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THE COUNCIL



REPORT- ADDENDUM

HUMAN SERVICES DIVISION

Catherine Torres, Deputy Chief of Staff

COMMITTEE ON MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE, AND DISABILITY SERVICES

HON. MARGARITA LÓPEZ - CHAIRPERSON

February 24, 2003

INT. NO. 261:

By Council Members López, Speaker Miller, Avella, Davis, Fidler, Foster, Gerson, Jackson, Katz, Liu, Monserrate, Nelson, Perkins, Quinn, Recchia, Seabrook, Sears, Weprin, Addabbo, Báez, Clarke, Comrie, Felder, Gennaro, Jennings, Martínez, McMahon, Reyna, Rivera, Sanders, Serrano, Stewart, Yassky, DeBlasio, Brewer, Moskowitz, Dilan, Vallone, Jr., Reed, Oddo, Koppell, Gioia, Vann, Barron, González, Boyland, Felder, The Public Advocate (Ms. Gotbaum), The Bronx Borough President (Mr. Carrión), The Manhattan Borough President (Ms. Fields), The Queens Borough President (Ms. Marshall), and The Brooklyn Borough President (Mr. Markowitz)

TITLE: **To amend the administrative code of the city of New York, in relation to standards and specifications for accessible facilities and passenger ferry water borne transportation services for disabled individuals in New York City.**

ADMINISTRATIVE CODE: **Adds a new chapter 7 to Title 19.**

The following materials attached hereto are provided as additional relevant information in relation to Int. No. 261.

Exhibit A – City of New York, Ten-Year Capital Strategy (Preliminary),
Fiscal Years 2004-2013 for Ferries/Dept. of Transportation.

Exhibit B - Fiscal Analysis of Int. No. 261 of NYC Independent Budget Office.

Exhibit C – Letter dated 8/22/02 from M.G. McLaren Engineering Group to NYC
Economic Development Corporation
Re: Implementation of federal Access Board proposed ADA
guidelines for ferry terminal projects.

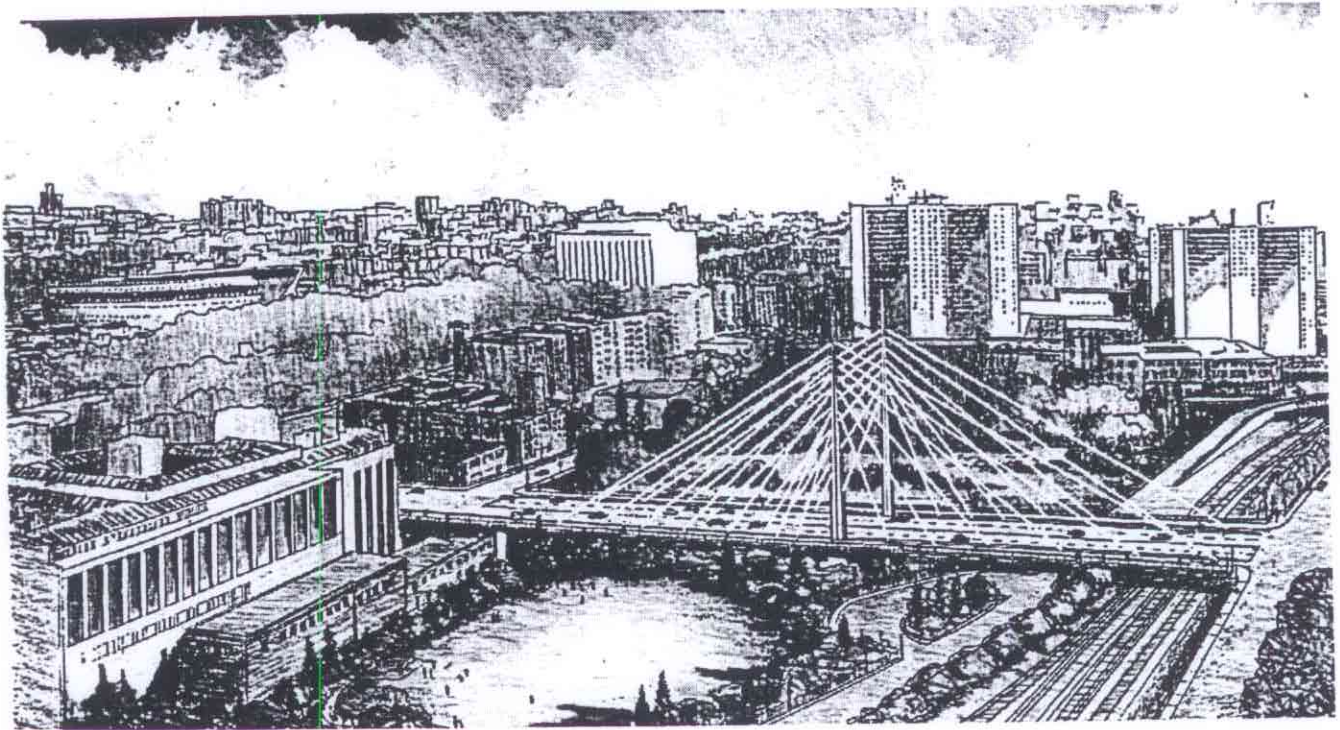
Exhibit D – News article dated 1/22/03, The City Sun, Errol Louis.

Exhibit E – Photographs taken 2/12/03 at Pier 11 in lower Manhattan, Wall Street.

Exhibit F – Chart dated 8/1/96 from Dept. of Transportation, Office of Ferry
Operators Re: Accessibility of DOT-Managed Ferry Landings.

Preliminary Ten-Year Capital Strategy

Fiscal Years 2004–2013



The City of New York
Michael R. Bloomberg, Mayor

Office of Management and Budget
Mark Page, Director

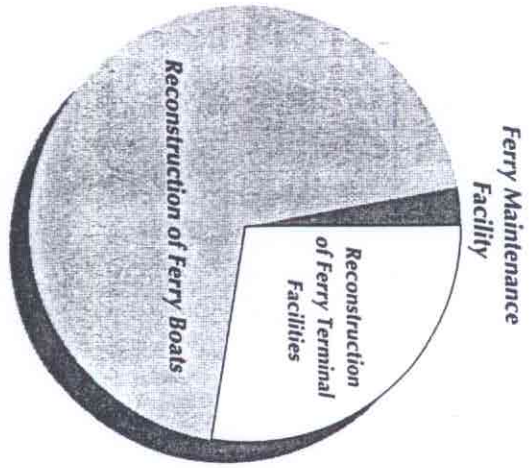


Department of City Planning
Amanda M. Burden, Director

EXHIBIT A

January 28, 2003

Department of Transportation - Ferries



Ferries	(in millions)
• Reconstruction of Ferry Terminal Facilities	\$20.6
• Reconstruction of Ferry Boats	51.5
• Ferry Maintenance Facility	2.1
TOTAL	\$74.1

Reconstruction of Ferry Terminal Facilities: The Preliminary Ten-Year Capital Strategy includes \$20.6 million for the Department's portion of the rehabilitation and repair work to the ferry terminal buildings, slips, and racks being done in conjunction with the Economic Development Corporation (EDC). Of this amount \$16.6 million is provided for the reconstruction of ferry slips and \$4.0 million is provided for other anticipated ferry terminal work and related projects. All DOT City funding for the St. George and Whitehall Ferry Terminals, the Battery Maritime Building, and Private Ferry slip reconstruction has been committed, and remaining funding for these projects will be administered through the City's Economic Development Corporation.

Reconstruction of Ferry Boats: The Preliminary Ten-Year Capital Strategy provides \$51.5 million for various projects associated with the seven Department of Transportation-operated boats that can carry passengers and vehicles. Of this amount, \$35.0 million is allocated for miscellaneous ferry fleet upgrades, which include propulsion system reconstruction projects and \$1 million for final design/construction management for the three new Kennedy-class ferry boats (which will replace three existing Kennedy Class boats that have reached the end of their 30-year useful lives). An additional \$10.0 million is allocated in 2012-13 towards preliminary design work on two new Barberi-class boats that will replace two existing vessels that will be near the end of their useful lives. The remaining \$6.5 million is set aside for various other ferry boats projects and upgrades.

Reconstruction of Ferry Maintenance Facility: Funding of \$2.1 million split between FY05 and FY08 is included for anticipated repairs and general construction work at the ferry maintenance facilities.

EXH. A

Department of Transportation - Ferries

Project Type: FA	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
<i>Reconstruction of Ferry Boats City</i>	6,500	5,000	5,000	5,000	2,451	5,000	5,000	2,506	7,500	7,500	51,457
<i>Ferry Maintenance Facility Construction City</i>	0	1,000	0	0	1,100	0	0	0	0	0	2,100
<i>Reconstruction of Ferry Terminal Facilities City</i>	3,300	3,500	2,500	3,500	5,252	500	500	500	500	500	20,552
<i>Project Type Total by Source of Funds City</i>	9,800	9,500	7,500	8,500	8,803	5,500	5,500	3,006	8,000	8,000	74,109
<i>Project Type Total All Funds</i>	9,800	9,500	7,500	8,500	8,803	5,500	5,500	3,006	8,000	8,000	74,109



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE
110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038
(212) 442-0632 • FAX (212) 442-0350
<http://www.ibo.nyc.ny.us>

January 21, 2003

The Honorable Margarita Lopez
New York City Council
250 Broadway
New York, NY 10007

Dear Council Member Lopez:

Last fall your office requested that the Independent Budget Office (IBO) review Intro 261, the Accessible Passenger Ferry Services Transportation Act. We have not attempted a formal fiscal impact analysis as this would require a compliance review of existing facilities and engineering expertise which are beyond the capacity of IBO. However, in order to assist the members of your Committee and the full Council in their consideration of this legislation IBO has prepared an analysis of the bill and compiled estimates of the costs of bringing individual facilities, vehicles, and vessels into compliance. The actual cost will depend on how many of the facilities and vehicles and vessels will require upgrade/replacement to comply with the new standards. The review is presented in the attached memorandum prepared by James Doyle, IBO's health care analyst.

If you have any further questions regarding this matter, please do not hesitate to speak with me at 212-442-8642 or via email at georges@ibo.nyc.ny.us.

Sincerely,

A handwritten signature in black ink that reads "George V. Sweeting".


George V. Sweeting
Deputy Director

EXHIBIT B



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE
110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038
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MEMORANDUM

FROM: James Doyle 
TO: George V. Sweeting
SUBJECT: Review of Intro 261
DATE: January 16, 2003

The Accessible Passenger Ferry Services Transportation Act, Intro 261, amends the administrative code of the city of New York, in relation to standards and specifications for accessible facilities and passenger ferry water borne transportation services for disabled individuals in New York City.

Background

The New York City Department of Transportation is responsible for the operation of city-owned piers and the licensing of franchises to private operators. Shore facilities and adjacent land are under various jurisdictions, including the City's Departments of Transportation and Parks and Recreation, the Hudson River Park Trust, and the Port Authority of New York and New Jersey.

Private ferry operators provide waterborne transportation services on routes between New Jersey and the East River and Hudson River piers in Manhattan, as well as connecting Queens, Brooklyn, and the Bronx with Manhattan. The importance of waterborne transportation has increased as a result of the destruction of the PATH train station at the World Trade Center. Ferry services also provide connections from Long Island and Connecticut, although on a more limited scale than the trans-Hudson and intra-city routes. Plans have also been developed for expansion of ferry commuter volume based in part on anticipated large-scale waterborne transport of participants and spectators during the 2012 Olympics, if New York is selected as the host city.

New York City's capital commitment plan for fiscal year 2003 includes funds for upgrading city-owned ferry facilities used by private operators: \$2 million in city funds and \$36 million in non-city funds. Projects include 34th Street ferry landing; Pier 11; downtown inter-modal (Pier 5); and Pier 79 (midtown ferry terminal).

currently accessible to the disabled and would not require additional spending in response to Intro. 261.

In most cases we do not have sufficient information to fully estimate the cost of complying with Intro. 261. In particular we do not have a full inventory of the number of piers and vessels that would require upgrading to come into compliance. Obtaining this information would require an engineering and compliance survey of existing facilities which is beyond the capacity and expertise of IBO. Rather than considering the aggregate costs, the following paragraphs describe the unit costs associated with particular types of upgrades or replacements that will prove necessary in at least some cases. For this discussion we have relied heavily on a report commissioned by the U.S. Department of Transportation which estimated the costs for implementing the ADA for passenger vessels and shore facilities². The unit costs cited reflect the access premium, the increased cost of providing access relative to current practice.

Ground transportation. The ADA already requires that newly purchased buses, other land transportation, and fixed route buses comply with its regulations. The regulations appear to apply to the free fixed route bus services provided by ferry operators. In 1993, the former Congressional Office of Technology Assessment estimated that the cost of outfitting a newly constructed bus with accessible technology and operating it over the vehicle's lifetime (20 years) at between \$25,000 and \$56,000. The capital cost estimate for a vehicle-based level-change device or lift is \$9,800. (All estimates are in 2003 dollars.) The current costs for retrofitting and the access cost premium for new construction likely have been reduced by new technologies.

Docks and piers. Shore facilities are predominantly city-owned and the costs associated with complying with Intro. 261 would be borne by the city. The shore side infrastructure presents a wide variety of construction and design types to meet requirements of tide, current, vessel use, and space limitations. Piers are built to match vessels of varied size, service and number of vessels using a particular facility. The basic engineering and design types are limited, but the diversity of arrangement and accommodation nearly matches the number of existing vessels. In order to make an accurate estimate the cost of complying with the provisions of Intro. 261, an inventory of the current state of all existing piers would be required.

In order to determine the incremental costs of providing access—the additional costs of fully accessible system relative to existing industry standards for pier construction—each individual situation would have to be calculated.

²U.S. Architectural and Transportation Barriers Compliance Board. *Access for Persons with Disabilities to Passenger Vessels and Shore Facilities: The Impact of Americans with Disabilities Act of 1990. Final Report.* Office of the Secretary of Transportation, Office of Environment, Energy and Safety, Environmental Engineering Division, 1996.

construction is estimated at \$13,400. The legislation requires each vessel to carry at least one evacuation chair at an approximate cost of \$500 each and to have at least one crew member on board trained in using the chair to aid a disabled person in an emergency. The number of vessels in each private ferry fleet would need to be known along with a detailed inventory of pertinent information on the configuration of each vessel relating to accessibility, as well as the projected replacement schedule for each fleet. This determination is beyond the scope of this report, but given the modest unit capital cost estimates the magnitude of the investment required by private ferry operators is not likely to be high.

Timeframe for compliance. The proposed legislation would take effect immediately upon passage, with all necessary retrofitting to be completed one-hundred and eighty days from the effective date. Given the normally long timeframes of capital projects, including the shoreline facilities and changes to vessels, it may prove very difficult and expensive to meet the retrofitting deadline. A certain number of aging ground transportation vehicles and marine vessels scheduled to be replaced with new construction would be replaced rather than retrofitted. Currently scheduled retrofitting, rebuilding, and new construction of piers may not be completed within the compliance window time constraints; depending on the date the law takes effect and how much of the EDC shoreline facilities plan has been completed.

Enforcement and reporting requirements. The city Commission for Human Rights and the Department of Transportation are required by Intro 261 to provide the Mayor and City Council with biannual reports on compliance and non-compliance. Civil penalties are between \$250 and \$5,000 per violation for each day the violation continues. There will be some costs to the city for the creation of mandated reports, enforcement personnel, and data collection on the accessibility of city owned shoreline facilities, and private ground transportation and vessels.



structural design
entertainment engineering

bridge & highway engineering
geotechnics

civil & site engineering
curtain wall design

marine facilities
subaqueous investigation

August 22, 2002

New York City Economic Development Corporation
110 William Street, 6th Floor
New York, New York 10038

FAX: (212) 312-3916

Att: Mr. Paul Januszewski
Director of Ferry Transportation

Re: East/Harlem River Ferry Landings
New York, New York
MGM File No. 100311

Dear Mr. Januszewski:

In recent meetings with the Community Board 8 the issue of ADA compliance has been raised as a concern of the community. Compliance to the Americans with Disabilities Act is a concern of the McLaren Engineering Group, as well. ADA compliance is a key design issue for all ferry terminals and landings designed by MGM.

The Americans with Disabilities Act has been very effective in providing access to buildings for all Americans. Its acceptance and understanding throughout the architectural community has been a societal improvement. The design team has designed each landing to meet ADA requirements for the upland and marine aspects of the project. The upland requirements for ADA are clear and guidelines have been published, while the marine aspects (gangways) have not been published. In 1998, the Architectural and Transportation Barriers Board established a Passenger Vessel Access Advisory Committee to make recommendations for regulations applying the ADA to vessel design and construction. The Committee published its recommendations in 1999 and submitted a final report in December of 2000. Within this report is a section on gangway that provides an accessible means of embarking/ disembarking a vessel. The Board is currently proposing guidelines based on the Committee's report. Although not yet formally adopted, we have considered and implemented its recommendations to all of our ferry terminal design projects.

For your use and information, we have included a binder that contains both the recommendations and the final report.

If you should have any questions regarding the above please call.

Very truly yours,

The Office of
M.G. McLAREN, P.C.

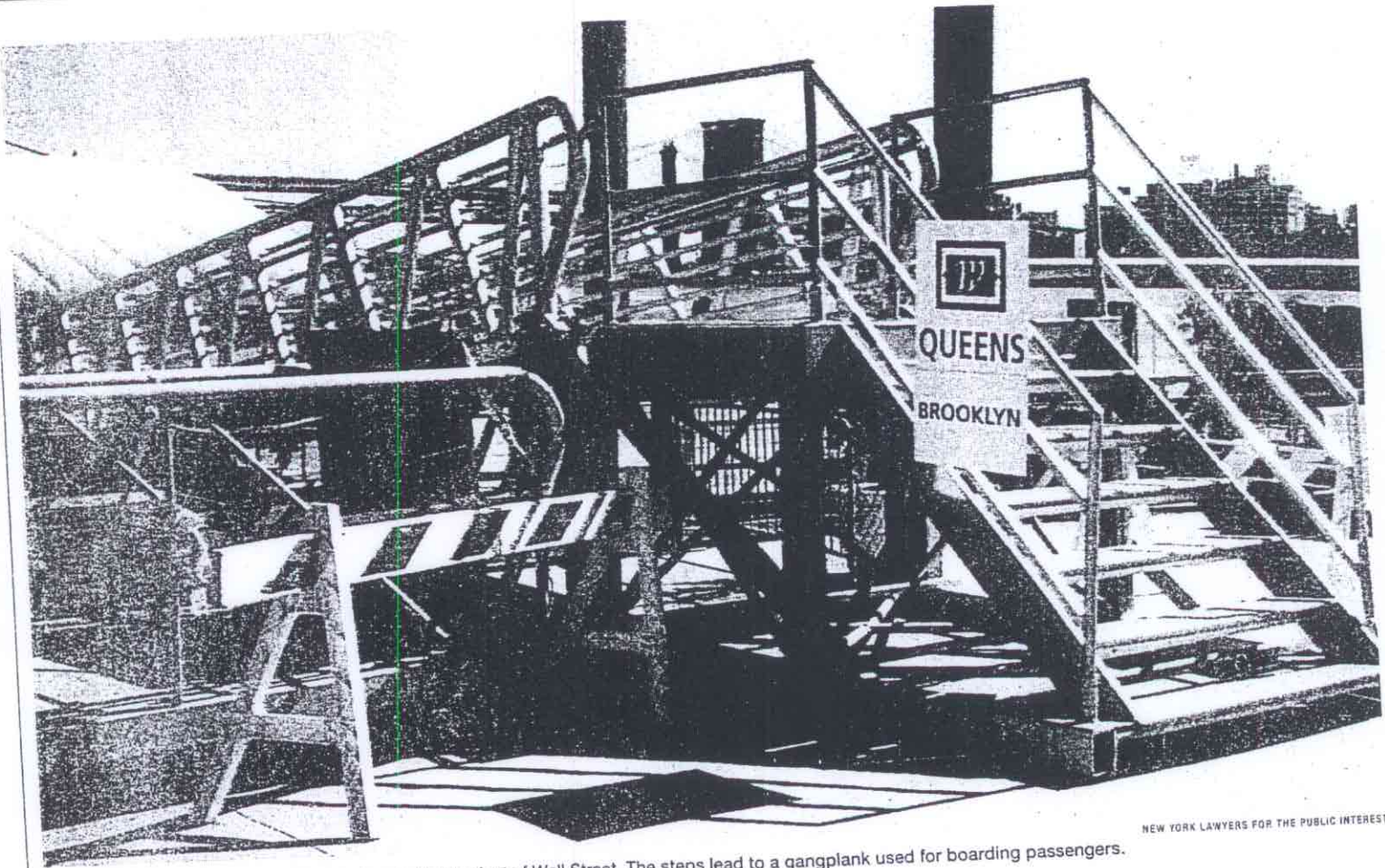
Rodney J. Van Deusen, Jr.
Rodney J. Van Deusen, Jr.
Chief of Waterborne Transportation
RVD/rvd/js
cc: File 100311

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EXHIBIT C

NEW YORK



INACCESSIBLE A ferry stop at Pier 11, located at the foot of Wall Street. The steps lead to a gangplank used for boarding passengers.

NEW YORK LAWYERS FOR THE PUBLIC INTEREST

Private Ferry Operators Under Fire for Failure To Provide Easy Access to Disabled

By ERROL LOUIS
Staff Reporter of the Sun

Advocates for the disabled rallied at City Hall yesterday to mark the release of a report by Council Member Margarita Lopez that blasts the ferry system for being inaccessible to people with disabilities.

The report coincided with the first council hearings on Ms. Lopez' bill that would require private ferry operators to make their systems comply with federal accessibility standards.

Although advocates have complained about ferry accessibility since 1994, the issue became more urgent after the September 11 terrorist attack, when workers used private ferries to flee Lower Manhattan. Since then, city and state officials have announced plans for new or upgraded ferry termi-

nals around the city's waterfront.

But the advocates say the planned upgrades don't include clear standards to ensure wheelchair users will be able to use all parts of the system. Some shuttle buses to the piers, for example, don't have hydraulic lifts. In other cases, docks that connect boats to a pier include steps that are impassable for wheelchair users.

Adding to the problem is that the buses, piers, docks, and boats that ferry riders use may vary widely from location to location.

"Currently, there are no standards...with regards to the piers, docks, and ferry transportation vehicles for individuals with mobility or other disabling impairments," Ms. Lopez said. "Promises are no good anymore — we need a law."

"We have seen a great expansion of ferry use in the last year," said Council Member David Yassky of Brooklyn, one of the bill's 41 co-sponsors.

"We have to make sure that the mass transit system is open to all New Yorkers," he said.

"We're looking at the same problems we were looking at 7 1/2 years ago," said John Gresham of New York Lawyers for the Public Interest, who visited ferries in the 1990s with people in wheelchairs to document accessibility problems.

Mr. Gresham and Ms. Lopez said that it would be cheaper in the long run to make the system accessible, rather than retro-fitting boats and docks in the future.

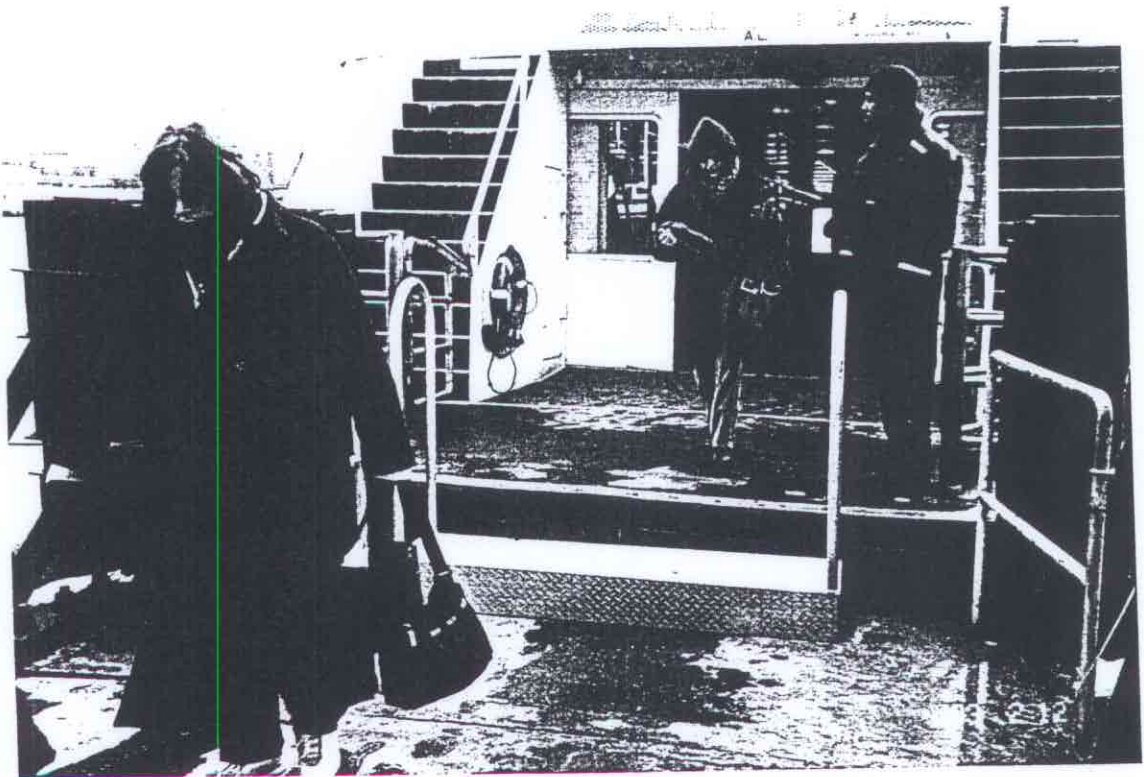
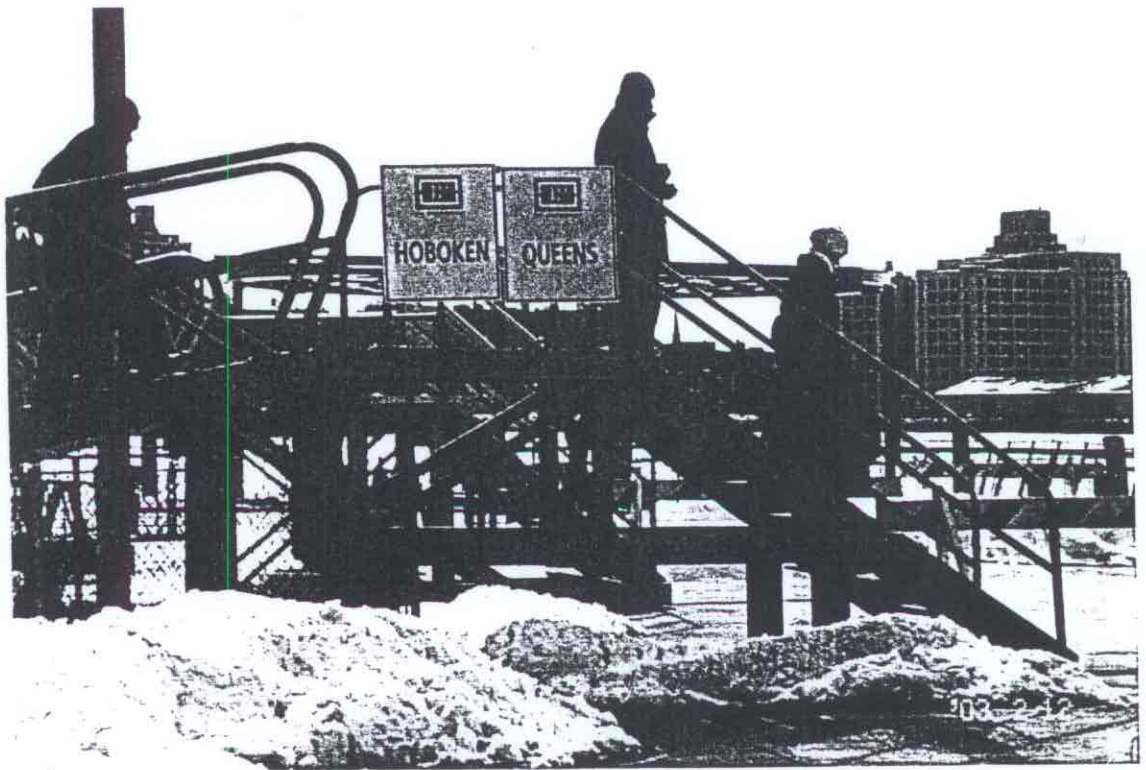
"This is the last five bucks in the \$1,000 it costs to equip a pier or a

boat," Mr. Gresham said. "You can do this. It's not expensive."

Chairman Alexander Wood of the Disabilities Network of New York City noted that accessibility issues would affect the city's bid for the 2012 Olympics — which will be followed by the Paralympics, in which people with various physical challenges stage sporting competition in the same city as the Olympics.

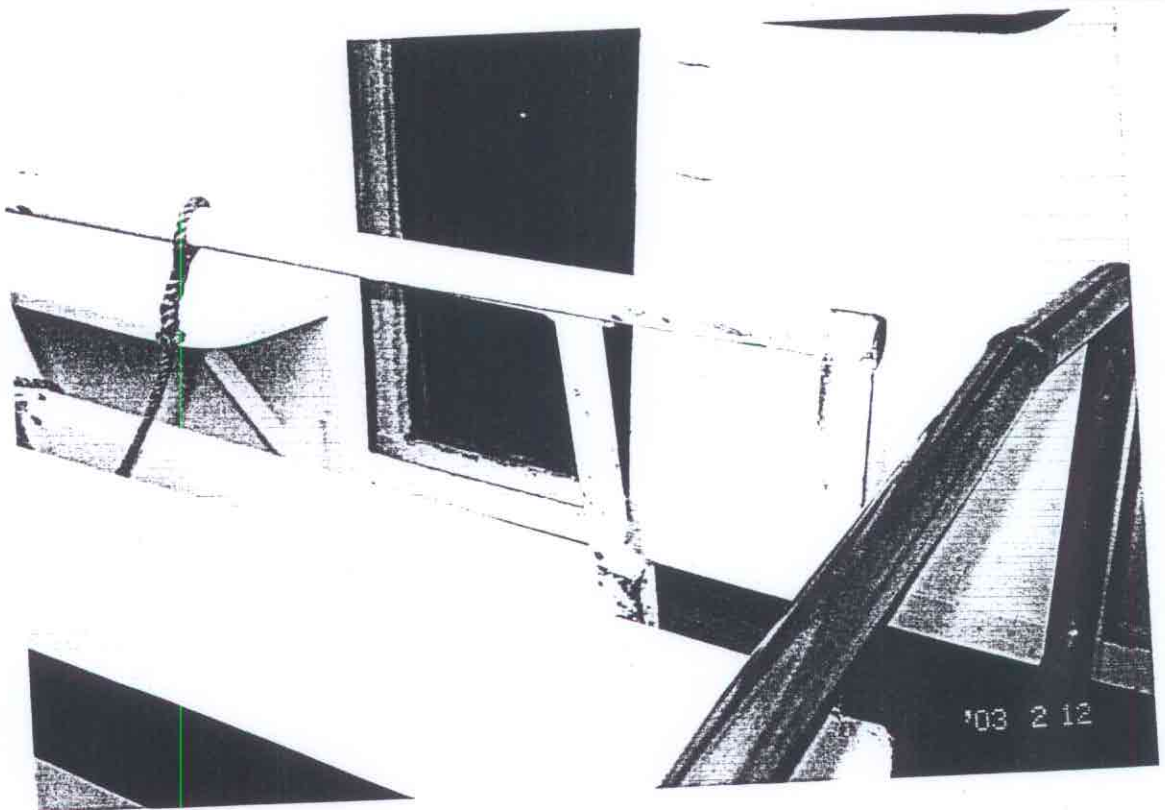
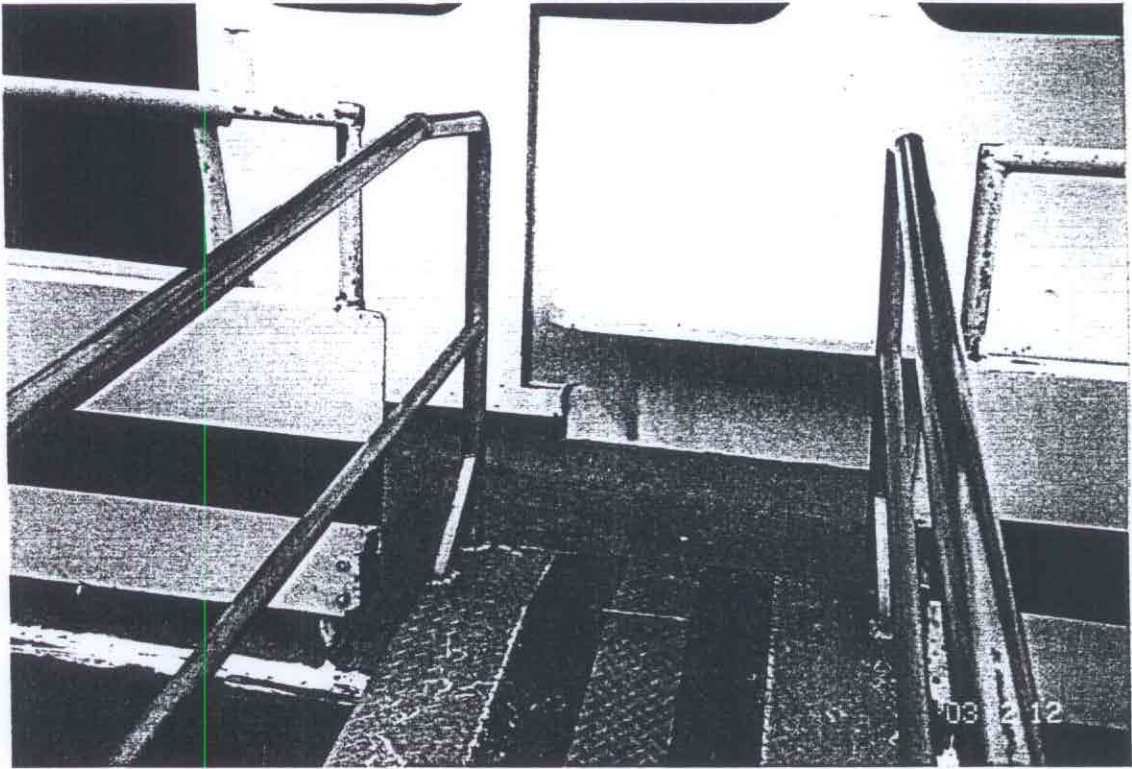
"In order to win that bid, New York has to have accessible facilities," he said.

Certain locations were cited as particularly hard to use. "The 90th Street terminal is an absolute horror, completely inaccessible," said Patricia I. Ingston, a rehabilitation counselor at the New York University Department of Health Studies.



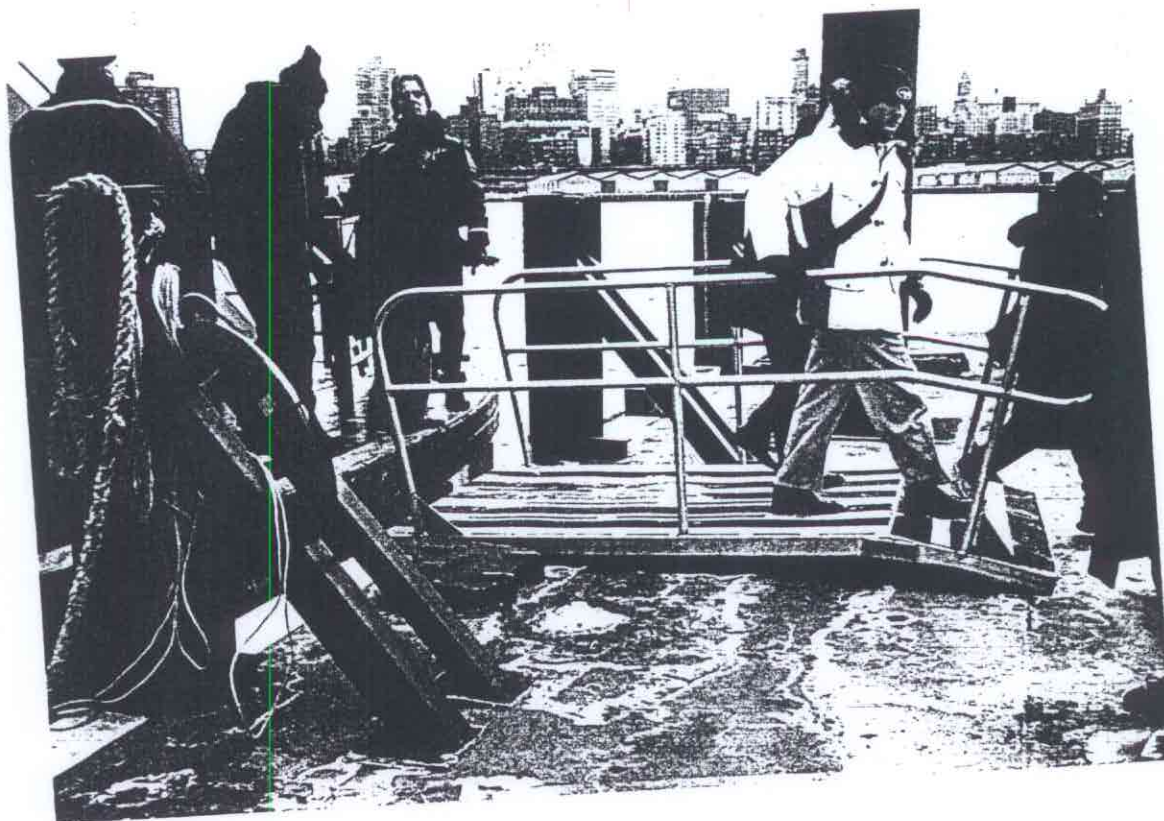
Pier 11 - 2/12/03

Exhibit E



Pier 11 - 2/12/03

EXHIBIT E



Pier 11 - 2/12/03

Exhibit E

Accessibility of DOT-Mangaged Ferry Landings

FACILITY	FERRY SERVICES	CURRENT ACCESSIBILITY TO WHEELCHAIRS	TARGET DATE FOR WHEELCHAIR ACCESSIBILITY	REMARKS
East 34th Street	NY Waterway <ul style="list-style-type: none"> Hunters Point Harbor Shuttle <ul style="list-style-type: none"> LaGuardia Airport 	Not Accessible	Fourth Quarter, 1996	Initial accessibility to be accomplished with in-house forces in 1996, permanent reconstruction of facility by 1998.
Pier 11 (Wall Street)	Harbor Shuttle <ul style="list-style-type: none"> LaGuardia Airport 69th St. (Bay Ridge) Bayonne/Mariners Hrbr Express Navigation <ul style="list-style-type: none"> 69th St. (Bay Ridge) Highlands/Atlantic Hglds 	Not Accessible	1998	Pier to be demolished and completely reconstructed beginning in early 1997. New facility is currently under design and is scheduled for completion in 1998.
Slip 5 (BMB/South Ferry)	NY Waterway <ul style="list-style-type: none"> Weehawken Port Liberte 	Accessible		Barrier free, but slope may require assistance at some tides. Capital reconstruction under consideration, with likely date of 1999.
69th Street (Bay Ridge, Brooklyn)	Harbor Shuttle <ul style="list-style-type: none"> Pier 11 Express Navigation <ul style="list-style-type: none"> Pier 11 Highlands/Atlantic Hglds 	Not Accessible	1998	NYCDOT has Federal capital funds to improve ferry landing. New design will be accessible.
E. 90th Street Pier	NY Waterway <ul style="list-style-type: none"> Yankee Stadium Commuter/LaGuardia Harbor Shuttle <ul style="list-style-type: none"> Commuter/LaGuardia 	See Remarks		Floating dock to be installed by NY Waterway by start of full service Spring 1997 and will be accessible. Trial service in Fall 1996 (commencing August 6) will operate from existing pier and will be made accessible with assistance from crew.
E. 75th Street	Harbor Shuttle <ul style="list-style-type: none"> Commuter/LaGuardia NY Waterway <ul style="list-style-type: none"> Commuter/LaGuardia 	To be constructed as accessible-1996		Floating dock to be installed by Harbor Shuttle by start of service in Fall 1996 and will be accessible
E. 62nd Street	Harbor Shuttle <ul style="list-style-type: none"> Commuter/LaGuardia NY Waterway <ul style="list-style-type: none"> Commuter/LaGuardia 	To be constructed as accessible-1996		Floating dock to be installed by Harbor Shuttle by start of service in Summer 1996 and will be accessible
Yankee Stadium	NY Waterway	Accessible		Accessible van service will be provided between ferry dock and Yankee Stadium

8/1/96

EXHIBIT F