit for the driver  
24 to turn? It's the same as someone who drive in the  
25 middle of the block. So, if we know that most

2 crashes happen in intersections, then we need to be  
3 sure that we continue again doing the work and in  
4 this under DOT team and leadership that we assign  
5 those responsibility, but also we need to change some  
6 law at the State level that we get the city to reduce  
7 the speed limit when driver's make a turn. Today,  
8 there's going to be a vigil at 6:00 p.m. at the  
9 intersection led by the family, the school in that  
10 area, and members of the community, we invite elected  
11 officials, community leader and New Yorkers to join  
12 those family as they, you know, are dealing with the  
13 loss of the three-years old. We cannot continue  
14 hearing about these strategies in a city that has  
15 been committed to ensure the safety of all  
16 pedestrians and cyclists. It is clear that we must  
17 do more to increase the protections for all  
18 pedestrians and cyclists. Since last year, we have  
19 seen almost 30 cyclists killed. That's three times  
20 the amount from 2018. Today we will hear several  
21 piece of legislation. The first is Council Member  
22 Rivera's bill Intro 1812, which would establish an  
23 Office of active transportation and an active  
24 transportation advisory board. In my legislation  
25 Intro 1813, which will create an office of

2 pedestrians. The two bills together seeks to create  
3 the office for pedestrians and cyclists within the  
4 Administration. We need to have an entity within the  
5 Administration dedicated to pedestrians and cyclists  
6 concerned. These entities can gain a better incite  
7 into the issues facing cyclists and pedestrians, and  
8 advocate for improving to our city streets. The  
9 office will work with policies, strategies, and  
10 initiatives around pedestrians and cyclists. We will  
11 also be hearing two bills by Council Member Lander,  
12 which seek to increase safety measures for utility  
13 workers. Proposed Intro 946-A, which will prohibit  
14 on-call scheduling for utility safety workers, and  
15 require the advance notice of work schedules be  
16 provided to utility safety workers, and Intro No.  
17 947, which will require documentations of safety  
18 training for a street permit. We will also hearing  
19 Intro 1724 by Council Member Ben Kallos, which will  
20 create a program that would place cameras on the  
21 school buses for the purpose of fining vehicles that  
22 pass school buses for red light are flashing and, of  
23 course, I would like to add I hope that the—the same  
24 technology that will be used to give those tickets to  
25 drivers that they don't stop when the school buses

2 pull out the stop sign also is used to give tickets  
3 to drivers that pass the school buses over the speed  
4 limit. We must do more to keep all New Yorkers safe  
5 on the road. We must commit ourselves to be the most  
6 walkable pedestrians and cyclist friendly in the  
7 nation. [Speaking Spanish] I know invite the sponsor  
8 of this bill to deliver their opening statement  
9 Council Member Rivera.

10 MALE SPEAKER: Rivera.

11 CHAIRPERSON RODRIGUEZ: Right, Carlina.

12 COUNCIL MEMBER RIVERA: Right.

13 CHAIRPERSON RODRIGUEZ: Yes, Carlina.

14 COUNCIL MEMBER RIVERA: [off mic] Okay.

15 [on mic] Hello, everyone. Good afternoon. I want to  
16 start with thanking and recognizing Chair Rodriguez  
17 and my colleagues on the Transportation Committee for  
18 holding this hearing on very important bills  
19 particularly 1812 and 1813. We are here because  
20 nearly 30 cyclists and over 100 pedestrians have died  
21 on our streets this year, numbers that are not only  
22 terrifying, but unacceptable. It shouldn't take a  
23 rise in fatalities to spur change. Yet, it appears  
24 that is what finally initiated action with the  
25 Mayor's Office and their Introduction of the Green



2 Wave Plan and it appears it what pushed through  
3 negotiations with Speaker Johnson to approve the Safe  
4 Streets Master Plan. The bills we are hearing today  
5 to create so-called bike and pedestrian mirrors (sic)  
6 are meant to prevent further delay by ensuring that  
7 political capital and authority is entrusted by the  
8 Mayor and city officials tasked with the singular  
9 goal of making our streets safe in every borough. I  
10 want to give credit to Commission Polly Trottenberg  
11 and the entire team at the Department of  
12 Transportation for their work, though, particularly  
13 in the creation of the very successful 14<sup>th</sup> Street  
14 Busway, and their efforts to help with countless  
15 issues in my district, but DOT has to wear many hats  
16 in enforcing and planning for the future or many  
17 different issues on our city streets, and this  
18 unfortunately, can often lead to cyclists and  
19 pedestrians concerns being relegated lower on the  
20 agency's list of priorities, and it also makes  
21 solving multi-agency issues more challenging. Now,  
22 with more New Yorkers using people powered transit,  
23 and its streets masters led by Council Member and  
24 Speaker Corey Johnson creating a vision for the  
25 future, it's clear we need an office that can attend

2 to this important citywide policy, a goal that also  
3 coordinates between the numerous agencies that  
4 interact with these constituencies very similar to  
5 the Mayor's Office of Criminal Justice. We need an  
6 active transportation leader who can fight for the  
7 Brooklynite who lives in a transit desert who can  
8 protect the Queens' delivery worker who is constantly  
9 having his e-bike impounded by the NYPD, and a leader  
10 who can advocate for a future that prioritizes safety  
11 for every New Yorker regardless of who they are, and  
12 where they live. With the passage of these bills we  
13 will be able to look to these office appointments and  
14 clearly know a future mayor's believe people power-  
15 people powered vehicles, pedestrian and environmental  
16 infrastructure are their priorities, and the Active  
17 Transportation Advisory Board established by my bill  
18 would also provide that accountability. I look  
19 forward to hearing from DOT and other city  
20 representatives about their thoughts on this  
21 legislation as well as ongoing and future plans to  
22 reach our Vision Zero goals. I am either on my bike  
23 or walking every single day, and I know how much of a  
24 difference these bills can make, and I encourage my

2 colleagues to support them and the other bills we are  
3 hearing today. Thank you so much, Mr. Chair.

4 CHAIRPERSON RODRIGUEZ: Council Member  
5 Lander.

6 COUNCIL MEMBER LANDER: Thank you very  
7 much, Chair Rodriguez, and I want to first give you  
8 and Council Members Rivera and Kallos praise on  
9 today's very good safety bills and-and just affirm  
10 for member who are-for good members of the public who  
11 ware here on pedestrian safety that we are in very  
12 close, um, negotiations on the Reckless Driver  
13 Accountability Act, and working hard every day to  
14 bring that across the finish line, and we will not  
15 let up until we do. Um, but I am here today as the  
16 lead sponsor of Intros 946 and 947, which aim to  
17 secure more safety for our underground utility safety  
18 workers. Utility safety workers perform an essential  
19 public safety task. Every time a street has to be  
20 opened for a utility, for a street adjustment, it  
21 needs to be marked from the top to make sure that  
22 those openings do not pose any danger, that damage  
23 does not take place, that the public is not exposed  
24 to risks. Unfortunately, two years ago we had an  
25 oversight hearing, and we heard from workers of USIC

2 who perform that work about both very poor working  
3 conditions, and real dangerous situations as a result  
4 of 24-hour on-call scheduling low pay and a failure  
5 on the part of their company to provide adequate  
6 training. Coming out of that, they did some very  
7 important organizing with Communications Workers of  
8 America and improved some of those issues as a result  
9 as their contract negotiations. So, perhaps to the  
10 workers who did that organizing, but there are some  
11 issues that we believe need to be addressed by local  
12 law to prohibit the on-call scheduling. If we did  
13 that fast food workers, surely we should do it for  
14 people who are keeping our, you know, us safe and—and  
15 avoid damage from marking underground utilities and  
16 also making sure that those workers have adequate  
17 safety training before they open up our streets. So I  
18 look forward to hearing those bills, getting feedback  
19 from all stakeholders in the industry and hopefully  
20 moving forward to secure safety protection for both  
21 the workers and the public. Thank you very much.

22 CHAIRPERSON RODRIGUEZ: Council Member  
23 Kallos.

24 COUNCIL MEMBER KALLOS: Good afternoon.  
25 I'm Council Member Ben Kallos. You can catch me on

2 social media at benkallos. Looking to better protect  
3 children today, we seek to make New York City the  
4 largest school district in the nation to require  
5 stop-arm cameras to be installed on school buses to  
6 catch motorists who endanger students by illegally  
7 passing school buses during drop-off and pickup.

8 Introduction 1724 of 2019 was the result of a series  
9 of high profile instances of drivers around the city  
10 caught on video going around stopped school buses,  
11 and require cameras on all of the city's nearly  
12 10,000 school buses. According to the New York State  
13 Association of School Pupil Transportation in a study  
14 cited by Governors' Safety Committee as part of  
15 Operation Safe Stop, last year an estimate 50,000  
16 drivers throughout New York State illegally passed a  
17 stopped school bus every day. Additionally, a study  
18 by the National Safety Council showed that 70% of  
19 deaths related to school buses occur outside of the  
20 bus, and it's been found that more school age  
21 pedestrians have been killed during the hour before  
22 and after school than at any other time of the day.

23 In a recent one-month 26-school day pilot of the East  
24 Middle School District in nearby Nassau County, ten  
25 school buses captured 615 violations for an average

2 of 2.3 violations per bus per day. Using that  
3 violation rate and modeling the New York City school  
4 bus fleet, that's roughly 10,000 buses. We can  
5 expect to see an estimated 23,000 violations per day  
6 or 4.2 million violations per school year in the  
7 city. Every child must be safe as they get on and  
8 off the school bus. It could be anyone's child at  
9 risk from a driver speeding by and worse yet, drivers  
10 who have actually driven up on sidewalks. As a new  
11 parent, I can tell you that this literally keeps me  
12 up at night. We're all in a rush go get where we're  
13 going, but there is no excuse to put our children at  
14 risk. Stop-arm cameras will catch dangerous drivers  
15 and actually issue tickets to keep our children safe.  
16 While it's already legal in New York to pass a  
17 stopped school bus, it current requires that a police  
18 officer witness the violation to issue a ticket, but  
19 the state earlier this year enacted a law that allows  
20 localities and school districts to install cameras on  
21 school bus arms that capture the license plate of  
22 cars that pass stopped buses. The photos are sent to  
23 law enforcement to determine whether a violation  
24 occurred. Tickets are sent to the vehicle owner.  
25 Under legislation, the NYPd's Parking Violation

2 Bureau would enforce fines for first time offenders  
3 ranging from \$250 to \$275 and \$300 for second and  
4 third offenders. Though the vehicle owners are  
5 fined, there are no—there are no moving violations or  
6 points issued. In other states that allow such  
7 technology repeat offenders are virtually non-  
8 existent. The bill also requires that some of the  
9 funds recouped from the fines be given to New York  
10 City Department of Education. Once passed, the  
11 legislation will take effect immediately requiring  
12 the city to issue a request for proposal for vendors  
13 who installed the cameras most efficiently and cost-  
14 effectively. I'd like to thank Transportation  
15 Committee Chair Ydanis Rodriguez for agreeing to  
16 quickly hear this important bill; Education Chair  
17 Mark Treyger for co-sponsoring this legislation for  
18 his leadership on the issue. I also want to thank  
19 central staff for their hard work on this legislation  
20 especially Jacqueline Gusalas (sp?) the bill drafter  
21 and Jeff Baker for his attention on this issue.  
22 Finally, I would like to thank my staff for their  
23 work on this issue, Jessie Towsen, my Chief of Staff;  
24 Wilfredo Lopez my Legislative Director; Josh Davidson  
25 my Communications Director. All three spent many

2 hours following the State Legislature's progress and  
3 meeting with many advocates to ensure the best  
4 possible bill is drafted. Thank you.

5 CHAIRPERSON RODRIGUEZ: Thank. I'd like  
6 to acknowledge that also we've been joined by Council  
7 Members Ritchie Torres and Rivera, Menchaca, Koo and  
8 Rose. I would like now to welcome the representatives  
9 of the Administration who are here with us today and,  
10 of course, thank you, the members of the  
11 Transportation Alternatives and Family for Safe  
12 Street for giving us the guidance that we need on the  
13 level of advocate. On behalf of everyone who cares  
14 to make our, you know, our streets safer for  
15 pedestrians and—and cyclists. I now ask the  
16 Committee Counsel to please administer the  
17 affirmation, and then invite the administration to  
18 deliver their opening statement.

19 LEGAL COUNSEL: Please raise your right  
20 hand. Do you affirm to tell the truth, the whole  
21 truth and nothing but the truth in your testimony  
22 before this committee and to respond honestly to  
23 Council Member questions?

24 MONTY DEAN: I do.

25 JOSHUA BENSON: I do.



2                   MONTY DEAN: Good afternoon Chairman  
3 Rodriguez and members of the Transportation  
4 Committee. I am Monty Dean, Chief of Staff to the  
5 Chief Operations Officer and I'm joined by Joshua  
6 Benson, Deputy Commission for Traffic Operations and  
7 Sean Quinn, Assistant Commissioner for Street  
8 Improvement Projects and head of our Bicycle and  
9 Pedestrian Units at the New York City Department of  
10 Transportation. We are happy to be her on behalf of  
11 Commissioner Trottenberg and Mayor De Blasio to  
12 testify about some of the bills before the committee  
13 today. First, I will begin with Intro 724 by Council  
14 Member Kallos permitting the use of school bus-arm  
15 cameras under a new state law signed by the Governor  
16 this past August, and we are joined by our colleagues  
17 from the Department of Education who are also  
18 available to answer questions. While this bill would  
19 simply provide the city with an additional option for  
20 enforcement, DOT recommends strongly against pursuing  
21 such a program at this time. Automated enforcement is  
22 key to Vision Zero in order to save the most lives  
23 including those of school age children, we follow  
24 what the data tells us about the causes of serious  
25 injuries and fatalities on our streets whether we are

2 identifying locations in need of safety enhancement  
3 or driver behaviors to target for enforcement.

4 Unfortunately since at least 2014 when Vision Zero  
5 began, although passing a school bus with its stop  
6 arm engaged is illegal, there have been no deaths in  
7 New York City caused by this action nor is it a  
8 significant cause of serious injuries. On the other  
9 hand speeding is among the leading driver actions  
10 that kills and injures New Yorkers. Under authority  
11 granted by the new Speed Camera Law that took effect  
12 in July sponsored by Assembly Member Glick and State  
13 Senator Gounardes, and in a tremendous victory for a  
14 dedicated and inspiring group of street safety  
15 advocates we are installing new cameras at a pace of  
16 approximately 40 per month. We plan to increase this  
17 to 60 per month in the year ahead in order to expand  
18 the number of schools that—school speed zones from  
19 140 to 750. No other city in the country is doing  
20 the program on a comparable scale, and ours will be  
21 the largest in North America and one of the largest  
22 of its kind on the world. When the law went into  
23 effect, we immediately doubled the hours of operation  
24 and included summer weekdays and school vacation  
25 days, and because the new law permits cameras to be

2 placed within a quarter mile radius of a school  
3 rather than along a road abutting the entrance to a  
4 school, we can protect many more schools and target  
5 the locations most in need of cameras. We know this  
6 unprecedented expansion can be a key part of  
7 continuing to reduce serious traffic injuries and  
8 fatalities, the city's focus should remain on the  
9 drive behaviors most likely to kill and maim New  
10 Yorkers including school age children though the  
11 Speed Camera Program targeting locations around  
12 schools with greatest amount of speeding and crash  
13 history. Now, turning to Intros 1812 by Council  
14 Member Rivera and 1813 by Chair Rodriguez. These  
15 laws would require the Mayor to designate an Office  
16 of Active Transportation and an Office of Pedestrians  
17 and create an active Transportation Advisory Board.  
18 These offices would be charged with developing plans  
19 for infrastructure, conducting outreach, serving as a  
20 point of contacts and working with other agencies to  
21 grow and improve cycling and other active  
22 transportation among other duties. I will discuss  
23 DOT's extensive work in this regard. When it comes  
24 to cycling infrastructure, this year we completed a  
25 number of projects in the Manhattan Core such as

2 cross-town lanes on 52<sup>nd</sup> and 55<sup>th</sup>, filling the Second  
3 Avenue gap with Queensborough Bridge, new lanes on  
4 10<sup>th</sup> Avenue, Amsterdam, 11<sup>th</sup> Avenue, 8<sup>th</sup> Avenue and  
5 Columbus Circle and Phase 1 of Central Park West.  
6 Our projects also include a substantial progress on  
7 the Fourth Avenue Bike Lane in Brooklyn from First to  
8 64<sup>th</sup> Streets, Cypress Hill Street in Queens and  
9 Brooklyn and Willis Avenue in the Bronx, and we  
10 celebrated our 100<sup>th</sup> mile of protected bike lanes  
11 under the de Blasio Administration on Fountain Avenue  
12 in East New York where we've created a connection to  
13 the beautiful new Shirley Chisholm State Park. In  
14 addition, we installed off-set crossings on First,  
15 Second and Fifth Avenues in Manhattan after  
16 resurfacing, which we will look to do wherever  
17 possible when restriping, and we met our 2019 goal of  
18 installing at least 20 miles of bike infrastructure  
19 in our bicycle priority districts. Neighborhoods  
20 outside Manhattan with comparatively high numbers of  
21 cyclist fatalities and serious injuries suggesting  
22 significant and growing bicycle ridership and few  
23 dedicated bicycle facilities.. In our Green Wave  
24 Plan Plan for Cycling New York City, we have put  
25 forward a comprehensive vision for a citywide

2 protected bike lane network, which represents years  
3 of work by DOT and collaboration with our city agency  
4 partners. The plan is based on ridership trends,  
5 safety needs, stakeholder outreach, mobility and  
6 cycling studies as well as Citi Bike and Land Use  
7 data. The plan seeks to cover the city with safe and  
8 comfortable bicycle infrastructure by 2030, a goal,  
9 which is accelerated by the Master Plan Law  
10 transforming the cycling landscape to grow ridership  
11 and further advance Vision Zero. Our vision for the  
12 protected bike lane network provides an early  
13 indication for what a city connected with safe,  
14 protected bicycle routes will look like using the  
15 existing network as a base we have identified key  
16 desire routes by looking at neighborhoods, employment  
17 and commercial centers, recreation and transit. With  
18 our plan we seek to fill gaps and reach underserved  
19 neighborhoods while strengthening the network and the  
20 core and taking advantage of other citywide  
21 initiatives. Additionally, DOT examined ridership  
22 trends, community requests and prior agency research  
23 including cycling in the city, and safer cycling to  
24 ensure a robust plan. Under our Green Wave Plan we  
25 have convened a Bicycle Working Group similar to what

2 is called for in the legislation. This group met for  
3 the first time on November 25<sup>th</sup> representatives from  
4 Transportation Alternatives, Bike New York, Get Women  
5 Cycling, Bed-Stuy Restoration Project and others and  
6 we are planning to expand it to include even more  
7 people and organizations. The working group will  
8 collaborate on distribution of safety equipment such  
9 as bike lights and helmets, review ridership and data  
10 driven trends, discuss design issues, create evidence  
11 based outreach strategies and provide input on new  
12 projects including those on our Protected Bike-Bike  
13 Lane Network Plan. Through these efforts DOT will  
14 build and strengthen the community partnerships  
15 needed to support and develop a bicycle network that  
16 is responsive to diverse local needs. We encourage  
17 biking through our Get There Campaign including  
18 outdoor ads, social media and public education  
19 events. Campaign visuals feature real New Yorkers  
20 enjoying bike lanes across the city. Materials focus  
21 on important cycling topics and we distribute them  
22 along with equipment such as bells and lights. We  
23 reach over 40,000 cyclists a year through bicycle  
24 helmet fittings and giveaways at events all over the  
25 city. We cannot do this work without the continued

2 support from Council members who allocate expense  
3 funding for helmet events every year. It is truly a  
4 collaborative process we value. When it comes to  
5 outreach, DOT conducts workshops, designs curriculum,  
6 and provides—produces materials to help businesses  
7 and commercial operators be compliant and safe. As  
8 you know, New York City's Commercial Cyclist law  
9 initially enacted by the Council in 2007 and amended  
10 in 2012, 2013 and 2017 helps to make commercial  
11 cycling safer, and hold businesses more accountable.  
12 Through our Truck's Eye View Program, which we're  
13 expanding on our Green Wave Plan, cyclists and  
14 pedestrians can learn about blind spots of large  
15 vehicles at events citywide. We provide safety tips  
16 as well as information on policies and programs to  
17 increase safety among city, contractor and private  
18 industry fleets. DOT's Bike to School Program  
19 encourages students, families and educators to  
20 bicycle as a safe, healthy and fun way to get to and  
21 from school. Through the program, DOT works with  
22 schools and community groups to designate safe bike  
23 to school routes, implement in-class curriculum and  
24 recommend street safety improvements. There are 25  
25 schools enrolled in our collaborative 7<sup>th</sup> Grade Bike

2 Safety Program where all 7<sup>th</sup> graders in each school  
3 get on-bike training each year. This program  
4 continues to grow and is supported by Bike New York  
5 and DOE, which has helped make this part of the  
6 physical education curriculum at these schools.

7 Lastly, we work with Bike New York as well to support  
8 over 15 Bike to School locations where students learn  
9 commuting skills, earn their own bicycles and learn  
10 bike mechanic skills. Key parts of the Green Wave  
11 Plan involve collaboration with other agencies under  
12 the leadership of Mayor de Blasio. DOT is working  
13 closely with DDC, Parks and EDC to build out greenway  
14 connections using capital funds, and continue to  
15 expand and truly weave an interconnected protected  
16 bicycle lane network into the fabric of our city  
17 streets involves more than just DOT. The operations  
18 of other agencies have a direct impact on the further  
19 development of bicycle infrastructure. DOT will  
20 continue to work with FDNY on emergency vehicle  
21 access considerations with Sanitation on street  
22 cleaning and snow plowing requirements with DDC on  
23 street design and capital project management and with  
24 NYPD on enforcement. As DOT expands the bicycle  
25 network overcoming operational constraints will be



2 key in the maintenance, enforcement, and design of  
3 bicycle infrastructure. Other local and state  
4 agencies play a role in providing safe bicycle and  
5 driver behavior on city streets. These include  
6 agencies that oversee fleet management, driver  
7 education, funding and capital construction projects  
8 such as DCAS, BIC, Parks, EDC, TLC, New York State  
9 DMV and the New York State DOT. Under the Green Wave  
10 Plan, NYPD is maintaining continuous citywide  
11 implementation of its Operation Bicycle Safe Passage  
12 Initiative, extending elevated enforcement of blocked  
13 bike lanes and hazardous driving violations focusing  
14 enforcement on dangerous driving that puts cyclists  
15 at risk at the 100 most hazardous locations across  
16 the city as identified by DOT and NYPD. Expanding  
17 enforcement of over-sized and off-route trucks by  
18 specialized units and precinct officers,  
19 discontinuing the general practice of ticketing  
20 cyclists immediately following where a fatal crash  
21 has occurred, improving investigations of cyclists  
22 and pedestrian injuries by having a supervisor  
23 respond to collisions to see whether right-of-way law  
24 should be applied as well as continuing to partner  
25 with DOT on education and outreach. We have long

2 partnered with DOB on bike-the Bikes and Buildings  
3 Law and in 2016 worked with the Council including  
4 Chair Rodriguez to update that important legislation  
5 to fix loopholes add folding bikes to the law and  
6 expand it to ensure elevator access in residential  
7 buildings. Since mid-90s, DOT has had a Dedicated  
8 Pedestrian Unit. This unit along with DOT's other  
9 project planning groups worked closely with elected  
10 officials and the community to develop and implement  
11 over 100 street improvement projects annually. The  
12 vast majority of these projects include pedestrian  
13 improvements and amenities such a shortened  
14 crossings, improve connectivity and visibility, vital  
15 open space and traffic calming. The Pedestrian Unit  
16 focuses on projects that enhance mobility and  
17 accessibility, reduce pedestrian congestion and  
18 prioritize pedestrians on key routes and  
19 thoroughfares citywide, and we are beginning the  
20 process of planning a significant expansion in  
21 pedestrian space as required by the Master Plan Bill.  
22 DOT has eight planning units that develop street  
23 improvement projects, which work to enhance  
24 pedestrian safety. In addition to the singular focus  
25 of the Pedestrian Unit, three others have a strong

2 focus on pedestrians. DOT's Public Space Unit  
3 focuses on enhancing the public realm by repurposing  
4 public right-of-way for pedestrian and community uses  
5 including plazas, street seats, street furniture  
6 amenities and temporary street closures accompanied  
7 by programming. While all of the agency's work is  
8 guided by Vision Zero, DOT's Research, Implementation  
9 and Safety Unit is dedicated to addressing  
10 intersections and corridors with the highest levels  
11 of all street users killed or seriously injured in  
12 crashes particularly pedestrians, and DOT's School  
13 Safety Unit focuses on the safety of our youngest  
14 pedestrians, helping to make their journey to school  
15 safer by developing projects directly adjacent to  
16 schools and on routes typically taken by students.  
17 This year we implemented numerous pedestrian elements  
18 such as sidewalk extensions and intersection upgrades  
19 at 7<sup>th</sup> and 8<sup>th</sup> Avenues in Manhattan and Nassau Street  
20 and Flatbush Avenue between Bergen and Carlton in  
21 Brooklyn. Five new pedestrian plazas, three new  
22 shared streets and a complete redesign of Harold  
23 Square Plaza, which closed an additional block of  
24 Broadway as well as many seasonal street closures and  
25 weekend walks events. To promote walking we focus on

2 both the young and the old working with at least 275  
3 senior centers and other locations annually, and we  
4 work with over a hundred schools each year with our  
5 We're Walking Here, Walk to School Encouragement  
6 Program and provide pedestrian and bicycle safety  
7 education to more than 500 additional schools each  
8 year, and the city's active design guidelines and  
9 subsequent publications are the product of a  
10 collaborative, multi-disciplinary effort among city  
11 agencies, New York's Health, Planning, Design and  
12 Architecture communities and academic institutions  
13 from across the country with the goal of producing  
14 guidelines related to active transportation and  
15 promoting health through design. DOT collaborated  
16 extensively on many of the publications in this  
17 series, and continues to implement strategies defined  
18 within these documents in our current design work and  
19 educational programming. Our bike safety work is  
20 supported by a dedicated Bike Planning staff of 18,  
21 and our Pedestrian Unit has a dedicated staff of 14.  
22 Our Public Space Unit has eight people dedicated to  
23 pedestrian and public realm improvements, and this  
24 work is supported by our policy, capital,  
25 intergovernmental and borough commissioners'

2 offices, safety education and school safety and urban  
3 design and way finding. This year so far DOT has  
4 responded to nearly 19,000 items of correspondence  
5 from cyclists, elected officials, community boards,  
6 stakeholders, and residents on the topic of cycling  
7 and close to 6,000 on the topic of pedestrian issues.  
8 We are hard at work on ambitious plans to promote and  
9 enhance walking and cycling. This administration  
10 welcomes continued dialogue with the Council and  
11 advocates about how city government can be further  
12 responsive to these street users, provide even more  
13 resources and identify additional ways to prioritize  
14 the promotion of these modes across agencies.  
15 Finally, I will discuss Intro 947, requiring  
16 applicants for DOT street opening permits to certify  
17 that all workers are in compliance with applicable  
18 safety trainings required by law. As background, DOT  
19 manages New York City's nearly 6,000 miles of streets  
20 to facilitate the movement of pedestrians, transit  
21 riders, cyclists and motorists and to delivery of  
22 good and services throughout the city. Meanwhile,  
23 under the surface the same streets support the city's  
24 water, sewer, power and telecommunications  
25 infrastructure as well as its subway tunnels and

2 buildings vaults. Through the requirements in our  
3 permits, we facilitate access to subsurface  
4 infrastructure while maintaining street safety.  
5 Protecting New York's investment in our streets and  
6 minimizing transportation and community disruptions.  
7 DOT issues over 150 different types of sidewalk and  
8 roadway construction permits to utilities,  
9 contractors, government agencies and property owners.  
10 For utilities and contractors installing, replacing  
11 and repairing underground infrastructure to  
12 developers replacing roadways and sidewalks adjacent  
13 to building sites to homeowners performing their own  
14 sidewalk repairs, we focus on requiring permittees to  
15 maintain a safe, smooth flow of pedestrians including  
16 person with disabilities as well as cyclists and  
17 vehicular traffic at all times, and requiring them to  
18 properly restore roadways and street hardware. We  
19 issue over 700,000 permits a year of which  
20 approximately 250,000 are for the street openings  
21 that would be covered by this bill. Only qualified  
22 entities registered with the department are eligible  
23 to pull these permits, and currently there are over  
24 2,000 such permittees. In order to register, DOT  
25 requires permittees to provide proof of commercial

2 general liability and Workers' Compensation  
3 Insurance, a permit bond, copies and corporation  
4 papers, licenses and business certificates. With  
5 regard to the proposed legislation DOT would not be  
6 in a position to know which trainings may apply in  
7 all cases, and we do not track the employees of our  
8 permittees or monitor turnover. For the work  
9 performed under our street opening permits, the range  
10 of OSHA standards that would be triggered could vary  
11 widely, and we—and determining which trainings are  
12 mandatory with the required detailed scope of work  
13 and full risk analysis, and other requirements could  
14 be triggered if a permittee modified the way a  
15 particular task was to be performed. This type of  
16 information is far beyond the purview of our current  
17 permit stipulations or the information we are in a  
18 position to collect and analyze. On the other hand,  
19 if there's a particular training that the Council is  
20 interested in requiring, it may be feasible to  
21 require permittees to submit it annually as part of  
22 the qualifications I mentioned earlier. To ensure  
23 the requirement of our permits are met, including  
24 temporary traffic control to protect both workers and  
25 street users where appropriate, we conduct very

2 robust permit enforcement. In fiscal year 19 our  
3 Highway Inspection, Quality Assurance Unit or HIQA  
4 conducted approximately 550,000 inspections both in  
5 response to complaints and on a proactive basis and  
6 issued over 50,000 violations. Not following the  
7 stipulations on a permit can result in a \$1,200 fine  
8 and requirements to take immediate corrective action  
9 such as stopping work or reopening a closed lane.  
10 And working or storing materials without a permit can  
11 result in fines of \$1,500 and \$700 respectively.  
12 Unpermitted work is shut down immediately. Through  
13 our Permit Enforcement activities, we protect street  
14 safety and play an important role in the economic  
15 wellbeing and quality of life of our city. We are  
16 continually seeking to enhance our efforts and we  
17 welcome conversation and partnership with the  
18 Council on this important topic. Thank you for the  
19 opportunity to testify on all these pieces of  
20 legislation, and we will be happy to answer  
21 questions.

22 CHAIRPERSON RODRIGUEZ: I-Ira.

23 STEVEN ETTANNANI: Good afternoon Chair  
24 Rodriguez and members of the committee. My name is  
25 Steven Etananni, and I'm the Executive Director for



2 External Affairs at the New York City Department of  
3 Consumer and Worker Protection. I would like to  
4 thank the committee for the opportunity to testify  
5 today on behalf of DCWP Commissioner Lorelei Salas  
6 regarding Introduction 946 related to prohibiting on-  
7 call scheduling for utility safety workers and  
8 providing these workers advance notice of work  
9 schedules. DCWP's mission is to protect and enhance  
10 the daily economic lives of New Yorkers to create  
11 thriving communities. As part of this mission, DCWP  
12 houses the Office of Labor Policy and Standards or  
13 OLPS, New York City's central resource for workers.  
14 DCWP's OLPS protects and promotes labor standards and  
15 policies that create fair work places to ensure all  
16 workers can realize their rights, and enforces key  
17 work place laws and rules like the Paid Safe and Sick  
18 Leave, Fair Work Week, and Free Lance Isn't Free  
19 laws. In 2016, Mayor de Blasio announced a plan to  
20 bring a fair work week to fast food and retail  
21 industries in the city. Extensive research by  
22 advocates and experts established that unpredictable,  
23 unreliable and inflexible schedules in the fast food  
24 and retail industries lead to a host of negative  
25 impacts for both workers and businesses in those

2 industries. Unpredictable schedules make it harder  
3 to budget, go to school part time and arrange for  
4 child and elder care. The Community Service Society  
5 for example found that 40% of low-income restaurant  
6 workers experienced significant fluctuation in their  
7 hours week to week leading to serious hardships like  
8 falling behind on rent or mortgage payments, being  
9 unable to afford subway or bus fare, skipping meals  
10 because of a lack of money to buy food, and  
11 struggling to pay for prescription medication or  
12 utility bills. The passage of the Fair Work Week  
13 Laws the following year made New York City the  
14 largest city in the country to end abusive scheduling  
15 practices in the fast food and retail industries, and  
16 make predictable schedules a right, not a privilege  
17 for the first time. Since the Fair Work Week Law's  
18 effective date, DCWP has opened more than 100  
19 investigations into alleged on-compliance, and has  
20 resolved several through settlement agreements with  
21 employers. DCWP's enforcement activities focus on  
22 ensuring that workers are made whole for violations  
23 and that employers have a proactive plan for coming  
24 into compliance. Part of a larger effort to promote  
25 a culture of compliance among business that protect

2 workers and men and minimizes regulatory burdens.  
3 DCWP has been encouraged by the stories we have heard  
4 about the positive impact it has had on workers'  
5 lives. We have heard from workers who are now  
6 receiving premium pay for schedule changes, and  
7 working clopenings, a term for shifts that began on  
8 different days and are less than 11 hours apart. At  
9 least one employer stopped scheduling workers for  
10 clopenings altogether. One employee described the  
11 advance notice of schedules required by Fair Work  
12 Week as "life changing" because it allows the worker  
13 to keep commitments outside of work. In at least two  
14 cases DCWP reached positive resolutions of  
15 investigations with employers that provide for agency  
16 employees to train the business's managers and  
17 employees on rights and compliance. We are glad to  
18 see the positive impact that Fair Work Week is having  
19 on New Yorkers in the fast food and retail sectors,  
20 and we look forward to being able to share even more  
21 stories of success with you in the future. I will  
22 now turn to one of the bills before the committee  
23 today, Introduction 946 would ban the practice of on-  
24 call scheduling for utility safety workers, prohibit  
25 employers from canceling or adding work shifts on

2 short notice and require employers to provide advance  
3 notice of work schedules. The statutory scheme of  
4 Introduction 946 appears quite similar to that  
5 adopted in the retail industry context. DCWP would  
6 be responsible for enforcing the provisions of this  
7 bill, and we appreciate and share the Council's  
8 desire to explore this practice and impact of  
9 unpredictable scheduling in industries other than  
10 fast food and retail. At today's hearing, we look  
11 forward to learning more about the size, composition  
12 and organization of the utility locating industry in  
13 New York City and the prevailing scheduling and on-  
14 call practices that may be used by employers in this  
15 industry. The Fair Work Week Laws were built on  
16 deep, extensive and research backed understanding of  
17 bot the fast food and retail industries and  
18 associated scheduling practices. Consequently, the  
19 Fair Work Week proposal was a targeted legislative  
20 response that was tailored to the needs and  
21 experience so each industries respective workers. The  
22 different needs and experiences resulted in different  
23 legislative solutions and statutory schemes tailored  
24 to the specific industry. At this time, DCWP does  
25 not have a comparable level of understanding of the

2 utility locating (sic) industry, it's workers, its  
3 labor organization and its scheduling practices to  
4 assess the problem of unpredictable schedules in the  
5 utility locating industry, and whether the  
6 legislative solution adopted in the retail industry  
7 for example would alleviate or more-or most  
8 effectively alleviate the problem in a seemingly  
9 unrelated industry. DCWP looks forward to hearing  
10 from utility locating industry workers, labor  
11 representatives, advocates and employers. The Law  
12 Department is currently reviewing Introduction 946  
13 and considering how it might interact with existing  
14 laws and regulations that affect utility locators.  
15 We at DCWP are interested in learning more about the  
16 experiences of workers and companies particularly  
17 those workers who perform utility locates in-house  
18 for public utilities, or at smaller firms that  
19 respond to requests by private homeowners or small  
20 businesses. This type of input will help DCWP and  
21 the Council from a more complete picture of the  
22 industry as we move through the legislative process.  
23 We commend the Council for continuing to explore the  
24 negative impacts that unpredictable scheduling  
25 practices can have on New Yorkers. Thank you for the

2 opportunity to testify, and I will now be happy to  
3 answer your questions.

4 CHAIRPERSON RODRIGUEZ: Thank you. I've  
5 been a little bit shocked on the DOT, you guys'  
6 position on both the argument for saying we don't  
7 support the legislation. The state has already  
8 passed the law. That doesn't happy very often  
9 because most of the time there's a lot of law that we  
10 would like to do as a city like making—empowering the  
11 DAs on hit and run. Sometimes we want to promote  
12 teeth to them, but we are so limited. We've ben  
13 hijacked because the state doesn't all to do it. So,  
14 here we have a law that passed by state that allow  
15 New York City to do it, and we are saying we don't  
16 have to install, it's not a good idea to support a  
17 legislation to install camera in the buses because  
18 the data is saying that no one has been killed. That  
19 is unacceptable. We're talking about policy and  
20 vision for the future. We're talking about Vision  
21 Zero 2030. We have to prevent. So, as a father of  
22 two daughters when my daughter is picked up on  
23 Riverdale and taken to swimming in the Yellow Buses  
24 dumper her at Yorkhaven and 91, I want as many tools  
25 as possible that even though no crash have happen

2 close to the bus, but I know that as a driver that I  
3 am and the 1.4 million New Yorkers who own cars in  
4 the city of New York, for them to know that there's a  
5 law that come...the drivers are sure, you know to get a  
6 ticket if they pass by. So, when the data is picked  
7 by itself, that nationwide driver keep going and  
8 they're still allowed to do it. We come here to say  
9 we don't think that that's a good policy because  
10 we're doing other initiatives, and we've been working  
11 with strategy and initiative and redesigning, that's  
12 unacceptable. The second thing is I'm not a lawyer.  
13 If I would e a lawyer you say a lot of good things  
14 about what DOT is doing, and we've been partners on  
15 pedestrian and cyclists, but if I be a lawyer, you're  
16 saying we don't need to create a cyclist and  
17 department—department of cyclists and pedestrian  
18 department because we are already doing the job. We  
19 have 25 months for this administration. We don't  
20 know who's coming after January 22. I'm a Council  
21 Member today. We're working agencies, but at the end  
22 of the day we go through a recycle, and we never know  
23 who we are. So, I understand the culture. As an  
24 agency they don't want to be told what to do whoever  
25 is the top, but I can tell you that someone that

2 represents Inwood and I saw a lot of crashes at  
3 Dyckman and Broadway and I'm elected in 2009, and I  
4 met with the team from DOT at that time led by  
5 another administration, and we went over the data,  
6 and we said we need to redesign Broadway and Dyckman  
7 and all the thousands of reasons was given why not.  
8 It took a new Mayor a new Administration, a more  
9 friendly one to come and redesign Broadway and  
10 Dyckman and reducing crashes. So, all the good  
11 things is great. We've been partners, but this Mayor  
12 was elected with a mandate to close the gap between  
13 the rich and the poor, street block, print the data.  
14 Where do we have cycle-bicycle construction in the  
15 city of New York? In the middle class and upper  
16 class community. Not in the South Bronx, not in  
17 Washington Heights, not in the poor neighborhood in  
18 Queens, Brooklyn and Staten Island. We're moving  
19 forward. We're working together, but Citi Bike was  
20 not created serving the most underserved New Yorkers.  
21 it was creating intended to serve New Yorkers who  
22 live a few blocks away from where they work. So,  
23 that is going to mean less bicycles because if it was  
24 intended to think about the Financial District down  
25 59<sup>th</sup> Street there is no trains and buses in these



2 areas. Who deal with asthma in this city? Poor New  
3 Yorkers. We need to put a policy, a strategy and a  
4 initiative so that the streets are safer for  
5 pedestrians, and cyclists and I think those good  
6 things just remind me to the time of Bloomberg  
7 Administration and the staff coming to testify saying  
8 a lot of good things, and all those reasons is great.  
9 You justify what why we're doing it. We've been  
10 partners but it doesn't reflect the vision of our  
11 city. DOT has to work with the \$3 billion to reserve  
12 first-first our street, deal with pothole. There are  
13 so many issues in transportation, but if we are  
14 committed to make the city the best pedestrian and  
15 cyclist friendly, we need to designate the area so we  
16 are responsible for a strategy and policy on how to  
17 accomplish that. So, for me the opposition mean that  
18 you guys are against it, those two bills. You didn't  
19 say yes. No, you didn't say yes, you didn't say no.  
20 You didn't leave the space to come and say we know  
21 that you are proposing this. Let's continue  
22 conversation around those two initiatives, and for me  
23 that's not in the spirit of how we've been working  
24 together.

2 MONTY DEAN: Thank you, Chair Rodriguez.  
3 We absolutely share the same goals about making it a  
4 much better city for bike cyclists and for  
5 pedestrians and, um, we certainly want to discuss  
6 with you the best way to do that and the right place  
7 to put, you know, these--these resources.

8 CHAIRPERSON RODRIGUEZ: Your position on  
9 the bill is yes or no? Do you support it, yes or  
10 now?

11 MONTY DEAN: We're open to discussing it,  
12 um what makes sense and what form it should take.

13 CHAIRPERSON RODRIGUEZ: Okay and what  
14 about with the bus, with--what is--what can you say  
15 about, you know, like...I'm not happy with that  
16 position about we don't have to do it because no one  
17 has been killed.

18 MONTY DEAN: I think what--

19 CHAIRPERSON RODRIGUEZ: I know what...you  
20 know, what, I'm--I'm--we're going to working together,  
21 and we need to really design 115 and First Avenue.  
22 When? After a 3-years-old was killed, and I will  
23 work with Council Member Rivera, and I want for the  
24 lights to pedestrian and cyclists to be separated.  
25 We don't need to wait for one child to be killed in

2 order to say let's work around installing the  
3 technology for drivers that they don't stop. How  
4 many drivers who have you been able to collecting  
5 the data of those things like a stop when the stop  
6 sign are out on the Yellow buses? Do you have those  
7 data?

8 MONTY DEAN: (coughs) So we have,  
9 um...thank you for the questions, Chair. We have, um,  
10 data for the last two years from NYPD they (coughs)  
11 issued almost 2,300 violations for illegally passing  
12 stopped school buses with a stop arm deployed in  
13 2019, and almost 2,300 violations in 2018 as well.  
14 Um, and I think when it comes to automated  
15 enforcement what our philosophy is, is we take street  
16 safety extremely seriously, as I think you know, and  
17 I think you share that, um, approach, and we use a  
18 data drive approach. So, we've focused on our Speed  
19 Camera Enforcement Program, and we're expanding that  
20 right now at a rate of 40 cameras per month, um,  
21 thanks to all of your support and support at the  
22 state level. Um, starting in January we're going to  
23 be adding 60 cameras per month, um, and we know this  
24 that speeding, um, the data shows us that speeding is  
25 one of the leading causes of fatalities and serious

2 injuries, and that is why we focus on that behavior,  
3 um, and—and, um, I think we are encouraged by the  
4 early results we're seeing with this expansion.

5 CHAIRPERSON RODRIGUEZ: But do you have  
6 any ideas on how many drivers don't stop? Do you  
7 collect, do we collect data not only about the  
8 enforcement, not only about the ticket, but it's  
9 about have you done some work to try to figure out  
10 how serious is the situation or driver that they pass  
11 by to the yellow buses even though the stop sign is  
12 out?

13 MONTY DEAN: We have not done counts of  
14 the number of people who are passing by, no.

15 CHAIRPERSON RODRIGUEZ: Council Member.  
16 Yeah.

17 COUNCIL MEMBER RIVERA: Thank you so much  
18 for your testimony today. I—I want to ask a couple  
19 of questions based on what is in your testimony. So,  
20 you mentioned this is going to be a program of  
21 comparable scale and ours will be the largest in  
22 North America, one of the largest of its kind in the  
23 world in terms of speed cameras, but that was a  
24 mandate. That was a mandate by the state, that was  
25 something that the City worked really, really

2 vigorously and urgently to implement and—and I  
3 appreciate your vision, but why we're here today is  
4 because we're not going far enough in terms of street  
5 safety. So the bill is in front of you, and as I  
6 understand asked by my Council Member—my colleague  
7 Council Member Rodriguez is you're not quite there  
8 yet on any bill, right? You haven't said you  
9 supported anything. You said you didn't support one  
10 bill, but from what I read in your testimony, you  
11 either are not fully committed to—to working with us  
12 I guess to—to pas bills that make sense or you  
13 weren't prepared to discuss one of them.

14 MONTY DEAN: Well, we're fully committed  
15 to discussing it, and—and working out a solution.

16 COUNCIL MEMBER RIVERA: You asked—you  
17 say—you mentioned the Bicycle Working Group similar  
18 to what is called for in my bill. The first time  
19 they met is November 25<sup>th</sup>. How long will the group  
20 meet?

21 MONTY DEAN: This group will be meeting  
22 monthly starting in the new year.

23 COUNCIL MEMBER RIVERA: For how long?

24 MONTY DEAN: Um, there's no end date.

25 This was something that we established as part of our

2 Green Wave Plan. Um, the first meeting was a smaller  
3 group for the kick-off. We're looking to expand it.  
4 We're open to suggestions on who should be involved.  
5 Um, right now we have a core group of advocates and  
6 educators that we have involved, but it's open for  
7 anyone to join.

8 COUNCIL MEMBER RIVERA: It's open for  
9 anyone to join. You have some incredible talented  
10 people on that—by score in the group (SIC) from what  
11 I understand, but the reason why I ask is that even  
12 three years ago, five years ago, ten years ago, the  
13 experiences for a cyclist and a pedestrian were very,  
14 very different. We have more congestion. We have  
15 more vehicles on the streets when it comes to whether  
16 they're for hire or—or just overall drivers, and I—I  
17 ask what's the timeline because this to me has to be  
18 an ongoing, um, conversation. The office has to be,  
19 I—I think installed right away. I know that we have  
20 some work to do around the budget and getting some  
21 resources, but we really can't wait, and if we're  
22 going to be that—that progressive city that really  
23 prioritizes our environment, I think that this bill  
24 for cyclists and pedestrians and bills on skateboards  
25 and scooters and e-bikes it's no-brainer. It also has

2 a lot to do with our immigrant community that we feel  
3 are being targeted, and I hope that we can work on  
4 that. So, you also said there are 25 schools  
5 enrolled in the DOE to teach people how to get on a  
6 bike. Which schools are they and how do they get  
7 chosen?

8 MONTY DEAN: I don't believe we have a  
9 list of the schools. We'll have to get that for you.

10 COUNCIL MEMBER RIVERA: Yeah. Okay, if  
11 you can get me that information, I asked because when  
12 we talk about equity and resources in our New York  
13 City Public Schools, we find time and time again, the  
14 schools that don't have enough resources the money  
15 never gets there. The programming never gets there,  
16 the infrastructure revision never gets that. So, if  
17 you can get back to me on that, um, that would be  
18 really important to me. Another thing that you  
19 mentioned is that other local and state agencies play  
20 a role in providing safe bicycle and driver behavior  
21 on city streets. How are you working with the  
22 drivers and—and the bus operators because I feel they  
23 are so critical to this conversation. You know, we—  
24 we—I am not in this to shame drivers. I do think  
25 that we have to change the culture around how

2 dependent we are on cars, but our bus drivers and—and  
3 drivers how are we working with them to include them  
4 in this conversation?

5                   STEVEN ETTANANI: Through our Safety  
6 Education Division at DOT we are constantly talking  
7 to drivers on the street. We're bringing our  
8 literature and education materials to those drivers  
9 stopping them at stop lights, handing them flyers,  
10 um, through our Vision Zero advertising campaigns,  
11 we're discussing street safety with—targeted  
12 specifically at drivers. Through the Green Wave  
13 we've also convened a Vision Zero Truck Safety Task  
14 Force to work specifically on trucks and how they  
15 interact with pedestrians and cyclists on the road  
16 especially as the truck population increases in the  
17 city and the city's industrial areas become more  
18 residential, we want to make sure we're having those  
19 conversations with that specific community of drivers  
20 as well.

21                   COUNCIL MEMBER RIVERA: And that, it's  
22 just so important because when it comes to our  
23 crashes and collisions and I think that your  
24 testimony is very straightforward in terms of what  
25 you're trying to do. The personal piece of it, the



2 families that share their stories and Families for  
3 Safe Streets, I mean they have—they have started what  
4 is a movement in this city that I think people are  
5 watching from all over the world. So, how do you  
6 work—how does DOT work with other agencies to  
7 encourage them to improve what they're doing around  
8 street safety particularly around pedestrians and  
9 cyclists?

10 MONTY DEAN: So, through my division  
11 various other divisions at DOT we're constantly  
12 having conversations with various city agencies from  
13 DSNY to EDC, City Planning, BIC, just to have those  
14 conversations not only about educating, how they can  
15 educate their constituents, but how they can include  
16 bicycle infrastructure and work that they're doing,  
17 how they can support our bike infrastructure be it  
18 smaller vehicles or, um, reviewing our bicycle  
19 projects like with FDNY talking about better ways to  
20 educate and enforce with NYPD. We have consistent  
21 dialogues with all of these different agencies to  
22 make sure that we're on the same page. Um, and those  
23 are increasing as we outlined in the Green Wave Bill.  
24 Um, or the Green Wave Plan. We are having those  
25 conversations more frequently. They are going to be

2 more important especially as we're trying to do more  
3 in the years to come.

4 COUNCIL MEMBER RIVERA: I agree. I think  
5 it's-it's DOP-DOB, DEP, it's Con-Ed and I...I hope-I'm  
6 tempted to ask whether you honestly think that all of  
7 these agencies are doing well interacting with each  
8 other, but I know that you have a goal and-and I want  
9 o work with you on that, and then my last question--  
10 because I-I know that a lot of my colleagues have  
11 questions-is that you have identified a hundred most  
12 hazardous locations across the city, and I thank you  
13 for that in terms of making improvements. I ask two  
14 thins: That you really try to also look at  
15 neighborhoods that are very dense in terms of cyclist  
16 use. I mean I'm going to just talk about my district  
17 for one second, and we're like number one on  
18 seamless. I guess no one cooks in the East Village,  
19 but that, just that constant activity is just I think  
20 something that we have to look at. It might sound a  
21 little luxurious, but it's-it's a factor in terms of  
22 -of how people are moving, and then the other thing  
23 that I-I would just ask is is that, um, we really try  
24 to look at this office as an opportunity to become I  
25 think a national leader. I certainly want to work

2 with you on that, but the Bike Mayor is to encourage  
3 this interagency communication , and I'm excited for  
4 it, and I just--just want to thank you for all your  
5 work thus far.

6 CHAIRPERSON RODRIGUEZ: Council Member  
7 Lander.

8 COUNCIL MEMBER LANDER: Thank you, Chair.  
9 We're jumping around between the--the bills a little  
10 bit. So I just kind of apologize for the cognitive  
11 dissonance, and obviously I'm just such an  
12 extraordinary fan of the efforts for more street  
13 safety. So, the fact that I'm focusing on 946 and  
14 947 is just those are the bills that I have on for  
15 today, and I appreciate that other members are going  
16 to be focusing especially on the pedestrian safety  
17 bills. Um, alright. So, um, Mr. Dean and Mr.  
18 Ettannani, thank you for your testimony on 946 and  
19 947, the bills to strengthen safety and protections  
20 for utility safety workers. As I heard you both, you  
21 are interested in listening from some of the workers  
22 and understanding the situation on the ground.  
23 That's just why we're having this hearing. So, I'm  
24 glad so many of them are here when we get the  
25 testimony, which is why I'll try to keep my questions

2 short. That's really our goal. Um, I agree Mr.  
3 Ettannani, this is a different situation from fast  
4 food workers. Fast food workers were facing this  
5 like constant erratic-erratic changing of schedules  
6 as I understand it in the utility safety and  
7 underground damage prevention industry. What's more  
8 common practice is requiring people essentially to be  
9 on call for 24-hour periods on the idea that it's  
10 sort of emergency work, but when, in fact it is  
11 overwhelmingly routine and schedulable work, and in  
12 fact what happened was in a lot of cases these were  
13 jobs that had been in the utilities previously,  
14 unionized scheduled good jobs that, um, companies,  
15 USIC and others realized they could kind of pull out  
16 and make lower wage and then kind of use the idea of  
17 some kind of on-demand scheduling to just make them  
18 able to, um, achieve their financial goals at the  
19 cost of workers. So, we're going to hear about that  
20 from workers later, but I think you'll come to see  
21 that, um, providing them a certain kind of reasonable  
22 schedule, stable fair work with an advance notice  
23 while a little different from fast food workers will  
24 help us achieve, a useful justice aim, and I

2 appreciate your willingness to listen them when they—  
3 when they come later.

4 STEVEN ETTANANI: Yeah, absolutely.  
5 Thank you Council Member. I think just to reiterate,  
6 um, what our position is is that we—as just a general  
7 tenet, we believe that workers should have  
8 predictable scheduling. I think, um, as I mentioned  
9 in testimony whether it's, um, you know, um, just  
10 having a sense of certainty—certainty about how much,  
11 you know, money you're going to get on a week to week  
12 basis to, um, you know, other outside of work  
13 commitments whether it's elder or, um, childcare for  
14 example. These are critical things, and things that  
15 the Office of Labor Policy and Standards within DCWP  
16 supports.

17 COUNCIL MEMBER LANDER: Wonderful. I  
18 thank you for that clear statement, and I look  
19 forward to hearing the testimony from workers and  
20 providing you with additional information to think  
21 about how that goal we share or predictable  
22 scheduling can be most effectively implemented for  
23 this set of workers and, you know, obviously I guess  
24 one thing I'll just say is this isn't just that we  
25 were kind of thinking what other industries. These

2 folks brought us a problem that we think fair  
3 scheduling is a solution to, and that's why we're  
4 here having this hearing today and then just a couple  
5 of quick questions on the safety training, um, side.  
6 So, I-I think if I understood the testimony, but I  
7 just want to make sure I'm right, there is not  
8 currently and, you know, um any safety training  
9 required for the workers who, you know, mark or open  
10 our streets. It sounds like there are things that  
11 the companies have to submit on an annual basis that  
12 are commercial general liability, but that there is  
13 not currently, um, safety training requirement for a  
14 utility marking or excavating.

15 STEVEN ETTANANI: Correct there is  
16 nothing they submit right now as far as whatever  
17 trainings they do.

18 COUNCIL MEMBER LANDER: Okay. um, and  
19 did--does DOT or any other city agency partner with  
20 the I guess there's this 8-1-1 office at the State  
21 level excavator training, and education programs. So  
22 you know if there's any partnership there?

23 STEVEN ETTANANI: We, if we're doing work  
24 we'll, you know, we'll call the 8-1-1 if we're doing

2 digging to make sure that we're not, you know, going  
3 to hit anything that's underneath there.

4 COUNCIL MEMBER LANDER: But that's not  
5 with their training and education program just with  
6 the--

7 STEVEN ETTANANI: Correct.

8 COUNCIL MEMBER LANDER: With avoidance,  
9 which is good. I mean I'm glad you're doing that, but  
10 okay. So, um, and I know that at the state level  
11 there's some new legislation requiring excavators to  
12 do some safety and education. Do you know whether  
13 the city has yet engaged with--with that legislation  
14 or its requirements?

15 STEVEN ETTANANI: Not that I'm aware of.

16 COUNCIL MEMBER LANDER: Okay, um, alright  
17 so, it sounds like there is here also some fact  
18 finding for us to do. I think most New Yorkers would  
19 think it was common sense that the workers who have  
20 this very important job of getting the markings right  
21 so that no damage is done would need to have training  
22 that would enable them to do that safely and soundly,  
23 um, and I hear you that that does not mean that DOT  
24 should be making sure every single worker, you know,  
25 is reviewed and you're not reviewing the portfolios

2 of each individual worker, um, but it sounds like  
3 you're open to finding some way that the obligations  
4 of the companies that are doing it to provide  
5 adequate training if we figure out kind of what the  
6 markers of that are, um, that they could be required  
7 to submit the evidence of their compliance with those  
8 safety regimes as part of their annual package, and  
9 then you could as part of your ongoing enforcement  
10 effort of making sure that people are complying with  
11 the rules that they are following when they picked up  
12 their permit, you would structurally be able to both,  
13 um, require that, you know, the law that required  
14 that certification you could see it in their annual  
15 certifications and enforce it through your regular  
16 enforcement work.

17 STEVEN ETTANANI: Right. I think we  
18 would—I think we knew specifically what training we  
19 were talking about, and we could ask them to provide  
20 that documentation and, um, it would be a requirement  
21 of them being a permittee in that sense.

22 COUNCIL MEMBER LANDER: And that could be  
23 enforced with the other requirements of being a  
24 permittee?

25 STEVEN ETTANANI: Right, right.



2 COUNCIL MEMBER LANDER: Um, okay,  
3 alright. That's great. I think then this is another  
4 good opportunity for us to hear and understand what  
5 the skills needed on the job are, what the basic  
6 training that people have are and then to follow up  
7 to make sure se can provide it in a real clear way so  
8 we know what it is we're requiring that workers have,  
9 how companies are responsible for showing it to the  
10 city, and how we're following up to make sure that  
11 those—that those laws are being followed. So, we're  
12 looking forward to the testimony. Thank you both for  
13 your openness to working with is to achieve these  
14 improvements in this sector both for the workers and  
15 for the public. Thank you.

16 CHAIRPERSON RODRIGUEZ: Thank you.  
17 Council Member Kallos.

18 COUNCIL MEMBER KALLOS: Uh, the  
19 opposition to the automated enforcement for the stop-  
20 arm really caught me by surprise. Do you believe it  
21 is safer when vehicles are stopped when children are  
22 getting on and off a school bus?

23 STEVEN ETTANANI: Council Member,  
24 absolutely. We, um, you know, want all motorists  
25 following all the rules of the road at all times, um,

2 and—and we believe it is safe when—when motorists do  
3 so, and I—you know I think, um, you have some—some  
4 data that—that you mentioned earlier that we haven't  
5 had a chance to review yet on—on, um, this programs  
6 elsewhere. We have some data that I cited earlier.  
7 Perhaps it make sense to—to get together and—and  
8 review, um, what we have and—and—and, you know,  
9 compare notes as it were.

10 COUNCIL MEMBER KALLOS: I—I—I really,  
11 really appreciate that. I think one of the questions  
12 is in response to Chair Rodriguez, you mentioned that  
13 2,300 violations had been issued and I guess just as  
14 a values questions to the extent that our brothers  
15 and sisters in the PBN and the NYPD aren't as  
16 concerned about writing these violations, isn't there  
17 an opportunity for us to get those 2,300 police—23—  
18 the people who wrote those violations are writing  
19 violations that can't be written by a robot versus  
20 using automate enforcement wherever we can.

21 STEVEN ETTANANI: Council Member, you  
22 know we—we absolutely believe in the power of  
23 automated enforcement and—and for that reason, I  
24 think you brought up a great point, which is when we  
25 can free, um, the—the Officers, the highly trained

2 officers to do-do very, um, targeted work, um, it's  
3 a treat side benefit of it.

4 COUNCIL MEMBER KALLOS: I appreciate our  
5 partnership. Um, when you testified I hold the open  
6 data set for the, um, NYPD, which was the motor  
7 vehicle collisions, and, um, it looks like they  
8 haven't really been tracking school buses as a data  
9 point, but, um, even so, over the past two years  
10 there--there have been a lot of collisions and mostly  
11 it looks like it's the motorists anyone in the  
12 vehicle that's been injured. Do, you--is there a data  
13 set that tracks just when--when pedestrians are the  
14 ones? I--I guess based on the dataset, which I've  
15 done a lot of work with, it has one--one column that  
16 tracks Vehicle No. 1, another column that tracks  
17 Vehicle No. 2, but based on the way a police report  
18 tends to be written, and based on this dataset, it  
19 doesn't appear that we would--we have an adequate way  
20 of tracking when somebody gets off of a school bus  
21 and then ends up in a--based on just my preliminary  
22 analysis of the data sets.

23 STEVEN ETTANANI: Council Member I think,  
24 um, that you're accurate I that there's no quick easy  
25 way that to screen--

2 COUNCIL MEMBER KALLOS: Okay.

3 STEVEN ETTANANI: --that data, but what  
4 we've been doing is going back through every report  
5 that had a school bus vehicle involved and reviewing  
6 the narrative of those reports. Um, and it's very  
7 manual, but that's how we're--we're looking through  
8 these. So, we've looked through the last two years of  
9 data, and we didn't find any serious injuries--

10 COUNCIL MEMBER KALLOS: And we looked  
11 through those, too and you found 51 collisions?

12 STEVEN ETTANANI: I don't know the number  
13 of collisions of the top of my head. I'm sorry.

14 COUNCIL MEMBER KALLOS: Um, in 2018, I  
15 did and op-ed on city limits just saying that the  
16 city should have more than 140 speed cameras. My-my  
17 proposal is that in addition to focusing on the  
18 schools to just look at any location where there have  
19 been a certain number of collisions or a certain  
20 number of injuries or a certain number of deaths am  
21 I'm--I'm eager to get a response from DOT and to work  
22 around places beyond schools that we can make safer  
23 and then also just making sure that kids can be safe  
24 getting on and off the bus. I thank you. I look

2 forward to working with you and your agency on this  
3 legislation in moving forward. Thank you.

4 STEVEN ETTANANI: Thank you, Council  
5 Member and I think to your point about, you know,  
6 getting a wider reach with the, um, speed cameras  
7 like thanks to all of your support and the State  
8 Legislators supporting. Um, we have a wider radius  
9 now around each school and I think we're—we're  
10 covering a lot more pedestrians with our —with our  
11 speed cameras than we were you know before July. So  
12 thank you.

13 CHAIRPERSON RODRIGUEZ: Thank you.  
14 Council Torres.

15 COUNCIL MEMBER TORRES: Thank you, Mr.  
16 Chair. I'm supportive of all the bills, but in the  
17 interest of time I'm going to focus on Intro 946 and  
18 947. I want to follow up on some of the questioning  
19 for DOT on the questioning of—from Council Member  
20 Lander it seems to me, you know, we have a vested  
21 interest here as a city because we control the  
22 streets. We own the streets, we issue permits over  
23 those streets and we should leverage the power that  
24 we have over permits to mandate higher safety  
25 standards, higher labor standards. Is that something

2 the you agree with in principle Setting aside the  
3 details of the legislation, so you agree with that  
4 proposition in general?

5 STEVEN ETTANANI: Well, I think, you  
6 know, as mentioned if we know exactly what we're  
7 looking for in terms of what the training should be,  
8 um, then yes it's something we can certainly try to  
9 do and figure out a system that works for that.

10 COUNCIL MEMBER TORRES: And does DCWP  
11 support extending prevailing wage to utility  
12 employees?

13 STEVEN ETTANANI: We're not in a positing  
14 to-to talk about that right now. We'll talk about  
15 946.

16 COUNCIL MEMBER TORRES: Okay. Does anyone  
17 have a position on 947 or--? For me it's a no-  
18 brainers. These are workers who are protecting us  
19 from explosions who are protecting us from the loss  
20 of critical services who are protecting the critical  
21 infrastructure that enables our city to succeed and  
22 survive everyday. So, if those workers are not  
23 worthy of prevailing wage, then which workers would  
24 be?

2 STEVEN ETTANANI: So, for us at DCWP  
3 we're, you know, and again, we're—we're I'm here and  
4 prepared to testify on—on 946. We want and our  
5 office was created obviously by the Council to  
6 empower workers and make sure that their rights are—  
7 are heard. Um, in terms of the bill itself, and  
8 predictable scheduling that's—that's something that  
9 we're--

10 COUNCIL MEMBER TORRES: But part of  
11 working empowerment is not only predictable hours but  
12 decent wages, prevailing wages, safety training. All  
13 of those are essential elements. I mean I think you—  
14 I suspect you would agree worker safety is and public  
15 safety are inextricably bound together, but you  
16 cannot have one without the other, and it's in the  
17 interests of public safety to see to it that these  
18 utility technicians are paid a decent wage.

19 STEVEN ETTANANI: Yeah, I think you know,  
20 from our testimony it's clear that we want to learn  
21 more about this industry. We want to hear from the  
22 workers directly. We want to hear from the  
23 stakeholders, um, the employers knowing a little bit  
24 more about the structure, and get a clear sense of—of  
25 kind of the eco system there and then, um, work with

2 the Council to, um, either refine the bill or, um,  
3 or, you know, just have further discussions with the  
4 Council on—on their rights and—and certainly, um,  
5 their workplace safety and things of that nature.

6 COUNCIL MEMBER TORRES: I remember and I  
7 don't know the status, but I remember reading a few  
8 ago that, um, Partners Group was partnering with an  
9 organization know as Ottawa Avenue Private Capital to  
10 potentially acquire USIC, which is the contractor  
11 that—that hires utility employees and that Ottawa  
12 Avenue Private Capital was owned by the RBD  
13 Corporation, which in turn is owned by the DeVos  
14 Family, Betsy DeVos and the Trump Administration. You  
15 know, Donald Trump is the most anti-union president  
16 in American history. So, the notion that U.S.—USIC  
17 is owned or could be owned by an associate of the  
18 Trump Administration is horrifying to me. Um, and so  
19 that to me is further reason to ensure that  
20 contractors like USIC come under greater scrutiny  
21 from both DOT and DCWP. I think the city needs to  
22 play a role. You know, these are workers who risk  
23 their lives to keep all of us safe. The least we can  
24 do is pass laws that ensure that they a livelihood  
25 that reflects their public value and that reflects



2 the danger of the work that they do, but that's my  
3 position and I hope the Administration comes around  
4 to embracing both predictable hours prevailing wage,  
5 and proper safety training. So, with that said,  
6 thank you, Mr. Chairman.

7 CHAIRPERSON RODRIGUEZ: Council Member  
8 Reynoso.

9 COUNCIL MEMBER REYNOSO: Thank you, Mr.  
10 Chair. I will—I'll just continue with the line of  
11 questioning from my colleague from the Bronx, Council  
12 Member Torres and really that the Department of  
13 Consumers Affairs and the work that you're doing  
14 there what do you understand the issue to be right  
15 now. I know that you're asking for more time to  
16 really understand. What--can you tell us a bit about  
17 the investigations that you're doing. I know that  
18 some of your testimony kind of pointed to some of  
19 that, but if there is something more that you can  
20 tell us in terms of what you understand and how you  
21 understand it now

22 STEVEN ETTANNANI: Right, so I think if  
23 you want to just take a step back about, um, fair  
24 work week and the value of predictable scheduling, I  
25 think since 2017, there's no doubt that the laws that

2 the-the Council passed are successfully holding  
3 employers accountable if they are in violation of the  
4 law. I think to day we've actually secured over a  
5 million dollars in restitution for workers, um, and I  
6 think we're talking about roughly 3,000 workers as  
7 well based on those numbers. In terms of our  
8 investigations, um, we are not in the position to  
9 speak to the specifics of current investigations  
10 happening right now. As I mentioned in my answer to  
11 Council Member Torres, for us predictable scheduling  
12 is, um, a value that we embrace. It's something that,  
13 um, we believe all workers should have, um, for-for a  
14 number of reasons, and for-for us right now we're  
15 trying to get more information about this industry.  
16 Um, so that we can effectively weigh in one way or  
17 another as to what the mechanics of potential  
18 legislation could or should look like as we have  
19 these discussions with the Council.

20 COUNCIL MEMBER REYNOSO: Well, tell me a  
21 little bit more about what-what you understand. I  
22 guess I'm just trying to understand a little bit more  
23 about what you understand now. I get that you're in  
24 discovery mode but is the anything that you can share  
25 with us? I think we're all very interested in-in not

2 just the legislative process, but a kind of  
3 transparent understanding for the public, and  
4 especially workers who are here right now trying to  
5 understand what's up, and why are we feeling a kind  
6 of hesitation. And so that can be I think mitigated  
7 by just a little bit more information stepping back  
8 in general about what you know and how you know what  
9 you know right now.

10 STEVEN ETTANANI: Yeah, I think, just,  
11 um, you know, a couple of questions that come to  
12 mind, um, currently include for example if there's-is  
13 it best to solve this issue through for example like  
14 premium pay. Should it be a-should we have a  
15 prohibition on last minute scheduling in general in  
16 this industry. Um, how prevalent it is and, you  
17 know, even to take back beyond that, do workers have  
18 regularly weekly schedules in this-in this industry?  
19 I mean we are, um, when I say we are in a fact  
20 finding position, we are, you know, it's a clean  
21 slate on our end. We are trying to find out as much  
22 as possible about this industry.

23 COUNCIL MEMBER REYNOSO: Awesome. I  
24 appreciate that, and I think that those are the kinds  
25 of things that I think would be helpful as we

2 continue, and I'll—I'll just pause there and just  
3 thank you for that, and let's just keep discussing  
4 this as we—as we explore that together.

5 STEVEN ETTANANI: For sure.

6 COUNCIL MEMBER REYNOSO: And, um, on the  
7 DOT side, the—the work that went into building the,  
8 um, this bill in terms of the offices, and/or I guess  
9 this bill for the different kind of pedestrian and  
10 the bike offices. Tell us a little bit about what  
11 the, um, the work is to build—build more constituent  
12 based conversations allowing—allowing communities to  
13 kind of build—build out solutions policy solutions at  
14 the—at the local level. Um, things like—and things  
15 not every bike lane is created equal and communities,  
16 communities on the ground. Some neighborhoods I think  
17 about like Fourth Avenue and how Fourth Avenue bike  
18 lane there's like two different approaches to the  
19 bike lane that came from Park Slope versus Sunset  
20 Park. They are different but ultimately a bike  
21 emerged, and—and so these are—these—this—this is—this  
22 is the kind of granular understanding of neighborhood  
23 based planning, and how does that impact your  
24 understanding of what we're trying to do, which is

2 really focus conversations around pedestrians as a  
3 constituency and bicyclists?

4 MONTY DEAN: Yeah, so as you—thank you  
5 for your question Council Member. As you and your  
6 other fellow Council Members know, we are out in the  
7 community talking to people. Um, we go to community  
8 board meetings. We work with advocacy groups and  
9 other constituencies around the city. One thin that  
10 we've done recently as part of the Green Wave Plan is  
11 we've hired or we're hiring one person per borough  
12 office to focus specifically on bike issues, and  
13 those folks will help us talk to, um, local  
14 communities about issues around cycling and  
15 pedestrian safety. We've developed a lot of tools on  
16 line as well, on portals to make sure that people  
17 have a way to give us input to—on projects if they're  
18 not attending meetings and, o course, we have our  
19 great Street Ambassador team that's out on the  
20 street, out on the streets talking to people, people  
21 who can't usually go to community board meetings or  
22 who are left out of the conversation trying to bring  
23 them into that conversation. So, we've developed  
24 several different tools both internally, and, you

2 know, in our offices but also on the street, um, and  
3 online.

4 COUNCIL MEMBER REYNOSO: Okay, well,  
5 we're going to keep talking and I know we've talked a  
6 lot about immigrants and language access to these  
7 questions and I feel like we're like we're not there  
8 yet at all. I think that's, that's like a big—we  
9 leave a lot of people behind in communities like mine  
10 in my district where, you know, 75% are non-English  
11 speaking families and those, that leave behind when,  
12 and I'm not saying you're only doing English based.  
13 You're not, you're—you're, but there are gaps, and so  
14 when there's gaps, um, it just kind of leaves us with  
15 an opportunity to connect. I'm just going to point  
16 one thing, to one thing and then I'm done with my  
17 questions. It kind of just leaves a sense of gap is  
18 the—you do a lot of education programs around helmets  
19 and getting free helmets out to communities, and  
20 really the—the—the partnership is with Council  
21 Members that put funding and so really what—as I  
22 understand it, this is about members putting in their  
23 allocations for free helmets for—to buy helmets for—  
24 for community members. So, there's Council Members  
25 that just don't believe in this, and there's an

2 issue. There's a gap, and this is an example of how  
3 I think is just kind of broken, and this is why when  
4 you have focus instead of—instead of communities that  
5 need and have good representation that are like pro-  
6 laughs] pro like—pro-safety. There might be Council  
7 Members that just don't want to put any money or put  
8 any focus on it, and now we're relying on that and I  
9 think that's—that's a problem. I think this is why  
10 we're trying to call it to attention, a sense of  
11 focus around this so it doesn't—it doesn't rely on  
12 one—one gap of understanding that's going to really  
13 impact safety programs like for helmets.

14 STEVEN ETTANANI: One thing we notice in  
15 the Helmet Program we really, um, are thankful to the  
16 Council Members for providing that funding. Um, as  
17 Part of Green Wave we did secure a separate pot of  
18 funds so that specifically for helmet giveaways so  
19 that we can hold larger events in districts that  
20 aren't being represented by Council Members who are  
21 favorable to that work. [coughing] So, um, with  
22 that pot of money we'll be developing a plan for  
23 where those events will be held, and then try to hit  
24 a larger audience.

2 COUNCIL MEMBER REYNOSO: Great. Thank  
3 you.

4 CHAIRPERSON RODRIGUEZ: Council Member  
5 Deutsch.

6 COUNCIL MEMBER: DEUTSCH: Thank you,  
7 Chair. Buenos tardes everyone. So this, uh question  
8 is for the Department of Transportation. I just want  
9 to discuss a little bit about the Green Wave plan.  
10 You did mention that key parts of the Green Wave Plan  
11 involve cooperation with other agencies under the  
12 leadership of Mayor de Blasio, and we also continue  
13 that DOT will continue to work with FDNY on emergency  
14 vehicle access consideration. Can you elaborate a  
15 little bit on that?

16 SEAN QUINN: [coughs] Excuse me. Thank  
17 you for your question. We, um, DOT meets regularly  
18 with the FDNY and we present all of our street  
19 improvement projects to the agency. We work through  
20 a Central Planning Division at FDNY, and that  
21 Planning Division brings the information to local  
22 firehouses and battalions for their feedback. Um,  
23 often times we are able to incorporate feedback into  
24 our plans modifying, um, our proposals to ensure that  
25 it works for FDNY. We also ensure that when we bring



2 our plans to FDNY that they've been reviewed by our  
3 internal engineers to show that operations won't be  
4 impacted, and that system is currently, um, being  
5 modified through some of the Green Wave actions to  
6 ensure that there's more input from our local houses  
7 versus just the centralized Division of Planning and  
8 we're working through that process now, but we hope  
9 to get a larger set of feedback through that.

10 COUNCIL MEMBER DEUTSCH: So, what happens  
11 to a project that you worked on for several years and  
12 maybe even several months, and only to find out that  
13 the FDNY opposes your plan?

14 SEAN QUINN: Um, so that has happened on  
15 a couple of occasions, and we've worked with FDNY to  
16 hopefully get to a point of common ground on a  
17 proposal making modifications to the--the plan,  
18 talking them through things that they might  
19 understand about the proposal, and vice versa. So,  
20 it's an ongoing dialogue when we hear, um, both  
21 positive and negative feedback on a proposal.

22 COUNCIL MEMBER DEUTSCH: Yes, so how many  
23 miles of bike lanes have DOT...has DOT implemented and,  
24 um, does all those plans have the stamp of approval  
25 from the FDNY, and if it does, um, or doesn't' um, is

2 there—or how soon could the Council get those plans  
3 to see if there was a stamp of approval or not from  
4 the local Fire House or Central Planning division.

5 SEAN QUINN: So, um, since—uh, we have  
6 over 1,300 miles of bike lanes on the city streets or  
7 within New York City. A 140 of those are on street  
8 protected bike lanes. Those are the lanes that we  
9 focus our conversations with FDNY. We keep records  
10 of the sign-offs and conversations between us and the  
11 agency.

12 COUNCIL MEMBER DEUTSCH: So, how many  
13 from these 1,300 miles of bike lane and 140 miles of  
14 protected bike lanes does not have a sign-off from  
15 the FDNY.

16 SEAN QUINN: I can't speak historically.  
17 However, in the past--

18 COUNCIL MEMBER DEUTSCH: Does—is it  
19 possible that you do not have a sign-off on any of  
20 these miles hundreds of miles of bike lanes from the  
21 FDNY?

22 SEAN QUINN: I don't

23 COUNCIL MEMBER DEUTSCH: Is it possible?

24 SEAN QUINN: I don't have an answer to  
25 that question, um--

2 COUNCIL MEMBER DEUTSCH: I'm sorry.

3 SEAN QUINN: There—there may be projects  
4 that we haven't reviewed with them in the past  
5 historically. However, we have and—we have an outlet  
6 thorough our borough offices and through our  
7 conversations with the planning office. If there was  
8 something we put in place a long time ago, that we  
9 are open to have conversations about changing or  
10 modifying plans.

11 COUNCIL MEMBER DEUTSCH: So, I just want  
12 to touch upon Intro 1812. So, in the plan you—you,  
13 um, it talks about work with other city agencies to  
14 grow and improve cycling and other methods of active  
15 transportation by coordinating infrastructure and  
16 policy initiatives, and I—I don't see that you do  
17 support the intent of this bill, but if you did  
18 implement hundreds of miles of bike lanes, and  
19 without having the approval from the FDNY, and this  
20 is what happened in the past, this is what you  
21 implemented in the past. I think that having more of  
22 a dialogue and having more of a conversation and—and  
23 giving people that opportunity to be part of the  
24 policies and procedures, I think that's an important  
25 tool because, you know, I mean me personally in my

2 district I had several tragic fires over the last  
3 three or four years since 2015. So, this is an  
4 extremely important part of when you implement bike  
5 lanes to have this conversation with the Fire  
6 Department to make sure it's safe for all. So, what  
7 I'm hearing here in the testimony what I'm hearing  
8 answers to my questions is that not all of these  
9 hundreds of miles of bike lane have the stamp of  
10 approval from the Fire Department, and that's very  
11 concerning to me, and it should be concerning to  
12 everyone.

13 SEAN QUINN: Council Member, that's not  
14 what I'm saying. I'm saying that historically I  
15 don't know. I wasn't here when all the bike lanes  
16 were being approved. I know our early bike lane,  
17 protected bike lane design back in 2007 and 2006 was  
18 developed with input from FDNY. That was a typical  
19 design that we installed throughout the city  
20 especially in the early days in Manhattan. So, those  
21 designs were designed with FDNY and over time, the  
22 conversations and the process has changed. Early on  
23 we were working directly with the borough battalions  
24 and the borough chiefs. Then we went to a  
25 centralized system through the City Planning Office,

2 the FDNY Planning Office and now we're changing the  
3 system again to make sure we're getting more input  
4 from the local houses. So, we are very concerned  
5 about the FDNY's response, and we want to make sure  
6 our designs are working for them and as well as  
7 bringing safety to all street users.

8 COUNCIL MEMBER DEUTSCH: So, dose every  
9 final plan need a stamp of approval from the FDNY,  
10 and actual stamp of approval?

11 SEAN QUINN: We ask for FDNY to sign off  
12 on our plan, the final plan.

13 COUNCIL MEMBER DEUTSCH: So, why wouldn't  
14 they?

15 SEAN QUINN: There's a variety of  
16 concerns we've heard over time, things that we've  
17 been able to work through making sure that they can  
18 turn off of side streets if we've narrowed a street,  
19 making sure that we provide a clear lane. Most of  
20 our protect bike lanes are actually used by FDNY as a  
21 clear lane to get around, um, traffic congestion.  
22 The lanes are designed at 11 feet or more. Many of  
23 the lanes are designed at 11 feet or more so that the  
24 FDNY can actually use that as an extra emergency

2 lane. That was an early factor in our designs going  
3 back to 2007.

4 COUNCIL MEMBER DEUTSCH: So, is it  
5 possible to provide the Council with all the bike  
6 lanes that's before you were here, before you came  
7 into this job, and up until now of those plans that  
8 actually have the stamp of approval from the FDNY?

9 SEAN QUINN: I'm not sure. We can look  
10 into that.

11 COUNCIL MEMBER DEUTSCH: Okay, so, okay  
12 I--that's it. Thank you.

13 CHAIRPERSON RODRIGUEZ: if any Council  
14 Member have one more question. If not--? Council  
15 Member Lander you have one question? No. Okay. Are  
16 you aware of a child that died in Queens recently  
17 coming out from a bus and being hit?

18 JOSHUA BENSON: Council Member if you're  
19 referring to a crash that occurred in April in  
20 Rockaway, yes we're aware of it and we've--we've, um,  
21 we've reviewed the--the--the crash report on that.

22 CHAIRPERSON RODRIGUEZ: Okay and we know  
23 that the--if they want to give a thousand violations  
24 someone for a ticket for a violation, you know, that  
25 number per se reflect also--

2 JOSHUA BENSON: Right.

3 CHAIRPERSON RODRIGUEZ: --the other. So,  
4 how serious is the problem state and nationwide?

5 JOSHUA BENSON: Right. I mean so the--the  
6 crash you're referring to was, um, a very horrible  
7 situation where the, um, the passenger of a--a non-  
8 DOE, a private school bus was--was leaving the bus to  
9 board a, um, a private van that was parked. Um, so no  
10 vehicle was actually passing a stopped school bus.  
11 The parked vehicle accelerated into the child. Um,  
12 um, you know, from--from the parking lane. Um, it was  
13 a very, um, you know, again a very horrible  
14 situation. It--it--it doesn't really, um, get back to  
15 this issue of the stopped on cameras unfortunately.  
16 So, it was a, you know, I think the--the--the crash  
17 report identified it as pedal misapplication. The  
18 driver accidentally pressed the wrong pedal, and  
19 accelerated into the child.

20 CHAIRPERSON RODRIGUEZ: I--I just--and I  
21 don't question the great job that you guys as the  
22 staff of DOT and the Commissioner per se. You know,  
23 we know that we were there in our community in  
24 Washington Heights last week, you know, putting the  
25 billboard in Vision Zero education, which was a great

2 initiative. I just—I just would like for the agency  
3 to leave this open to continue to discussing, you  
4 know, both—all bills. I feel that all bills are very  
5 important. You know, we need to—when it comes to  
6 protect the utility workers, you know, we drive by to  
7 the FDR from Dyckman to 157 you see the whole street  
8 being open. Like we only get to see the workers  
9 above the ground, but we don't know, but we don't get  
10 to see who are working down there, and I think that,  
11 you know, anything that is required to improve the  
12 safety of the workers is something that, you know, we  
13 have to address it, and improve it, and—and get it  
14 done, and when it comes to again like we don't need  
15 to wait for the case, and—and we all care. You work  
16 24/7, you know, working around policy and strategy.  
17 We want to make the streets for everyone. I just  
18 feel that when we look at the 50,000 number of  
19 drivers that they keep going through Yellow Bus and  
20 when the stop sign is out throughout the State of New  
21 York, and knowing that that's an epidemic throughout  
22 the whole nation. I just would like for us to  
23 continue giving the space to looking at those data,  
24 to look at the issue and, you know, continue the  
25 conversation.



2                   MONTY DEAN: Chairman we hear you loud  
3 and clear and we would like to continue the  
4 conversation, and I mentioned if Council Member  
5 Kallos earlier would like to get together and review  
6 the data, because he has some data that, um, that we  
7 haven't had an opportunity to review yet. So, we  
8 would like to do that with you. Thank you for  
9 supporting especially the speed camera initiative but  
10 all the work that we do really have gone-gone a long  
11 way together.

12                   CHAIRPERSON RODRIGUEZ: Do we have a  
13 cyclist director of DOT right now and who is the  
14 person? Who does that person report to?

15                   SEAN QUINN: Yes, so I'm the Assistant  
16 Commissioner for Improvement Programs. I oversee the  
17 Divisions of Pedestrians, Bicyclists, Public Space  
18 and Street Improvement Projects. Each of those have  
19 a director. Ted Wright is the Director of our  
20 Bicycle Program; Tara Ashi (sp?) who is actually here  
21 is the Director or our Pedestrian Unit; Emily  
22 Weidenhof the Director of our Public Space Unit.

23                   CHAIRPERSON RODRIGUEZ: How many staff  
24 are dedicated to your division?

2 SEAN QUINN: So, my division has 14  
3 people in the Pedestrian Unit plus 8 people in the  
4 Public Space Unit, 18 people in the Bike Unit, which  
5 will be increasing with new hires on the Green Wave.  
6 These are just three units. There's other units in  
7 the agency that work on bicycle and pedestrian  
8 projects. For example our School Safety Division  
9 recently installed the protected bike lane on Seventh  
10 Avenue in Brooklyn. So, the--the work is cross unit  
11 but we have these three specific units focused  
12 directly on bicycle and pedestrian safety.

13 CHAIRPERSON RODRIGUEZ: So, what is your  
14 total number? If we add those numbers for all those  
15 three what is the total number?

16 SEAN QUINN: Um, for the three, um, let's  
17 see. It's about--well my unit altogether is about 45  
18 people plus the new six we're hiring with Green Wave  
19 about over 50 folks specifically focusing on bicycles  
20 and pedestrians and that's planners, engineers  
21 outreach specialists, administrators, directors. So,  
22 it runs the gamut.

23 CHAIRPERSON RODRIGUEZ: So, but the total  
24 is around like 100 you say dedicated to pedestrian  
25 and cyclists only?

2 SEAN QUINN: Um, there's somewhere  
3 between 50 and a 100 planners and—and, you know,  
4 office staff. Beyond that, we have our engineers  
5 that are assigning and working on our drawings. We  
6 have the divisions that are installing the bike lanes  
7 and the signals, and all the work that goes into it.  
8 Um, really throughout the agency there is probably  
9 hundreds, thousands of people focused on getting this  
10 bike and pedestrian infrastructure installed in the  
11 city. My unit is mainly the planners and out  
12 outreach, um, but it extends beyond that.

13 CHAIRPERSON RODRIGUEZ: And how many—how  
14 many staff do we have at DOT as an agency?

15 MONTY DEAN: 5,600.

16 CHAIRPERSON RODRIGUEZ: 5,600. So, I—I  
17 think that, you know, we need to do our role from the  
18 legislative role. I know that you need to do your  
19 role from the staff. We want to empower the men and  
20 women that are designated to cyclists and  
21 pedestrians, and we want to increase that number, and  
22 we want to see a clear-cut. I would like to go to  
23 DOT to Water Street and be able to go to the 2 or 3  
24 floor to that area only through a screen. Only  
25 dedicated just to pedestrians and cyclists. I want

2 to be sure again that, you know, when we want to turn  
3 our city as the leading one in the nation on  
4 pedestrians and cyclists, it's because it's, as you  
5 know, you have more perspective (sic) than I do. You  
6 know that there is a whole national movement about  
7 how to do more urban planning and more designing to  
8 make our street more pedestrians and cyclists, and-  
9 and we have the street of the middle class and upper  
10 class on one side, and then we have the other street  
11 of the poorest New Yorkers. When I walk to the South  
12 Bronx, you know, you walk through that area, it's  
13 tough. You know, it's difficult for, you know, it's  
14 not only about the bike lanes, how safe are those  
15 communities when you walk through some parks like-  
16 like 20 PEP officers dedicated to go through the  
17 street. You know, we just want to centralize. We  
18 want to see something that is more, you know, great  
19 architecture, great engineer, great team, but this is  
20 about, you know, can we leave something for-on the-  
21 can we build something on the present and future  
22 administration that we can say, you know, we are the-  
23 we are the city that is the leading one, and-and so  
24 that for me is the most important, you know, message  
25 about, you know, no question. I don't have any

2 questions about your capacity of commitment, the  
3 great job, the great partnership, but this is about  
4 let's be sure that... No, let's leave our space open,  
5 and let's continue, you know, discussing, you know to  
6 see how far we can go. Of course, I strongly  
7 support, as I say all the bill, the workers, the  
8 utility worker have to be protected. You know, they  
9 do a great job. We want electricity, we want  
10 internet, we want, you know, all those services in  
11 our apartments in our buildings in the schools in the  
12 public and private sector, and they are the ones, you  
13 know, who get the job done. We want the buses to  
14 have the technology. Let's take advantage of where  
15 we are today, and, you know, with that, I would like  
16 to say thank you for being here. Thanks.

17 CHAIRPERSON RODRIGUEZ: Now, we're  
18 closing--calling the next panel.

19 LEGAL COUNSEL: Craig Moorehead (sp?),  
20 Jean Souliere, Al Russo, Xavier Maynard and William  
21 Smith. (background comments/pause)

22 CHAIRPERSON RODRIGUEZ: You may begin.  
23 Yeah. We're--we're going to be timing on two minutes.  
24 So, if you will take more than that, please be sure  
25 that you summarize.

2 JEAN SOULIERE: Perfect.

3 CHAIRPERSON RODRIGUEZ: Levin.

4 JEAN SOULIERE: Okay, so, um, thank you  
5 Chairman Rodriguez and members of the Transportation  
6 Committee for allowing me to speak today [bell] on  
7 this important (background comments) I get to keep  
8 going? Okay, good. I got more to say. [laughs] I  
9 would also like to thank the bill's sponsor  
10 Councilman Ben Kallos. His leadership on child  
11 safety issues will have a lasting impact across all  
12 of the communities of New York. So, I want to thank  
13 him for that. My name is Jean Souliere. I am the  
14 CEO of Bus Patrol. Our technology is the most  
15 deployed stop-arm enforcement technology in the  
16 world. I'm a Vision Zero advocate specialized in the  
17 school bus safety technology that's being discussed  
18 today as part of this legislation. I also believe in  
19 a data drive approach. I have lots of data. The  
20 data will paint a very compelling picture. The  
21 videos we collect are worth a million words not a  
22 thousand. More importantly, I stand before you today  
23 as a father of five children and a grandfather of  
24 two. I'm here to talk to you about the gravity of  
25 the situation of people not respecting the school bus

2 sign and illegally passing it, and it's from my  
3 perspective as a father that I want to share that.  
4 Many—many of you heard the stats according to the  
5 data cited by the Governor's office that  
6 approximately 50,000 drivers illegally and  
7 dangerously pass stopped school buses during drop-off  
8 and pickup every day in the state of New York.  
9 These stats are if anything understated. We have  
10 three pilots in New York: East Meadow, Half Hollow  
11 Hills and Niagara City. They average between two and  
12 four violations per bus per day. In fact, I wouldn't  
13 be surprised if New York City had 50 violations in  
14 one day alone. As shocking as those numbers are,  
15 they don't tell the real story, the full story. In  
16 Montgomery County, Maryland we run by far the largest  
17 stop-arm enforcement program in the world. Their  
18 entire fleet, 1,400 buses is equipped with the latest  
19 safe bus technology. We have successfully driven  
20 violation rates down by more than 50% since the  
21 program started almost three years ago. Despite that  
22 fact, I'm saddened to share with you that last week  
23 in the span of 12 hours in Montgomery County, two  
24 children lost their lives on their journey to and  
25 from school. [bell] A 9-year-old girl and a 17-year-

2 old boy. Two families irreparably broken. I'm not  
3 here to tell you that this might happen in New York.  
4 I'm here to tell you that it will. I'm here to tell  
5 you that people just don't care enough about school  
6 buses. I know they don't pay enough attention to the  
7 precious cargo that's carried on them. Not only do  
8 we need to update the tools we use to protect our  
9 children, but we need to change our culture. I want  
10 to create a culture where people are afraid of school  
11 buses. I want to create a culture where people pump  
12 their brake when they see a school bus in the very  
13 same way they do when they see a police cruiser that  
14 they cross on the road. I want every single school  
15 bus in New York City to have this technology not 10%  
16 not 20%, 100 because the ability to collect vital  
17 data is going to help us understand what actions to  
18 take. We can be proactive seeing where these  
19 violations are occurring and determining what actions  
20 we can take maybe change stops before tragedy  
21 strikes. We can target social awareness campaigns to  
22 communities in a way that help them understand the  
23 problem and change the way they think about child  
24 safety. We've advocated for the last two years with  
25 the State, and now we have a law. The moment is upon



2 us and the power is yours As a parent I pray that  
3 the residents—for the residents that you'll take  
4 advantage of every tool available to prevent another  
5 child's life being lost, and yes, that means every  
6 bus for every school for every child should be  
7 covered. The safety a child enjoys should never  
8 depend on their zip code, and that goes from the  
9 bustling streets in Downtown Brooklyn and Manhattan  
10 to the more residential areas of Queens, Staten  
11 Island and the Bronx. No one counts unless we all  
12 count. So, I implore you to create a program that  
13 mandates full fleet coverage. It's the only way to  
14 be both inclusive and objective in how you measure  
15 the program's success. It's also the only way to  
16 prevent ever having to explain to a grieving parent  
17 why their child's bus didn't have it. Before I leave  
18 you, I want to make one final point. These are not  
19 accidents. The videos show it. These are really bad  
20 choices with very devastating consequences. They're  
21 avoidable crashes and every loss is avoidable. We  
22 need drivers to have a healthy fear of breaking the  
23 law, and the best way to do that is to have the best  
24 technology possible on every bus. We owe nothing

2 less than that for all of our children, Thank you  
3 very much for letting me speak today.

4 WILLIAM SMITH: Chairman Rodriguez,  
5 members of the committee, thank you for the  
6 invitation to the Utility Workers Union of America  
7 Local 1-2 New York AFLCIO to speak on the proposed  
8 legislation to reply that employers provide advance  
9 notice of schedules to utility safety workers instead  
10 of using on-call demand. I am William Smith, Vice  
11 President of Local 1-2, and I represent utility  
12 workers primarily working for Con Edison, the men and  
13 women who keep the lights on. We agree with the  
14 sponsor of this legislation Councilman Brad Lander  
15 that for the safety of all New Yorkers utility  
16 workers need clear advanced schedules in order to  
17 perform street markings for underground  
18 infrastructure work with precision. As is the common  
19 practice today, the workers who provide street  
20 markings for utility work such as Internet, cable,  
21 gas, steam or water are on call contractors who do  
22 not know from one day to the next what the workday  
23 will be or if, indeed there will be a work day. This  
24 bill will prohibit employees from cancelling,  
25 changing or adding work shifts within 72 hours of the

2 starter shift except in limited circumstances. The  
3 bill would also require that employers provide such  
4 utility safety workers with a written work schedule  
5 no later than 72 hours before the first shift on the  
6 work schedule to post a worker's schedule at the work  
7 location 72 hours before the beginning of the  
8 schedule hours of work, and to provide a written copy  
9 of an employee's work schedule for any work—for any  
10 week worked within the prior three years. One thing  
11 this bill would accomplish would be to prevent  
12 employer abuse of on-call workers and provide the  
13 utility workers with a steady schedule that would  
14 stop employers from exercising capricious and  
15 ultimately unfair working conditions. It has been  
16 well established that workers who do not have a  
17 similar schedule day after day have difficulty  
18 remaining alert and careful at their jobs. [bell]  
19 Given the complexity of underground New York City and  
20 a skilled worker is well rested. Because they know  
21 their hours ahead of time will allow them to be able  
22 to perform the work that is demanded by their  
23 employers in a safe manner. Our members who work for  
24 Con-Edison find out all too often that if there are  
25 errors in mark-outs, which would have caused

2 disasters are not caught. The proposed bill would  
3 hopefully reduce these errors as well as those times  
4 rare though they may be when the Con Edison employees  
5 arrive at a site only to find that the mark-outs have  
6 not occurred at all. This bill will mistakes less  
7 likely to occur, and provide a safer work environment  
8 for all whether they are the utility workers making  
9 where the infrastructure is buried that prevent an  
10 in-act digging or the utility or road workers who  
11 depend on mark-outs being made by these safety  
12 workers or the general public. We have seen time and  
13 time again, that cutting corners in utility work  
14 leads to accidents, explosions, broken water mains,  
15 and the list goes on and on. Those who follow the  
16 mark-outs need to know they will not damage electric  
17 cables, gas lines, steam lines, water pipes or  
18 television/Internet cables by performing their duties  
19 on the city's delicate infrastructure. As we all  
20 know, any damage to these underground lines could  
21 lead to major problems and repairs, maintenance and  
22 installation of underground utilities and thus  
23 interruptions of New York City's family and  
24 businesses. In the meantime, it is unfortunate that  
25 utilities are not already required to provide clear

2 advance work schedules for their employees. Con  
3 Edison especially relies on outside contractors to  
4 perform such services because it seems to be its  
5 basis of operation and long term not to have skilled  
6 workers on its payroll. We suspect that using the  
7 on-call system is just another dodge to take  
8 advantage of workers' need to work so that they  
9 submit to being on-call workers reducing their  
10 incomes and disrupting their lives. We know on-call  
11 is a problem for workers in the service industry in  
12 restaurants and retail stores, and has caused them to  
13 organize and fight back to know their schedule ahead  
14 of time. After all, it is only fair because New York  
15 Works. It should not be used by utility industry  
16 companies just to squeeze and extra profit at the  
17 expense of the same rationale, common dignity and  
18 respect they should extend to the people who do their  
19 work and to the people who live and work in the city  
20 who deserve to be able to live their lives without  
21 the fear of incorrect mark-out because of lost  
22 electricity, a burst steam pipe, flooded streets, a  
23 loss of their TV and Internet cable, and worsts of  
24 all another gas explosion, which can destroy homes  
25 and places of work, these companies and places of

2 work. These companies have been stopped from  
3 placing profits before human beings. Using on-call  
4 workers is merely another tactic that holds workers  
5 back from building steady lives for themselves  
6 because they have to take the job available to put  
7 food on the table. By another name we call it  
8 exploitation. It's also—we also call it a danger to  
9 the people of New York City. For the good of all New  
10 Yorkers. we strong support that the city do all it  
11 can to eliminate this egregious use of people,  
12 increase profits by putting all the people who live  
13 and work in New York City at risk because this is  
14 exactly what the On-Call System does. Thank you.

15 AL RUSSO: Good afternoon Chairman  
16 Rodriguez and members of the Committee. Thank you  
17 very much for convening this important hearing, ad  
18 allowing me the opportunity testify in support of  
19 Intro 946 and 947 this afternoon. My name is Al  
20 Russo and I'm the Vice President of the Communication  
21 Workers of America, Local 1101. I've served in this  
22 position for the last nine years. I am also a  
23 resident of Dykers Heights, Brooklyn. I have lived  
24 there for the last 45 years. I am here today both as  
25 a New Yorker and in my official capacity on behalf of

2 the 215 utility safety workers that we represent in  
3 Local 1101. The workers are employed by the United  
4 States Infrastructure Corporation, USIC who is  
5 primarily the contractor for Con Edison and National  
6 Grid. These are employers who do underground  
7 locating work across New York City and Long Island.  
8 These workers perform critical tasks essential to  
9 health and safety of all New Yorkers. Underground  
10 Safety workers identify underground gas, electric and  
11 telecommunication lines in advance of construction to  
12 prevent dangerous explosions and the interruption of  
13 critical services. In New York City before a street  
14 can be dug up for any reason, whether to repair a  
15 water main or add conduit for cable, the company  
16 doing the digging must call 8-1-1 in order to ensure  
17 a ticket—I'm sorry—in order to issue a ticket for  
18 underground locators to be sent out to mark the  
19 street. This is a vital step in order to ensure that  
20 any digging is done safely and protects crucial  
21 underground infrastructure. There are series—there  
22 are serious consequences to this work being done  
23 incorrectly, everything from a disruption in water  
24 service to a full on varied gas explosion. This work  
25 being done incorrectly is a hazard to the employees

2 on site and to the public at large. That is why it is  
3 essential that we pass this legislation. Intro 946  
4 will prohibit on-call scheduling for utility safety  
5 workers who locate and mark underground  
6 infrastructure. Several times per month utility  
7 safety workers are scheduled to be on call after a  
8 full shift. A typical shift for one of our workers  
9 would be 7:00 a.m. to 5:00 p.m. They would then be  
10 required to be on call from 5:00 p.m. until the-to  
11 the next shift, the next morning at 7:00 a.m. It is  
12 common to be called in multiple times on-call-  
13 multiple times on an on-call shift, and regardless of  
14 how many times you are called in or how long, you are  
15 still required to show up the next morning for the  
16 start of your shift. This means that these workers  
17 are not getting sufficient rest time. You cannot  
18 adequately perform this job that requires you to be  
19 alert [bell] and precise on insufficient sleep or  
20 broken up sleep. These workers are doing important  
21 work that a single mistake could lead to something  
22 catastrophic. These workers are often doing this  
23 work in busy intersections or on highways with cars  
24 zooming past them. One misstep due to exhaustion  
25 could lead to a tragedy. To protect these workers,



2 these co-workers—their co-workers and the public at  
3 large we need to ensure that they have sufficient  
4 rest. Furthermore we need to make sure that they  
5 are adequately trained to do the job. Intro 947 would  
6 ensure that anyone who applies for a permit to open a  
7 street certify to the Department of Transportation  
8 that all work is covered by the permit are in  
9 compliance with relevant safety training, education  
10 laws, and regulations in order to protect public  
11 safety and health. Currently, our workers receive  
12 two weeks of classroom training prior to the test  
13 taking, and if they pass the test, they then are  
14 paired with one more—one or more senior people to do  
15 a ride-along for at least one to two weeks. After one  
16 to two weeks of the on-the-job training, these  
17 workers are expected to do the job on their own. We  
18 have heard from our senior workers that the length of  
19 training has been decreased over time particularly  
20 the ride-along portion, which they identify as the  
21 most important part of the training. In fact, some  
22 workers remember a time whereas a new employee you'd  
23 be scheduled for three to six months of riding along  
24 before you're out on your own. This means that there  
25 are many new utility safety workers responsible for

2 the welfare of critical infrastructure and their own  
3 safety put into dangerous situations and with  
4 inadequate training. More senior employees tell us  
5 that they see the consequences of this: More  
6 accidents and more damage. We need to make sure that  
7 the workers performing these critical services to New  
8 York City have the protections they need to do their  
9 job best to serve the city. I am asking for your  
10 support for this vital legislation. Please thank  
11 you—please—please and thank you very much for your  
12 time and I'm here to answer any questions.

13 CHAIRPERSON RODRIGUEZ: Thank you.

14 XAVIER MAYNARD: Good afternoon, Chairman  
15 Rodriguez and members of the committee. My name is  
16 Xavier Maynard and I am a member of the Communication  
17 Workers of America, Local 1101, and underground  
18 utility locator. I've worked for United States  
19 Infrastructure Corporation for three years. I've  
20 lived in Bayside, Queens for the 20 years. Thank you  
21 very much for allowing me the opportunity to share my  
22 experience and express my support for the Intro 946  
23 and 947 this afternoon. These bills are essential in  
24 order to protect the public safety and to ensure that  
25 workers who provide a vital service to New Yorkers do

2 so safely, properly and in compliance with all laws.  
3 This legislation would have a direct impact on me and  
4 people like me who do the job and provide this  
5 important service for our city. I take my  
6 responsibility of protecting our city's  
7 infrastructure and public safety very seriously. We  
8 are the people who make sure that our streets are dug  
9 up, your neighbors are protected from gas main  
10 explosions or electrical or phone outages. We care  
11 about the people of—in New York City and Long Island.  
12 Before any company digs up a street in New York city  
13 all year round, USIC workers survey the ground and  
14 it's infrastructure like gas mains, electrical lines,  
15 and we mark the streets so that any digging doesn't  
16 cause any electrical outages or even worse, gas main  
17 explosions. If this work is not performed properly  
18 residents are put in grave danger. USIC workers are  
19 sometimes required to be on call 24 hours straight on  
20 the weekend and also several times a month from the  
21 end of the shift in the evening until the start of  
22 the next shift in the morning. That means after  
23 working from 7:00 a.m. to 5:00 p.m., I'm still on  
24 call and could be required to go back to work at 2:00  
25 a.m. to finish a locate around 4:00 a.m. Then I

2 would still have to show up at 7:00 a.m. for my  
3 regular shift the following day, You are consistently  
4 monitoring you work [bell] phone to make sure that  
5 you don't miss a call. When you receive a call, you  
6 have two hours to respond. Then you have to go back  
7 home, clock in, research the job, jump in the company  
8 van and go. If you miss the call or report late, you  
9 are dinged and if you miss more than twice, you are  
10 out. You also receive no additional compensation  
11 unless you are responding to an emergency let alone  
12 any concern for our quality of life ensuring time  
13 with our families. Being on call like this makes it  
14 impossible to get a decent night's sleep. Without a  
15 decent night's sleep, a dangerous job turns into a  
16 possible tragedy. We know on the highway with cars  
17 zooming past trying to read plans and maps you need  
18 to be completely aware and alert. This is why I urge  
19 you to pass Intro 946. If you don't [coughs] if-if  
20 excuse me. If I don't do my job right I could hurt  
21 myself, co-workers or the general public. In addition  
22 to making sure rest time is protected, we need to  
23 make sure that people performing this work are  
24 adequately trained. When I first started working for  
25 USIC, I was given two weeks of classroom training

2 before I took a 4-hour test. Then I spent about a  
3 week or so in a ride-along with a senior technician.  
4 These ride-alongs are so important because this is  
5 when you really pick up the nuances of the job.  
6 Also, there are some real time situations that can't  
7 be covered in classroom training. I do not believe  
8 the training is sufficient. With locating work, you  
9 actually have to be in the field to understand a lot  
10 of the work. Every neighborhood is different. In  
11 this area the cable might be really old and deep, and  
12 in other areas more close to the ground. In order to  
13 do the job safely and correctly you need to learn  
14 these things. This—that is why the Council should  
15 pass Intro 947, which would ensure that those  
16 performing this work are adequately trained and in  
17 compliance with all safety and educational laws and  
18 regulations. Thank you very much for allowing me the  
19 opportunity to share my experiences as an underground  
20 utility locator and expressing my support for the  
21 Intro of 946 and 947. I'm available for any questions  
22 at this time.

23 CHAIRPERSON RODRIGUEZ: Thank you. How  
24 have—Mr. Russo, how have other municipality addressed  
25 similar legislation as the one that we have here?

2 AL RUSSO: None that I know of.

3 CHAIRPERSON RODRIGUEZ: So, it can be  
4 that New York City could be the first, one of the  
5 light municipalities that--?

6 AL RUSSO: Yes.

7 CHAIRPERSON RODRIGUEZ: Okay, and--and  
8 which are the private sector besides Con Edison and  
9 Verizon, which other private sectors do you work for  
10 to you provide the services

11 AL RUSSO: That--I'm sorry that I provide  
12 the services?

13 CHAIRPERSON RODRIGUEZ: No, I said like--  
14 like the workers that we have here and those that you  
15 represent.

16 AL RUSSO: So, the USIC employees?

17 CHAIRPERSON RODRIGUEZ: Yeah

18 AL RUSSO: Um, they--they do locate work  
19 for Con Edison. They do utility locate work for  
20 National Grid. They work for PSE&G. Um, what else do  
21 they do?

22 MALE SPEAKER: That's it.

23 AL RUSSO: That's it, that's it.

24 CHAIRPERSON RODRIGUEZ: And Verizon?  
25

2 AL RUSSO: Um, Verizon has-that-that  
3 stays in-house. So, we do our own utility local work  
4 inside. I represent Verizon also. So, we-we have-our  
5 workers do our own utility locate work.

6 CHAIRPERSON RODRIGUEZ: So, I feel-I  
7 believe right that Verizon support this legislation  
8 with some changes. Have you heard the same thing  
9 from Con Edison and others?

10 AL RUSSO: Um, I can't answer that  
11 question. I don't...

12 CHAIRPERSON RODRIGUEZ: Okay, thank you.  
13 Council Member Lander.

14 COUNCIL MEMBER LANDER: Thank you, Chair  
15 Rodriguez. Um, so, um, just as you heard the  
16 Administration is I think open to working with us  
17 here, but wants a little more information to just  
18 make sure we're really tailoring this. So, on the  
19 scheduling so it sounds like you get a regular  
20 schedule in advance so you know which days you're  
21 working 7:00 a.m. to 5:00 p.m. gut then on some of  
22 those days you also could be required to also be on  
23 call all night long while still showing up the next  
24 day. Do I have-have that right?

25 AL RUSSO: Yes, that's correct.

2 COUNCIL MEMBER LANDER: Okay. Um, I mean  
3 and then you don't even—you don't get, you don't—you  
4 don't I assume in those on-call situations even  
5 though you're like staying up with your phone on if  
6 you're not called, you don't get paid at all. Is that  
7 right? Like you're—you're told you have to be on  
8 call, but they're not paying anything for your on-  
9 call time only if they call you in?

10 XAVIER MAYNARD: Yeah, you—once you're  
11 called in, then you'd have to be required to respond.

12 COUNCIL MEMBER LANDER: Right, but in  
13 those cases where they don't call you even though  
14 your like sleep it disturbed, and you're watching  
15 your phone, you don't get anything for having given  
16 your time to them?

17 XAVIER MAYNARD: That's correct.

18 COUNCIL MEMBER LANDER: Um, and— did you  
19 say even then you sometimes get overtime pay and  
20 some—or higher than regular pay and sometimes don't  
21 for the hours that you might work in the night?

22 XAVIER MAYNARD: Depending on the amount  
23 of time that you've already put in compared to the  
24 40-hour work week, if you would go over the 40 hours  
25 then yeah, you'd..



2 COUNCIL MEMBER LANDER: So, that's just—I  
3 mean if you go over 40 hours you get stayed over, you  
4 know, get overtime pay per state law, but just your  
5 on-call shift is not paid any more than a regular  
6 shift?

7 XAVIER MAYNARD: Right. that's correct.  
8 It's the same amount.

9 COUNCIL MEMBER LANDER: Um, okay. Um,  
10 and is—is that work—is this on-call work like  
11 emergency work or is it just work that's getting done  
12 at night time that they're calling you in to do?

13 XAVIER MAYNARD: Um, that would vary  
14 depending on the actual job that needs to get done.

15 COUNCIL MEMBER LANDER: So, sometimes it  
16 might be a genuine emergency?

17 XAVIER MAYNARD: Right, and then other  
18 times it might be done because it's, um, it's later  
19 in the—in the, um,—in the morning time so it's less  
20 traffic.

21 COUNCIL MEMBER LANDER: Got it but they  
22 don't have any obligation to. So, they might be  
23 scheduling work at night time that they know in  
24 advance and then still leaving you on call, calling  
25

2 you in in the middle of the night and paying you  
3 nothing extra for it?

4 XAVIER MAYNARD: Right, that's correct.

5 COUNCIL MEMBER LANDER: Okay, and that  
6 doesn't seem right. um, yeah, I mean that's why  
7 we're here. I understand, but I just think, you know,  
8 were trying-- this is an unusual sector a lot of us  
9 don't know anything about, and I think, you know,  
10 trying to understand. So, um, do you think that--there  
11 was a question asked by, um, the city--the Department  
12 of Consumer Worker Protection, um, one model for this  
13 kind of problem is just to ban it, you know and say  
14 you can't do this practice. Another model is to say  
15 if you're going to do it, there has to be what's  
16 called premium pay. You have to pay extra for the  
17 kind of shifts scheduled in this way. Do you have a  
18 thought on which is the appropriate approach here?

19 XAVIER MAYNARD: I would say definitely  
20 premium pay.

21 COUNCIL MEMBER LANDER: Okay. [laughs]

22 Um, alright so that's good and we have some models  
23 for premium pay in the fast food, you know, in the  
24 fast food sector where there's extra that has to paid  
25 for these kind of on-call--these on-call shifts. Um,

2 okay, um, so those are my questions on the—on the  
3 scheduling. Just on training, um, what you're  
4 describing sounds a little bit like—more like  
5 something that's kind of like an apprenticeship, you  
6 know, um you learn by riding along, you see how it's  
7 done and—and that's what we want. Um, I think for us  
8 to—to tailor this law well, it will be useful to  
9 understand it better. Um, is there any kind of, um,  
10 um—well, let me ask, who's coming? Are the people  
11 that are coming to this work have prior experience in  
12 the field or is it—is this usually the first job some  
13 has that's anything like this?

14 XAVIER MAYNARD: Uh, generally the  
15 majority of the time it's usually the first job that  
16 has to do with this particular sector.

17 COUNCIL MEMBER LANDER: Okay and is there  
18 any certification at all that you—that you would get?

19 XAVIER MAYNARD: You are required to pass  
20 a four-hour test, which gives you the certification  
21 of the Northeast Gas Association.

22 COUNCIL MEMBER LANDER: Okay, but that—so  
23 that's useful to have but not nearly sufficient to do  
24 the work it sounds like.

2 XAVIER MAYNARD: Well, it's mandatory  
3 that you have that in order to actually get the job,  
4 but then there are some real tough situations, as I  
5 stated that you would actually learn as you are  
6 actually out there because it's different as far as  
7 the classroom compared to the actual real world.

8 COUNCIL MEMBER LANDER: Got it, but it's  
9 not—I mean in other sectors where there's, um, you  
10 know, unions and—and—and kind of like a more trade  
11 union model there's some standard. You know, you do a  
12 certain amount of hours, you learn a certain amount  
13 of things and then you go from apprentice to  
14 journeyman. There's nothing like that here?

15 XAVIER MAYNARD: Right. That's correct.  
16 Um, personally I would—I would think that probably a  
17 longer period of time as Al had state, um, a longer  
18 period of time actually riding with a senior partner  
19 would probably be more beneficial not only to the  
20 company, but also to the public safety as well.

21 COUNCIL MEMBER LANDER: Got it. Um, okay.  
22 Alright and I think to go deeper and dig into this on  
23 what would have to be included what you'd want, you I  
24 think we may have to figure out a little more if  
25 we're going to define that you have to have. I mean

2 obviously it's-it's both in the benefit of the  
3 workers but in this case even more to the benefit of  
4 the public, the on-call scheduling prohibition has  
5 some public benefits. So, we know you're not  
6 exhausted, but it's, you know, largely a worker  
7 safety protection. The safety training is largely a  
8 public safety protection to make sure that the work  
9 gets done right. So, I think I won't ask more  
10 questions about it here because we've got a lot of  
11 people signed up to testify on the other bills, but I  
12 think we may want to follow up with you just to  
13 really understand what the critical kind of skills  
14 and experiences are and-and how it will be possible  
15 to be clear to know, you know, and then the challenge  
16 for us will be to pass a law that says the company  
17 has to make sure that workers have that, and then can  
18 certify to the DOT and we can organize it in a way  
19 that makes sense with the permit pulling. We're  
20 going to have some more work to do to really figure  
21 out with you what workers need to know and how you  
22 would certify or know that they had gotten that  
23 training. Um, so, can we follow up with you guys  
24 afterwards to make sure we really understand this in

2 enough detail to be able to do the legislation  
3 appropriately.

4 AL RUSSO: The communication workers will  
5 be more than happy to work with your office to sit  
6 down and anything we can do to help we'll be more  
7 than happy to do so.

8 COUNCIL MEMBER LANDER: Okay.

9 WILLIAN SMITH: The Utility Workers Local  
10 1-2 also.

11 COUNCIL MEMBER LANDER: Great. Thank you  
12 very much. No further questions.

13 CHAIRPERSON RODRIGUEZ: Council Member  
14 Torres.

15 COUNCIL MEMBER TORRES: Thank you, Mr.  
16 Chair. Um, I-I had a twin brother-I have a twin  
17 brother and I had a twin brother who-who was an on-  
18 call worker, and I remember just the exhaustion and  
19 the sleep deprivation, and I remember thinking to  
20 myself, you-you cannot live freely and sleep  
21 consistently if your work schedule is at the whim of  
22 an arbitrary and abusive employer, and he was in  
23 retail and the stakes are even higher when you're  
24 managing critical infrastructure. You know, like  
25 Brad, I don't know much about the industry of utility

2 locators. I first read about it a few years ago  
3 because of CWA, but-but at the time if I remember  
4 correctly the workers were paid minimum wage \$15.00  
5 an hour. We see under in some cases, under a sub-  
6 minimum wage. Um, the bare minimum of paid time off,  
7 right, and no safety training, required to be on-call  
8 24/7 and then report with two hours of receiving a  
9 call like we were paying minimum wage or subminimum  
10 wage to workers whose work is of maximum points to  
11 public safety but that was a few years ago. What's  
12 the state of working conditions today in the  
13 industry.

14 AL RUSSO: So, we were able to obtain a  
15 contract that had a better living wage in there.  
16 There were some provisions that were put in there to  
17 try and boost some of the, um, it's not really the  
18 scheduling, but some of the, um, stuff that was in  
19 the contract-that they didn't have in the contract  
20 previous, which was really a detriment, you know.  
21 It's very simple: w hen you have a company like USIC,  
22 they have to put paint on the floor in order for them  
23 to make any kind of money. So, they will send their  
24 workers out there. The quicker they get them going on  
25 the street is the quicker they're going to get them

2 out there to make paint on the floor, but that's  
3 really not the way to do it. So, we did add  
4 something with wage in there. Um, we-we also added  
5 something with--something that's on when you're  
6 working overnight that you needed to have at least  
7 uninterrupted time of rest before you came to work. I  
8 think it was, what did we--six hours we put in there.  
9 you had to have six hours of uninterrupted rest, but  
10 it's still, look, it's something because they didn't  
11 have nothing previous, but, um, look our workers are  
12 very, um, they were happier than where they were. So,  
13 they definitely were very happy that we were able to  
14 get certain things added into there especially with  
15 the wage and especially with adding that sleep time  
16 that would help them out a little bit

17 COUNCIL MEMBER TORRES: And what's the  
18 wage at the moment:

19 AL RUSSO: Right now we have a are  
20 progression that goes up to \$31:50 an hour.

21 COUNCIL MEMBER TORRES: And--and  
22 previously--

23 AL RUSSO: It starts like--it starts at--  
24 when we first got them I think they were at \$11.75 an  
25 hour, and some I think at the point were making up to



2 \$23:00, \$24:00 an hour, Now it ranges from you could  
3 start at \$17.00 an hour and range after five years up  
4 to \$31:50 an hour.

5 COUNCIL MEMBER TORRES: Would you say  
6 that USIC is still a bad actor?

7 AL RUSSO: I would say yes.

8 COUNCIL MEMBER TORRES: And how much  
9 responsibility in your mind does Con-Edison and  
10 National Grid bear.

11 AL RUSSO: Bear on--?

12 COUNCIL MEMBER TORRES: For--for the  
13 abysmal working conditions that the utility locators  
14 have to face.

15 AL RUSSO: I don't think--I--I don't--it's  
16 hard for me to answer. I don't know. I don't know  
17 that answer.

18 COUNCIL MEMBER TORRES: You said Verizon  
19 has in-house--

20 AL RUSSO: In-house.

21 COUNCIL MEMBER TORRES:--utility locators.

22 AL RUSSO: Yes.

23 COUNCIL MEMBER TORRES: Whereas Con-  
24 Edison and Nationl Grid contract out?

25 AL RUSSO: Correct.

2 COUNCIL MEMBER TORRES: Should—I don't  
3 know if you have an opinion on this. Should—should  
4 Con-Ed and National Grid have their own in-house  
5 workforce? Like what's the right approach or--?

6 AL RUSSO: I don't know if it's—that's  
7 the answer. I think if we could just, you know, the  
8 same standards. Each of those Con-Edison and  
9 National Grid just like Verizon they have unionized  
10 workforce, they're held to some safety standard. I  
11 think if USIC was held to that same safety standard  
12 or any locating service that's out there are held to  
13 the same standards that all of our, you know,  
14 industries that we represent are, I think they would  
15 probably be a value to have for the USIC workers. So,  
16 as far as keeping it in-house, I don't—I don't have  
17 an answer either way. I don't.

18 COUNCIL MEMBER TORRES: I read a few  
19 years ago that a company connected to the DeVos  
20 family was intent on acquiring USIC. Did that  
21 acquisition ever take place? Whatever became of  
22 that?

23 AL RUSSO: It's owned by a hedge fund  
24 company. There are various, you know, things that are

2 involved with it So, I—I don't know the answer to  
3 that question either.

4 COUNCIL MEMBER TORRES: But we—we don' [t  
5 know whether are any financial ties between members  
6 of the Trump Administration and USIC?

7 AL RUSSO: I don't—I don't know. I don't  
8 kw that answer.

9 COUNCIL MEMBER TORRES: Okay, and I think  
10 based on the testimony it seems like DOT is open to  
11 considering safety standards as a condition of  
12 granting a permit, but I think DOT feels like it  
13 lacks the ability to evaluate whether USIC, a  
14 contractor like USIC has sufficient safety protocols.  
15 Is a there a third-party that could certify whether--

16 AL RUSSO: I'm—I'm willing to—to delve  
17 into it and help out, you know, the Council any way  
18 that I can, and I will—Communication Workers of  
19 America will also be willing to help out. I don't  
20 know.

21 COUNCIL MEMBER TORRES: But as far as you  
22 know there are no mational standards for utility  
23 locators?

24 AL RUSSO: The only thing I know is with  
25 the workers they do have to—he mentioned something

2 about gas certification. Con Ed also has a  
3 certification that they have to do also. So, that's  
4 the only thing that I know as far as it's a national.  
5 I don't know that answer.

6 COUNCIL MEMBER TORRES: Well, you can  
7 count on my support 100%. This to me is a no-  
8 brainer. Some of the issues that come before the City  
9 Council are complicated. This is not one of them.

10 AL RUSSO: Thank you.

11 COUNCIL MEMBER TORRES: Thank you.

12 CHAIRPERSON RODRIGUEZ: Thank you. So I  
13 didn't any questions because we addressed Jim a lot  
14 of questions on the--on the buses, but, you know, we  
15 will see where this is going to be important for us.  
16 Probably if you -I think-I think that what we need to  
17 do is continue, you know, having you--you ask the keys  
18 and whoever you feel. Also, we will sit with DOT and  
19 DOE, even though they are not included because this  
20 is basically DOT who were asked to come, but I know  
21 that DOE is sitting back there and listening, and  
22 know how important it is. At the end of the day if  
23 we move on in this policy, it's going to be DOE who  
24 will be responsible. So, hopefully we can have this  
25 conversation, and I'm happy again that, you know, we

2 are starting having this hearing today, and having  
3 not only at the local level, but the national also  
4 level and knowing that, you know what we're do in New  
5 York City we always do it with intention that it  
6 serve national policies. So we are, you know, we will  
7 continue working with you guys. So, thank you. Now,  
8 we're calling the next panel.

9 LEGAL COUNSEL: John Warcott (sp?), Irwin  
10 Figueroa, Eric McClure, Chirstine Berte, Eric Zoonby  
11 (sp?) (background comments/pause)

12 CHAIRPERSON RODRIGUEZ: And if there is  
13 anyone sitting back there from Con-Ed or Verizon,  
14 anyone, please I hope that you are taking notes and -  
15 and if not you are following this hearing through the  
16 website. Be sure that, you know, that we follow the  
17 conversation because it's going to be important for  
18 us. [pause]

19 CHRISTINE BERTE: Hello. How are you? My  
20 name is Christine Berte from Chekpeds. Chekpeds is  
21 the New York non-profit focused only on pedestrians.  
22 Our 1,500 members are grateful to Chair Rodriguez and  
23 to City Council Rivera. We applaud the creation of  
24 an Office of Pedestrian, an idea whose time has  
25 definitely come. We respectfully submit the

2 following vital suggestion. The New York City  
3 Department of Transportation controls the entire  
4 cycling infrastructure while the walking  
5 infrastructure sidewalks is controlled by seven  
6 different agencies and a vast number of property  
7 owners because of this, this Office for Pedestrians  
8 should be a stand-alone office rather than inside  
9 another agency or another office. The Office for  
10 Pedestrians must be independent from the Office of  
11 Cyclists. It must not be assuming another officer  
12 driven by that urgent priority. The population  
13 served by the two offices of little overlap. Eight  
14 million pedestrians are also public transit riders,  
15 children, seniors and disabled people while the city  
16 one million or 1.6 million cyclists are prominently  
17 adult male and some females. What these populations  
18 have, our vulnerable users have in common is the fact  
19 that they are both victims of traffic violence. In  
20 just one year in 2019, 136 pedestrians have been  
21 killed, a shocking number, often at intersections and  
22 27 cyclists have been killed often in mid-block.  
23 That both groups are being slaughtered doesn't mean  
24 that the remedies are the same. And finally the law  
25 should clarify what are the powers invested in this

2 office and what is in its budget. All New Yorkers  
3 thank you for keeping your safety front and center.  
4 Pedestrian needs—must remain the highest priority and  
5 not be some sitting in other offices driven by  
6 divergent priorities.

7           ERIC MC CLURE: Thank you Chair  
8 Rodriguez. My name is Eric McClure. I'm the  
9 Executive Director of StreetsPAC. There are a few  
10 transgressions a driver can commit behind the wheel  
11 of an automobile that are more egregious than passing  
12 a stopped school bus picking up or discharging  
13 children and for that reason alone we support Intro  
14 1724, which would created a demonstration program to  
15 install stop-arm cameras on school buses. The danger  
16 of such driver action is underscored by the severity  
17 of the penalties for doing so. The \$250 fine, five  
18 license points and the possibility of 30 days in  
19 jail. The act of passing a stopped school bus is  
20 borne either from impatient callous and indifference  
21 to the dangers it imposes on others or a degree of  
22 distraction so great that one fails to notice a big  
23 bright yellow school bus deploying flashing lights  
24 and a large red stop sign. Neither is remotely  
25 acceptable, yet according to some reports it occurs

2 up to 50,000 times per day in the State of New York.

3 Fortunately given the penalties, the rate of

4 recidivism is low as low as 5-as 2 to 6% per

5 statistics, but enforcement is also nearly non-

6 existent. Under current laws a police officer must

7 witness the infraction in order to witness a ticket.

8 Stop-arm cameras have tremendous potential to improve

9 enforcement in the same way that school zone speed

10 cameras have begun holding dangerous drivers

11 accountable. While we urge the Council to pass Intro

12 1724, we also believe it's imperative that the

13 Council makes certain that the Department of

14 Transportation is provided with the necessary

15 resources for administering a school bus stop-arm

16 program. The millions of violations caught by

17 existing speed and red light cameras all require a

18 review, and staffing and operating those positions is

19 a tremendous challenge that will only grow with the

20 addition of stop-arm violations. The burden for

21 managing that can't just be dropped legislatively on

22 NYC DOT without adequate funding, and we urge the

23 Council to make sure those resources are provided.

24 We also support Intros 1812 and 1813, which would

25 establish an office of active transportation and an



2 office of pedestrians respectively. While there is  
3 some merit to the idea that these offices should be  
4 combined, the important thing is to establish these  
5 oversight positions, which would coordinate among  
6 different agencies to advance the causes of New  
7 Yorkers who get around on bike and on foot. [bell]  
8 Bike Mayors in cities like Amsterdam, London and  
9 Sidney help those cities greatly increase cycling  
10 trips. Placing the offices in City Hall is critical  
11 for ensuring that bike and pedestrian initiatives  
12 operate across and involve the multiple agencies  
13 necessary for successful implementation. The Office  
14 of Active Transportation of Pedestrians would have  
15 critical roles to play in improving the safety of our  
16 streets, advocating for the needs of cyclists and  
17 pedestrians and ensuring that the city employs best  
18 practices in executing infrastructure projects. Such  
19 positions have borne fruit in a number of places  
20 around the world, and it's an idea that right for New  
21 York City. Let's pass these bills without delay.  
22 Thank you.

23 CHAIRPERSON RODRIGUEZ: [off mic] Thank  
24 you.

2 JOHN ORCUTT: Thanks, Mr. Chairman. I'm  
3 John Orccott with Bike New York testifying in favor  
4 of Intro 1812. We won't have a bike friendly New  
5 York if only one part of one city agency is working  
6 toward that goal. You know, today we don't really  
7 have a consensus within city government to make the  
8 streets bike friendly. While DOT works on bike  
9 lanes, you know, we have all kinds of police activity  
10 with police parking in bike lanes sort of misdirected  
11 enforcement by the police, very sort of odd behavior  
12 with reporting crashes to the media by the police,  
13 and you know, we think somebody really looking into  
14 how those practices work elsewhere, making  
15 suggestions with city government could be a big help.  
16 We have vehicle designs that don't lend themselves to  
17 a comprehensive bike network. Our street sweepers  
18 are too big to allow protected bike lanes that are  
19 narrower than the ones we have today. Some of our  
20 fire trucks are so big that they, you know, they  
21 affect intersection design, um, and we'd like, you  
22 know, we'd like to see those practices really  
23 reviewed and researched and—and called into question  
24 by a different city agency. Even some parts of DOT  
25 could use some push. Um, you know city installation

2 of bike racks on the curbsides is way down now from  
3 just a few years ago, and, um, the city still has yet  
4 to come up with a good protocol for when one part of  
5 DOT resurfaces streets and pulls all the pieces of  
6 protected bike lanes off of those streets every—every  
7 spring and summer during peak bike use season. So,  
8 we think a bike mayor can really, um, or active, you  
9 know an Office of Active Transportation could really  
10 call attention to these issues in a way that you're  
11 not going to get, you know, sort of a public hearing  
12 of—from within DOT or from within closed door  
13 conversations between city agencies. Thank you.

14 ERWIN FIGUEROA: Thank you Chair  
15 Rodriguez. My name Erwin Figueroa. I'm the Senior  
16 Organizer of Transportation Alternatives. TA strongly  
17 supports Intro 1812 and 1813, which would establish  
18 and Office of Active Transportation and Pedestrians  
19 to improve safety and interagency coordination and we  
20 support Intro 1724 as well. For support of Intro  
21 1812 and 1813 there's no better time to appoint these  
22 offices in New York City, a protected bike lane  
23 network is not growing fast enough to keep up with  
24 demand. More people are on two wheels now with the  
25 expansions of CitiBike and the—the upcoming

2 organization the bikes and the scooters. As we  
3 approach the end of 2019, we are facing a crisis with  
4 at least 28 cyclists killed on city streets, nearly  
5 three times the number killed in 2018, and pedestrian  
6 fatalities are also the big 60 last year. New York  
7 is well positioned to be the first major U.S. city to  
8 be appointed by Claire (sic). It was the first in  
9 the nation to have our Vision Zero, has the largest  
10 bike share system, and the 1.6 million New Yorkers  
11 who ride a bike once a month, it will make it the  
12 work to—to have a city of their own, it would be the  
13 fifth most populous in the country. So, the key  
14 potential benefits of starting these new offices will  
15 maximizing safety for cyclists and pedestrians you  
16 will ensure equity in bike and pedestrian  
17 infrastructure policy. We will have a working  
18 cyclist champion, as well as sustainability advancing  
19 youth engagement, promoting bike tourists in New York  
20 City and promoting pro-biking business policies.  
21 Enforceable for Intro 1724, Transportation  
22 Alternatives supports this legislation, which will  
23 allow the city to test automated cameras to enforce  
24 against drivers of multi-ton motor vehicle passing  
25 schools should does involve the school bus throughout

2 the city. Automated enforcement technology provides  
3 a highly effective solution to address the challenges  
4 of limitations of traditional traffic enforcement,  
5 and we support this legislation to provide the city  
6 of New York another promising traffic enforcement  
7 tool to address the epidemic of reckless driving and  
8 traffic violence, and we believe a school bus [bell]  
9 stop-arm and camera enforcement program to contribute  
10 to a calming effect on driving throughout the city.

11 ERIC ZUMBIE: Good afternoon, Chairman  
12 Rodriguez and members of the Transportation  
13 Committee. Thank you so much for your leadership and  
14 your work on the bill 1812 and 1813. My name is Eric  
15 Zumbie and I am a Pedicab driver and organizer of  
16 Pedicab Driver and organizer industry, and I'm also a  
17 founder of the New York Pedicab Alliance. I'm here  
18 to—on behalf of the Pedicab Industry and he Pedicab  
19 Alliance to express support for the creation of the  
20 Department of Active Transportation and also Pedicab,  
21 pedestrians. For so long public policies have not  
22 worked for—had working Pedicab drivers in New York  
23 City. As working cyclists we have been denied  
24 electric assist legislation that would have, that  
25 would help improve our work and reduce the stigma we

2 experience. However, big corporations are allowed to  
3 operate electric bike chairs and electric cargo bikes  
4 in New York City. We want a bike mayor who will help  
5 improve the Pedicab experience and Pedicab drivers  
6 need a space to thrive as a normal mode of  
7 transportation in New York city, not just for  
8 tourists except in Central Park where there are five  
9 location where Pedicab are allowed to drop off or  
10 pick up. Pedicab drivers can be together for stopping  
11 to use the restroom from McDonald's or Starbucks,  
12 although Pedicabs are allowed to operate any where in  
13 the city Pedicabs—the Pedicab fare as well is  
14 regulated in a way that leaves every driver to set  
15 his own price. This situation opens the door to any  
16 unscrupulous Pedicab driver to hide the rates and  
17 only show it at the end of rides and countless  
18 tourists [bell] are victims of over-charge and feel  
19 ripped off. We want a bike mayor who understands the  
20 realities of Pedicab—the Pedicab workers, and who can  
21 help make Pedicab a normal mode of transportation in  
22 New York City. Thank you.

23 CHAIRPERSON RODRIGUEZ: Thank you. So,  
24 I'm—I'm going to be again not asking any questions  
25 because we are partners in this effort, and all those

2 areas that you represent. We are—it's going to be  
3 continue working together. I'm going to be just  
4 adding you know that as we are looking to be the more  
5 cyclist friendly city, we also have to start working  
6 to be sure that Bike New York get the addition of two  
7 hours for the bike tour so that we can be able to  
8 make the bike tour the biggest one in the whole  
9 world. We already have the biggest one here with the  
10 hours that we have, and we know that, of course, DOT  
11 Commission has been one of those, you know, big  
12 supporters and riding the bike, too, and we've been  
13 there together, but those are the type of things that  
14 we want to look at it when we say we are more  
15 pedestrians and cyclists friendly like adding two  
16 more hours for the bike tour it will make the bike  
17 tour that we're doing in here in the nation the  
18 largest one in the world, and—and we can go to the  
19 South Bronx. You know we can go to the 181<sup>st</sup> Bridge  
20 and—and go to, you know, not only expanded area, and  
21 yes imagine the—instead of going, touching a little  
22 bit in Bronx be able to go to the South Bronx and  
23 close to 181<sup>st</sup>, you know Yeshiva University and  
24 Washington Heights and come back here. You know, it  
25 will help the tourists and it will help, you know,

2 the visitors to be exposed to other areas, and as I  
3 say with the pedestrian part remember when we hold a  
4 hearing on this new custom that will limit to a  
5 particular areas and say I support it, but I want to  
6 see that this new community not only is being a  
7 partner in the Times Square Plaza, but also other  
8 resources to expand cultural activities in those  
9 under served communities. So, I-I feel again that I  
10 hope that we're in with DOT, you know, be able to  
11 leave themselves open and I know that, you know, the  
12 express not only what the team feels, but also the  
13 Commissioner and hopefully also City Hall across and-  
14 and with you all of you, we're going to keep  
15 organizing. I think this is-hopefully this is going  
16 to be another mark that this Administration this  
17 Mayor can leave for the future generations to create  
18 again the pedestrian and cyclists department. Thank  
19 you.

20 FEMALE SPEAKER: Thank you.

21 MALE SPEAKER: Thank you.

22 CHAIRPERSON RODRIGUEZ: Thank you. Good  
23 evening, Sy. [pause].

24 Good afternoon, members of the Council-  
25 Committee on-Committee on Transportation and Chair



2 Rodriguez. Before I start, please allow me to greatly  
3 appreciate the committee for opening the floor to my  
4 organization to represent the New York city Students  
5 of The Civil Liberty. Also, thank you Chairman  
6 Rodriguez, Chairman Mark Treyger our Committee on  
7 Education for co-sponsoring and Council Member Kallos  
8 for sponsoring Intro 1724, Stop Arms Cameras on  
9 School bus transportation. My name is Amy Masai.  
10 I'm a Council Member for City Wide Council for  
11 District 75. I'm also the Chair of the Committee on  
12 Busing and Safety on my Council. I'm also a mom of  
13 five children living in Community School District 10  
14 in the Bronx. Today I speak on behalf of my 26,000  
15 District 75 Constituents and their families.  
16 Approximately 90% of our students in the district  
17 ride school buses every day where in all five  
18 boroughs over 380 buildings in the New York City  
19 private areas. [coughs] although we may be a small  
20 entity of the 150,000 students that ride buses every  
21 single day, but we consider the majority of our  
22 students on these buses every single day other than  
23 the 10 months in the school year. Our students ride  
24 throughout the summer as well. Our students ride  
25 from 6:00 in the morning all the way to 8:00 borough

2 to borough across town. Um, and—and just—not just  
3 general education, there's travel on field trips and  
4 district events, but we as well, too. District 75  
5 student and parents also request a high demand for  
6 bus services for after school programs. Safety for  
7 our students in school on the buses, off the buses  
8 and in the buses are our highest priority. [bell]  
9 Although the fact that we may not be aware of the  
10 issues that go along with services shortage—shortages  
11 of services, and school staff, but safety around our  
12 children are very important, and I have actually  
13 encountered many of these issues with bus—with cars,  
14 drivers being passed through the stop signs that are  
15 on the buses. So, having these cameras on our buses  
16 will keep all of our communities and our student and  
17 the students on these buses safe. Thank you for  
18 allowing me to speak today.

19 CHAIRPERSON RODRIGUEZ: Thank you, thank  
20 your, and with that, we are getting ready to close  
21 this hearing inviting everyone to please join us on  
22 the next hearing that we have this coming Wednesday  
23 at 1:00 p.m. a joint hearing together with the  
24 Committee of Aging, Mental Health and our Committee

1 COMMITTEE ON TRANSPORTATION

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2 of Transportation on Access-A-Ride. So with that,

3 this hearing is adjourned. [gavel]

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C E R T I F I C A T E

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



Date December 22, 2019