



NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON TRANSPORTATION
MAY 5, 2021

Good morning Chair Rodriguez and members of the Committee on Transportation. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings (“the Department”). I am pleased to be here to discuss two of the bills before the Committee, regarding making deliveries more sustainable.

The Department is hard at work implementing the historic Climate Mobilization Act, which regulates greenhouse gas emissions from large buildings greater than 25,000 gross square feet starting in 2024. Last year, these large buildings were also required to start posting energy grades at their buildings, which ensures that buildings are held accountable for their performance and makes their energy efficiency transparent to the public. We are very much aligned with the City Council on the issue of reducing carbon emissions and it is clear that large buildings have a critical role to play.

Intro. 2281 creates an Office of Sustainable Delivery Systems, which is tasked with making deliveries to and from buildings greater than 500,000 gross square feet more sustainable. One of the primary responsibilities of this new office would be to provide guidance to owners on the development of delivery and service plans, and to oversee the implementation of such plans. While the Department is certainly committed to sustainability, we do not have expertise in making deliveries more efficient and sustainable, particularly where regulating vehicle movements is involved. However, like our colleagues at the Department of Transportation, we are certainly committed to working with the City Council to further our shared sustainability goals, and look

forward to discussing this bill further to determine if there are issues where the Department can contribute its expertise.

Intro. 2280 requires secure package storage areas in certain new and existing residential buildings. The Department understands the need for efficient package management and is aware that certain buildings have already started to include space for package storage in their design. As such, the Department supports this bill as it relates to new buildings and looks forward to working with the City Council to address key details, including how much space for package storage should be provided within a building. With respect to existing buildings, this proposal merits further discussion with existing building owners to fully understand the challenges it may present for them and to ensure that there are no unintended consequences, including requiring significant alterations to an existing building where minor construction work is being performed elsewhere in the building.

Thank you for the opportunity to testify before you today. I welcome any questions you may have.

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY ON INTRODUCTIONS
2253, 2277, 2279, 2281, 2282, 1811, AND 1819
BEFORE THE CITY COUNCIL COMMITTEE ON TRANSPORTATION
May 5, 2021**

Good morning Chair Rodriguez, Speaker Johnson, and members of the Transportation Committee. I am Hank Gutman, Commissioner of the New York City Department of Transportation. With me today are Eric Beaton, Deputy Commissioner for Transportation Planning and Management, and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. We are also joined by Commissioner La Rocca from DOB. Thank you for the opportunity to testify on behalf of Mayor Bill de Blasio on the Administration's freight vision and this package of freight and delivery bills as well as Intro. 1811 sponsored by Council Member Powers which would create a pedestrian safety zone in the Theatre District in Manhattan and Intro. 1819 sponsored by Council Member Holden regarding fire hydrant street markings.

The Future of Freight in New York City

In recent decades, New York City has experienced record growth in terms of population, jobs and commerce. Our complex freight network—with trucks delivering 90 percent of our goods—has played a critical role in this growth. The combined effects of the growth of e-commerce and the impact of the pandemic have dramatically increased freight volumes, not only between businesses, but to our residences as well. The New York Metropolitan Transportation Council, or NYMTC, projects that by 2045 our city will move 68 percent more freight on an already-constrained transportation network. However, more and larger trucks are emphatically not the answer.

We need to bring about a transformative shift in the way freight moves through our city—to reduce our dependence upon large trucks to deliver our freight, particularly in what is referred to as “the last mile”—which in New York City may actually be the last five or ten miles. Just as the Administration is reimagining how people move through our City, by expanding bike and bus and e-mobility options, to reduce our dependence on the privately-owned automobile, we must reimagine how goods move as well, creating safe, attractive and environmentally friendly alternatives to the large trucks that poison our air, stress our aging roads and bridges and harm the quality of life in our residential neighborhoods. The plans we make today will determine the future of our City.

We can and must find alternative ways to move goods that reduce the negative environmental, traffic, infrastructure, and safety effects on our City and its neighborhoods, particularly on low income communities and communities of color. New and creative solutions are needed—along with the renewed use of some old solutions, such as the waterways that are the original “highways” around which our City was built. We should leverage our access to water and rail and find more ways to bring goods into the city through our ports and terminals, following the lead of global cities such as Paris and Rotterdam, and U.S. cities like LA and Long Beach, Boston, Chicago, Charleston, Savannah, Norfolk, and Oakland.

But despite a shift towards maritime and rail transportation, trucks and other commercial vehicles including cargo bikes will still be needed to make “last-mile” deliveries. As long as trucks travel our streets and through our communities, we need to reduce their volume and size, shorten their trips, ensure that they not violating rules related to truck size and dedicated truck routes, convert them to clean-fuel vehicles, and make them safer. To reduce our reliance on diesel trucks, we need to shift to alternative modes of moving goods—using a hub and spoke model of distribution centers where deliveries are handled by electric cargo bikes and smaller, environmentally-friendly vehicles, especially in our dense urban centers. The private sector is doing this on their own because it makes business sense. The City can help facilitate and accelerate this trend.

And we need targeted enforcement to foster a culture of compliance to protect both our infrastructure and our neighborhoods. To enforce overweight, over-dimensional, and off-route vehicles that damage our streets and bridges and harm our communities, we must explore and expand automated forms of enforcement and revise our antiquated permitting system and fees. Legislation sponsored by Senator Kavanagh and Assembly Member Simon, S2750A/A2316, would authorize a program to use automated enforcement to protect the BQE, where weigh-in-motion sensors have determined that some trucks traveling on the structure weigh as much as 170,000 pounds, more than double the federal legal guidelines. This is not the only highway on which weight and size limits are ignored, and many of our streets in residential neighborhoods are plagued by oversized trucks that do not belong there.

Transforming the Way Freight Moves through the City

Over the past several years, the DOT has engaged with industry stakeholders and government partners as it developed its Smart Truck Management Plan, which lays the groundwork for policies that will accelerate the adoption of zero-emissions urban freight technologies and innovations that improve the sustainability and resilience of the last-mile delivery network. We also identify opportunities and strategies to build on the freight initiatives found in the OneNYC plan, the DOT’s own strategic plan, EDC’s FreightNYC, and New York State’s Freight Transportation Plan. I am pleased to say DOT received funding in the April Plan to support this critical work, and fortunately, DOT is already undertaking a number of initiatives with our partners in and out of government to transform the way freight moves through our city.

First, the agency continues to designate parking spaces for loading or commercial vehicles. Launched in 2019, our Neighborhood Loading Zone program responds to the shift to residential deliveries and helps to reduce double parking, to keep bus and bike lanes clear by providing space for active loading or unloading of personal, for-hire, or commercial vehicles. With 111 Neighborhood Loading Zones citywide—49 of which DOT added during the pandemic—our first year evaluation of the program demonstrated its success. In the first year, overall double parking on corridors with these zones decreased by a range of 10 to 70 percent, and corridors with the highest zone use averaged 600 vehicles per space each month, for about 26 minutes at a given time. We also found that zone effectiveness and utilization is dependent on length of zone, placement along a block, parking enforcement, and local demand characteristics, all of which will inform our strategy as we expand the program citywide. In addition, all Street Improvement Projects in metered areas undergo a thorough curb evaluation that often includes the installation

of additional commercial parking spaces. Finally, the agency adds commercial spaces based on requests from businesses, many in non-metered areas.

Second, through our Commercial Cargo Bike Pilot Program, DOT incentivizes adoption of sustainable and efficient freight delivery by making designated loading and unloading space available for cargo bikes on-street. Cargo bikes in the pilot can load and unload wherever commercial vehicles can, and are exempt from muni-meter payment. In addition, DOT installed two cargo bike corrals to date for businesses that need on-street space to facilitate operations, with more planned for 2021. Companies participating in the program share cargo bike trip GPS data with us. Based on an analysis of this data, the number of cargo bike deliveries increased 109% between May 2020 and January 2021. In January 2021 alone, there were over 45,000 cargo bike deliveries. And no traffic crashes involving these bikes have been recorded since the start of the pilot. Based on this success, DOT plans to promulgate rules to make the program permanent.

State law enacted last year restricts e-bike width to three feet, prohibiting many off-the-shelf cargo bike models. As called for in the Council's Resolution, the Administration supports the passage of Senator Ramos and Assembly Member Jackson's bill, S.2757/A.6748, to increase those width limitations to allow cargo bike designs that are more efficient, ergonomic, and more readily available. This will allow our program to continue growing and make it easier for companies to leverage sustainable micro-mobility for last mile delivery.

Third, the City also supports off-hour deliveries through DOT's Off-Hour Deliveries program, which Mayor de Blasio launched in April 2019 as part of a comprehensive program to reduce congestion, improve bus transit speeds, and decrease the opportunity for conflicts with pedestrians and cyclists. The program encourages goods delivery during off-peak hours of 7 pm-6 am to decrease congestion and truck emissions with the goal of reaching 1,500 business locations by the end of 2021, specifically in midtown Manhattan, Lower Manhattan, downtown Brooklyn, Flushing, and Jamaica where there are high pedestrian volumes and limited curb space. With participation at over 900 business locations citywide, we continue to expand the program despite pandemic-related challenges businesses have faced.

Fourth, the City's Truck Route Network, established in the 1970s and most recently revised in 2015 and 2018, requires regular updating to reflect changes in residential and commercial land use patterns, the transportation network, and delivery patterns from e-commerce. The Administration supports changes to add connectivity to, from, and within Industrial Business Zones and to fill in gaps, adding new designations where needed and removing certain routes as well.

Fifth, the New York City Clean Truck Program, which builds on the successful Hunts Point Clean Truck Program which replaced over 500 South Bronx trucks and required safety elements such as sideguards. In June 2020, DOT announced the expansion of New York City Clean Truck Program, a rebate incentive program to accelerate the deployment of cleaner trucks in Industrial Business Zones, located near Environmental Justice communities that have historically been subject to a disproportionate amount of diesel exhaust emissions. The program will invest \$9.8

million to replace older, dirtier diesel-powered trucks with advanced transportation technologies and alternative fuels trucks, including electric trucks.

Sixth, emerging curb management technologies are allowing us to better manage and regulate the curb. The City's transition to plate-based technologies such as mobile payment and the upcoming launch of pay-by-plate and virtual permitting offer tools to keep pace with the changing needs of our streets.

And finally, the coming implementation of the Central Business District Tolling program, the nation's first congestion pricing program, represents a transformational opportunity to increase freight efficiency. DOT is working closely with the MTA, which is responsible for implementing and operating the program, and will participate in evaluating the system.

Legislation

Now, turning to the bills before the Committee today.

Introduction 2279

First, Intro. 2279 by Council Member Reynoso on installing more commercial loading zones. The Administration supports the expansion of commercial loading zones to help mitigate the challenges of accessing curb space in the city's high density areas. We are actively expanding these zones and often install new zones, together with other changes, as part of larger Street Improvement Projects. We are always looking for places to do more, but we do not believe that implementing more loading zones according to blanket formulas is the right approach, and could be counterproductive.

Our team analyzed the geographic parameters in the bill and found that this would cover large areas across the Bronx, Brooklyn, Manhattan, and Queens where there is currently little or no commercial loading. Complying with the bill as drafted would require substantial repurposing of existing private passenger vehicle parking in many of these neighborhoods. While this can be helpful in the right locations—DOT has been actively adding loading zones in both residential and commercial areas—this specific 25 percent requirement may require new zones in areas where they are not actually needed and miss areas where they are. While we agree with the objective of this legislation, we do not believe it will accomplish that objective as currently drafted. We welcome a dialogue with the Council about goals for implementing more loading zones across different areas of the city.

Introduction 2277

Second, Intro. 2277 by Council Member Powers, which contains several provisions on the management of commercial loading zones. While we strongly support the goal of enhancing the management and performance of these zones, the Administration would like to work with the Council on revising the bill to achieve this goal. The bill would require all loading zones to have muni-meters. Requiring the installation of costly hardware on street could have the unintended consequence of slowing the deployment of loading zones or even preventing them entirely when the budget is constrained. Rather than require a specific means of capturing payments and managing time, we would suggest that the department have flexibility to use meters, a mobile payment system, a reservation system or a combination of these in managing loading zones.

The bill would also extend the hours a commercial vehicle can park if parking is metered from three hours to eight hours. Similarly we would suggest that the department have flexibility to use shorter and longer durations depending on the needs of the local land uses rather than being locked into an 8 hour standard, as different communities have different needs.

The bill also includes a requirement for DOT to include stipulations to require alternative loading zones whenever use of the street for a construction project obstructs a loading zone, which is thousands of permits each year. While designating alternative temporary loading zones during construction may be necessary in limited cases, it can be very challenging and labor intensive. We must contend with high residential density, competing and evolving land uses throughout the city's central business districts, and overall limitations to sidewalk space. And we continue reimagine our streets to meet the ever-increasing demand, most recently with the Open Streets and Open Restaurants programs which are now becoming permanent fixtures in our city.

It could be impossible to comply with this blanket requirement in some cases. In many parts of the core, all available curb space is already dedicated to commercial loading during peak hours, so there are not additional locations for temporary loading zones. And in other cases, this requirement could be unnecessary. For example, during construction, the commercial, residential, or manufacturing use of an adjacent property that a particular loading zone is intended to serve is often suspended, and thus the loading zone may not be needed during that time.

Introduction 2282

Next, on Intro. 2282 sponsored by the Chair, which would require a truck route redesign. As I discussed earlier, the Administration supports making revisions to our truck routes. However, I should note a few responses to the legislation as drafted. The bill would mandate initial and final reports on proposed changes with public comment requirements. Our current process for making changes to the truck route network, however, already has its own hearing and public comment process as required by the City Administrative Procedure Act, known as "CAPA." While we value public input, we should ensure that the legislation does not create a duplicative process. The bill would also require DOT to implement daylighting at each intersection adjacent to the truck route network. While daylighting is an important tool in our toolbox, it is not a one-size-fits-all solution. We have found it valuable in some places, but not in others, and it is critical that DOT retain the discretion to determine where to use it.

Introduction 2253

Next, on Intro. 2253 by the Speaker: micro-distribution centers are the future, and this Administration strongly supports encouraging their adoption. When paired with environmentally friendly vehicles, these hubs have the potential to increase efficiency and decrease negative effects on the environment and local communities by reducing traffic and delivery vehicle dwell time in high-demand, high-density areas with limited curb space. Many have already begun popping up throughout the City, but we want to ensure companies, both big and small, have access to this type of facility. We look forward to working with the Council and discussing possibilities for a pilot program, and how best the City can promote micro-distribution, including by partnering with and catalyzing the private sector. And, as I mentioned earlier,

amending State legislation to allow wider cargo bike models is crucial to supporting private sector adoption.

Introduction 2281

Next, Intro. 2281 sponsored by Council Member Rivera which would require DOB to create an office of sustainable delivery systems and require large commercial buildings to implement delivery and servicing plans. Service and delivery plans are a promising practice to enhance sustainability and reduce congestion. We welcome conversations with the Council about how the City can best encourage these plans, building on the City's experience working with large buildings through the Carbon Challenge. I defer to our sister agencies about implementation challenges for this bill.

Introduction 1811

Next, Intro. 1811 sponsored by Council Member Powers which would geographically expand designated activity zones, or "DAZs," and pedestrian flow zones that DOT implemented and maintains in Times Square. We are proud of the work we have done along with our partner agencies and stakeholders to craft innovative responses to pedestrian congestion in this one-of-a-kind location. However, the DAZs and flow zones we implemented are possible because of the amount of pedestrian plaza space at this specific site. We believe that expanding the approach to general sidewalks outside of the unique location, as the bill calls for on several additional blocks, presents many feasibility challenges. In addition, our colleagues in the Administration have other concerns that we look forward to discussing with the Council.

Introduction 1819

Finally, Intro. 1819, which would require DOT to mark the location of each fire hydrant using a symbol painted in the middle of the street, directly across from the hydrant. We defer to our colleagues at FDNY on the emergency response benefits of this proposal, but for DOT, installing and maintaining such markings would require very significant resources.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify today. The challenge before us is great. We must meet the projected increased freight activity over the next several decades while working towards a safer, more responsible, sustainable, and efficient freight system that grows the economy, supports freight-related jobs, and delivers the goods that residents and businesses need. Today I have highlighted just some of the aspects of our agency's vision and a few promising strategies we plan to pursue. We look forward to working with the Council on these strategies and further discussing these pieces of legislation. We welcome your questions after you hear from our colleagues at DOB.



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Gale A. Brewer, Borough President

Wednesday May 5, 2021

**Gale A. Brewer, Manhattan Borough President
Testimony Before the New York City Council
Committee on Transportation**

My name is Gale Brewer and I am the Manhattan Borough President. The bills under discussion today take up the challenges of how our City handles the delivery of goods and services without adverse impact on traffic and the environment. I am going to discuss three bills in particular: Speaker Johnson's Intro 2253, Councilmember Reynoso's Intro 2279, and Councilmember Rivera's Intro 2281, each of which I support in principle but it is my understanding that these proposals have not been reviewed by Community Boards. These draft bills will directly affect how residents obtain their food and therefore should be subject to extensive public input at the local level.

Speaker Johnson's Intro 2253 would require the DOT to pilot 12 micro-distribution centers, which would transfer goods to sustainable modes of last mile delivery. These centers would function much like the cargo-bike delivery corrals currently installed outside of several Whole Foods stores in Manhattan, which aim to make deliveries to residents via bikes rather than trucks. In a city as dense and congested as ours, last mile delivery of goods via space-efficient vehicles like bicycles is a common-sense solution; it is my expectation that this pilot will demonstrate that we can successfully reduce truck traffic on our local streets. I only ask that the Council amend this bill to require the DOT to install cargo-bike

corral stations in front of each micro-distribution center to ensure these bikes do not congest the sidewalk and will operate safely.

Councilmember Reynoso's Intro 2279 would require the DOT to designate commercial loading zones in 25% of certain census tracts. Commercial loading zones are proven to ensure deliveries happen in a timely manner and don't induce double parking, which can lead to traffic congestion and crashes. This bill should help avoid these issues, especially in many congested parts of Manhattan, which have only seen these problems worsen as outdoor dining spaces have replaced commercial spots. However, this bill should be amended to let DOT prescribe more varied street-by-street solutions, and should also include the agency's new 'Neighborhood Loading Zone' signage, which greatly reduced the amount of double parking on streets in Chelsea and the Upper West Side.

And finally Councilmember Rivera's Intro 2281 would create an office of sustainable delivery systems and require commercial buildings over 500,000 gross square feet in size to produce delivery plans to DOB that aim to reduce truck traffic. Large commercial buildings that generate significant truck traffic should indeed be required to plan deliveries in ways that reduce local disruption to neighbors. Through the use of delivery consolidation, off-peak deliveries, reservation systems for delivery docks, and with the assistance of the DOB's newly-formed delivery systems unit, this legislation should enable large buildings to receive deliveries with less disruption to pedestrians, cyclists, and vehicles. I support this legislation, but I would prefer to see these regulations administered under my proposed Office of the Public Realm and not under a separate office for delivery systems.

Thank you for the time to testify in support of this important legislation. I appreciate the Council's proactiveness on this important issue and look forward to working with you and the DOT on improving how our City handles the delivery of essential goods and services.

The Real Estate Board of New York to The Committee on Transportation on Intro 2281- 2021, Intro 2280-2021, Intro 2277-2021, and Intro 1811-2019

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Committee for the opportunity to testify on the proposed legislation regarding freight and delivery.

Freight and delivery services are crucial to continued life in New York City. Of the 365 million tons of cargo that enters, exits, and transits through NYC annually, 89% is carried by a truck.¹ The freight industry brings in the materials we use to build and maintain our city as well as supply our stores, including clothes, household goods, hospital supplies, food and beverages, and countless other items essential to everyday life.

Our reliance on freight and delivery is so great that in 2019 44.9% of New Yorkers received a delivery at home multiple times a week. That trend is only expected to grow.² Online shopping shows year-on-year increases, and total volume of goods moved by freight and delivery is expected to jump by 68%, up to 540 million tons, by 2045.³

These figures raise valid questions about the impact delivery vehicles have on traffic congestion, which is a detriment to public health, safety, the environment, and overall quality of life.

Fortunately, we have a high-level understanding of the impact of freight and delivery on mobility in the city. In 2017, Council passed Local Law 189, which required the study of traffic congestion resulting from truck deliveries in Manhattan below 59th Street and in Downtown Brooklyn.

The Department of Transportation (DOT) found that trucks account for "a meaningful but relatively small percentage of the traffic stream" between 8% and 12%.⁴ The remaining 88-92% of traffic is comprised of private vehicles, taxis, for-hire vehicles, and buses. While trucks no doubt contribute to traffic, the DOT's own report asserted that congestion from other vehicular traffic had a more adverse impact on trucking,

¹ <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-ll189.pdf>

² <https://www1.nyc.gov/html/dot/downloads/pdf/mobility-report-singlepage-2019.pdf>

³ <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-ll189.pdf>

⁴ <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-ll189.pdf>

with congestion in studied areas impeding the speed of truck mobility by as much as 50% during the day. The cost of congestion amounts to \$4.9 billion annually on the trucking industry.⁵

While not the primary cause of congestion, improving the operations of delivery trucks can certainly make improvements to mitigate traffic and all the risks that come with it. The DOT found that peak commercial vehicle activity is four times greater than off-peak hours. As a takeaway to its study, DOT recommended that freight and delivery try to coordinate more off-peak hour deliveries, which would come as a result of a conversation between businesses, the freight industry, BIDs, and other essential stakeholders.

To effectively reduce congestion and increase the health and safety of our streets, we need more thorough analyses like the DOT's 2019 "Improving the Efficiency of Truck Deliveries in NYC." Moreover, we need a holistic understanding of the transit universe, including the full range of vehicle usage given the number of privately-owned vehicles in NYC has steadily increased in the past two decades, with 8% growth in car ownership during the de Blasio administration's first term alone.⁶

There are 1.923 million privately-owned vehicles in the city, and, on average, 4.4 million moving around the five boroughs daily. If we are to make meaningful improvements to traffic congestion, we need a comprehensive and data-driven approach that address more than just 8-12% of vehicles. To find innovative and successful solutions, the City needs to account for the changing circumstances in car ownership and the rising demand for delivery. Furthermore, in 2023 NYC will be implementing congestion pricing in the central business district, an effort REBNY actively supported and played a key role in coordinating advocacy. The City should factor in the projected change in traffic patterns and congestion as part of any additional freight and delivery regulations.

It is important to underscore that the real estate industry is eager to meaningfully contribute towards alleviating delivery truck traffic. It is concerning that many of the mandates in this legislative package significantly impact property owners, managers, and building service workers, however, the City's logistical challenges, the rise of e-commerce trends, and the operations of the freight and delivery industry are not within its control and may not lead to our shared goal. REBNY stands ready to help Council explore effective measures. What follows is more specific comments to the Introductions being heard today.

BILL: Int 2281-2021

SUBJECT: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating an office of sustainable delivery systems and requiring large generator of truck traffic buildings to produce and implement a delivery and servicing plan

SPONSORS: Council Member Rivera

⁵ <https://truckingresearch.org/wp-content/uploads/2018/10/ATRI-Cost-of-Congestion-to-the-Trucking-Industry-2018-Update-10-2018.pdf>

⁶ <https://dmv.ny.gov/about-dmv/statistical-summaries>

Intro 2281-2021 would create a new Office of Sustainable Delivery System within the NYC Department of Buildings (DOB) and require that any “large generator of truck traffic building” produce and submit a delivery and servicing plan to that office. The plans would be required to outline traffic mitigation interventions and outline sustainability-focused strategies that would “reduce the total number of delivery and service trips to the site, including through delivery consolidation, off-peak deliveries and reservation systems, and providing access to loading docks and package storage facilities.”

REBNY supports congestion reduction, but there is no supporting evidence that this legislation will achieve that end. To define a “large generator of truck traffic building” as one that is greater than 500,000 square feet alone is not an appropriate measure. Activities in buildings vary dramatically based on use type as do their delivery needs and volume. Square footage does not necessarily have a direct correlation to scale of a building’s delivery services or its efficiency of those deliveries. Indeed, many large buildings already operate incredibly efficient delivery operations with loading docks to trained staff. However, the proposed requirements will create an increase in administrative burden on property managers, greater difficulty for tenants to receive goods and deliveries, and will negatively impact building service workers.

This legislation fundamentally misunderstands the role of property owners and managers. The delivery and servicing plan that buildings would be required to create and submit to DOB for approval asks for a “document describing how freight and servicing vehicle movements to and from a site are managed.” This request goes beyond the scope of knowledge of building owners and managers, and it would be an extremely difficult prospect to track and implement how trucks and deliveries get to and from a site. Buildings can make recommendations to freight and delivery, but the routes trucks ultimately pursue to access a location is the responsibility of the vendor, not the property. To more effectively decrease congestion on our streets, this program should be directed to the industry operating the vehicles, not the building that ultimately receives deliveries.

While many of the suggested mitigation measures, such as joint tenant procurement, retiming deliveries to occur on off-peak hours, and consolidated supply drops, sound effective on paper, they are not practicable because they do not consider the variabilities in tenant needs nor the increased demands, they would have on building staff and building service workers.

First, building owners and managers must be responsive to their tenants and employees, and cannot mandate several the recommendations, such as shared procurement, and even retiming delivery or restricting delivery hours could have negative impact on tenants’ businesses. Moreover, loading dock access and elevator freight use is a highly negotiated lease clause between building owners and tenants, which owners cannot unilaterally modify nor have any legal ability to have tenants consolidate and coordinate deliveries. Let them pass a law requiring tenants to do that. REBNY understands the Council is trying to offer flexible solutions, but even the options listed are too prescriptive to accommodate the diversity of scale and needs of different tenant business operations.

Further, requiring a minimum of 50% of deliveries to be rescheduled for off-peak hours will require a significant coordination on the part of the building owner or manager and is potentially disruptive to tenants’ normal business operations. Current practice for most buildings already requires *large* deliveries to occur on off-peak hours. While this does vary in certain scenarios, such as properties under construction that may necessitate continuous deliveries to support on-site activities, by and large, buildings already make their best efforts to limit delivery while buildings are occupied. In addition, large

Important Note

building owners already actively manage trucks coming in and out throughout the day and ensure efficient operations to accommodate base building and tenant deliveries.

Adjusting such a volume of delivery to off-peak hours would also have significant implications for building service workers. Out of responsibility to their tenants, building owners and managers would not allow unattended delivery at scale. Consequently, it will be necessary to adjust the terms of employment for many unionized building service workers to ensure that these off-peak deliveries are secure. The bill proposes creating consolidation centers for secure drop-off, but for practical restrictions on available space as well as liability and security, buildings would need these spaces to be staffed, which is an additional cost burden on the building as well as a significant disruption for the building service workers.

REBNY appreciates that the legislation includes a requirement for a review of the proposed processes and a report outlining recommended changes. We strongly support data-driven policy. Unfortunately, in the case of Intro 2811, the City Council is mandating solutions prior to doing due diligence and study. We need further collection of data and information prior to adopting policy that will have significant administrative and labor impact that may not meet our shared goals

Other municipalities that have adopted similar freight and serving measures did so after extensive research and stakeholder engagement. In London for example, Transport for London (TFL) and the Greater London Authority (GLA) took a comprehensive approach to traffic congestion that included not just regulation of freight and delivery but also the accompanying infrastructure development to accommodate changes in delivery routes, further investment in public transportation expansion, as well as regulating the emissions levels of all vehicles operating in central London. These changes were informed by data collected over the course of a multi-year study that included industry and public input.⁷ The GLA and TFL mapped congestion and revealed that congestion hotspots matched freight routes. The same cannot be said of NYC's congestion patterns based on the current level of DOT analysis.

Moreover, London implemented its plan with a targeted goal based on its analysis and as a result of significant dialogue to understand the challenges facing the freight industry. This Council has done little to no outreach with stakeholders before introducing and holding a hearing on Intro 2281. Nor has it set a tangible goal toward which to work. That work must be done prior to this legislation moving forward.

While we appreciate the Council's focus on sustainability, rather than pursuing regulation on vehicles like London did by requiring ultra-low emission vehicles or penalties for those that go above that cap in its central business district, this proposal again is misdirected at real estate industry. To reduce congestion and cut emissions more effectively, the City needs to directly regulate transit, rather than attempting to increase mobility by imposing a half-measure on the built environment. Transportation accounts for the second largest share of emissions, and 83% of those emissions come from privately-owned vehicles.⁸ We

⁷ <http://content.tfl.gov.uk/freight-servicing-action-plan.pdf>

⁸

<https://www1.nyc.gov/site/sustainability/codes/transportation.page#:~:text=New%20York%20City%20is%20the,still%20come%20from%20private%20vehicles.>

need to hold that appropriate industry responsible for its sustainability record, not again putting the responsibility on real estate alone.

BILL: Int 2280-2021

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to requiring secure package storage in certain buildings.

SPONSORS: Council Member Reynoso

Intro 2280-2021 would require that any new Class A multiple dwelling building or such existing property undergoing significant alteration designate a room or locker to be used for temporary, secure storage of packages.

Identifying opportunity to ensure that residential package deliveries are secure and efficient is a laudable goal. Allowing for deliveries to be dropped in a single location would cut down on delivery times and may prevent trucks from idling or blocking street traffic. However, under this legislation implementing such a program is much more difficult and complex than it would first appear.

As a matter of practice, newly constructed residential buildings already include package rooms. These rooms are created in balance with other statutory requirements for the ground floor, inclusive of newer standards for mail rooms accessible to tenants, lobby frontage requirements, and other ground floor provisions. These spaces are purposely integrated into building operations. It is unclear how the proposal would change that dynamic and raises questions of utility and purpose. If the Council was to move in a more prescriptive direction in this requirement, the potential for conflict with the statutory requirements is certain and would require consultation with the Department of Buildings and the NYC Department of City Planning regarding floor area implications, quality housing requirements, and streetscape requirements.

This bill will certainly impact existing buildings in an adverse fashion as the requirement of the package room will either come at the loss of another space or will be impossible to implement. In the former, even perceived nice-to-haves such as a playroom are required amenity spaces under quality housing standards with the NYC Department of Housing Preservation and Development (HPD), or through restrictive declaration for community use. Is a building to lose ground floor retail space that assists in subsidizing common charges or affordable units to accommodate this retroactive requirement? A blanket policy will not solve for these individualized stipulations.

In the latter, the same required space allotments for mail rooms, lobbies, retail frontage, location of loading berths, entrances and egresses approved by FDNY and other streetscape requirements cannot be unilaterally disregarded to shoehorn a new space. Furthermore, some buildings simply do not have the floor plate to accommodate a package room. A significant portion of Class A multiple dwellings are walk-up buildings and do not have a package room today because there is no available space; passing this bill would put an unachievable burden on tens of thousands of buildings constrained by physical limitation.

Without the certainty that comes from specific parameters, such as those in the City Zoning Text, it is unlikely that owners will be able to effectively provide package rooms that properly account for a

Important Note

building's size, residents' needs, and changes in e-commerce. Those that may manage to accommodate the space in renovations will do so at significant cost and potential impact on residents with no evidence to suggest it would reduce delivery-related congestion.

At minimum, Council should include a provision that would exempt existing buildings that have extenuating site constraints. However, REBNY strongly believes this legislation to be redundant to existing practice. If the intention of this legislation is indeed to reduce the volume of multiple attempted deliveries, REBNY is ready to work with Council on exploring functional alternatives. For example, the City Council should explore the idea of local collection sites at businesses that could intake packages and hold them securely for residents, if the delivery was not initially successful. Such a program would not only help reduce congestion but also support local business.

BILL: Int 2277-2021

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to commercial loading zones.

SPONSORS: Council Member Powers

Intro 2277-2021 would require all commercial loading zones to be controlled by a muni-meter, extend the number of hours that commercial vehicles can park in loading zones from 3 to 8 hours, and set parking rates for commercial vehicles using commercial loading zones. In addition, the bill prohibits placard parking in commercial loading zones in the area south of and including 60th street in Manhattan and enables the DOT to authorize cargo bicycles to park in commercial loading zones. The bill would also require construction permit applicants to either maintain access to existing commercial loading zones or create a temporary loading zone where construction staging must occupy or otherwise inhibit the use of an existing commercial loading zone.

REBNY broadly supports this legislation and thanks the Council for its efforts to maintain consistent delivery patterns even during construction. In its implementation, however, REBNY would like to stress the importance of maintaining access to the existing loading zone while construction is not occurring. Limiting the distance necessary to complete the delivery will create fewer disruptions and help mitigate the impact on traffic congestion as well as better maintain public safety.

BILL: Int 1811-2019

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district safety zone.

SPONSORS: Council Members Powers and Johnson

Intro 1811-2019 would create a pedestrian safety zone in the Theatre District in Manhattan. In the zone, the Department of Transportation would be required to establish additional pedestrian flow zones to accommodate demand and would have the authority to add new designated activity zones or adjust existing zones. The bill would require that persons engaged in designated activities be deemed to be engaged in such activities for the entirety of their interactions with the public for the purpose of offering

Important Note

goods, services, or entertainment. The bill would also require the creation of an interagency working group to ensure communication and coordination on issues related to designated activities conducted in the Theatre District safety zone.

REBNY supports protection of pedestrians and ensuring public can flow unimpeded by obstruction. We appreciate the aim of the legislation and look forward to working with the Council and relevant agencies to ensure successful regulations of the zone. If successful in achieving that end, the Theatre District safety zone could be a useful model to emulate and adapt in other parts of the city as a vehicle for a clear, protected pedestrian path.

Thank you for the consideration of these points.

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Intro. 2280

MEMORANDUM IN OPPOSITION

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the City. We thank the Transportation Committee for giving us the opportunity to submit this memorandum in opposition to Int 2280-2021, which would require the creation of a secure package storage area in Class A new residential construction and in existing buildings when undergoing “work not constituting minor alterations or ordinary repairs” after January 1, 2022.

While the RSA recognizes that society has increasingly come to rely on package and delivery services and that secure package storage is a desired amenity for those who receive package delivery, the mandate for buildings, particularly existing structures, to provide a room or storage locker for such delivery is impracticable.

Its creation would be required in all Class A buildings, which are those structures meant for permanent residences and include living space, kitchen and bathrooms - so nearly all multiple dwellings but for SROs, whenever “work not constituting minor alterations or ordinary repairs” is undertaken. This non-minor work or ordinary repairs in Section 28-105.4.2.1 is defined as:

1. The cutting away of any load bearing or required fire rated wall, floor, or roof construction, or any portion thereof.
2. The removal, cutting, or modification of any beams or structural supports;
3. The removal, change, or closing of any required exit;
4. The addition, rearrangement, relocation, removal or replacement of any parts of the building affecting loading or exit requirements, or light, heat, ventilation, or elevator requirements or accessibility requirements, or any fire suppression or fire protection system;
5. Additions to, alterations of, or rearrangement, relocation, replacement, repair or removal of any portion of a standpipe or sprinkler system, water distribution system, house sewer, private sewer, or drainage system, including leaders, or any soil, waste or vent pipe, or any gas distribution system;
6. Any plumbing work other than the repair or replacement of plumbing fixtures, piping or faucets from the exposed stop valve to the inlet side of a trap;
7. The alteration or repair of a sign for which a permit is required; or
8. Any other work affecting health or the fire or structural safety of the building or the safe use and operation of the service equipment therein.

It goes without saying that in New York City residential structures, space is at a premium. While many larger, older buildings have been able to create such storage facilities, the reality is, for most smaller buildings, the hallways and entries are structured to meet safety standards for egress and fire department access, but provide little to no extraneous space. There is neither the floor plan to allow for the creation of a room nor the square footage to safely insert a storage locker of any meaningful size. And these modifications would be required even when the work being done in a building is as simple as changing fire exit signage or in an unrelated context such as elevator renovators, plumbing modifications or roof work.

While all new construction attempts to maximize square footage, in luxury buildings this can be priced into the costs of an apartment, but the trade-offs may be too great for affordable housing, especially since there are alternatives such as package drop-off facilities in retail stores, such as Duane Reade, 7-Eleven, UPS and FedEx, and private package hubs operating in homes and businesses throughout the city.

This legislation is well-intentioned, but not feasible. It would yield a near-impossible mandate on existing buildings and unrecouped costs to property owners. It would create yet another compliance burden on property owners, and force them to conduct costly renovations even when engaged in unrelated work or repairs.

Accordingly, RSA opposes Int. 2280.



BRUCE FUHRMANN
PRESIDENT

VINCENT THEURER
VICE-PRESIDENT

ROCCO LACERTOSA
CHIEF EXECUTIVE OFFICER

RAYMOND A. HART
TREASURER

ALLISON HEANEY
SECRETARY

May 5, 2021

Testimony of Rocco J. Lacertosa
Chief Executive Officer
New York State Energy Coalition

Before the

New York City Council
Committee on Transportation

Regarding

Trucking and Freight Management Legislation

Thank you Chairman Rodriguez and the rest of the committee members for the opportunity to submit testimony.

My name is Rocco J. Lacertosa and I serve as Chief Executive Officer of the New York State Energy Coalition (NYSEC). NYSEC serves as the voice of the biodiesel and heating fuel industry in New York City and Long Island representing providers across the state.

Today's hearing will focus on trucking and the delivery of goods and services throughout New York City as well as how New York City addresses freight management. We applaud the Council for introducing legislation and holding a hearing on this important topic. While there are several bills being heard today that impact the trucking industry, I would like to tailor my testimony to Intros 2253, 2277, 2279, 2281, and 2282

In terms of Intros 2277 and 2279, we believe that preserving existing and expanding commercial loading zones is a crucial component of improving freight management and the delivery of goods and services in New York City. The "fight for the curb" crisis has only been made worse by the rise in consumer demand during the pandemic, specifically the need for home heating fuel while many people resided within the home for extended periods of time during this past heating season. We support the Council's intent behind Intro. 2277, which extend parking hours, prohibit parking placard abuse, and requiring contractors to maintain temporary commercial loading zones.

While our industry is unique in the sense that we do not always rely on utilizing commercial zones but rather where the customer's tank access point is, we do support the Council's intent to strengthen and expand the amount of loading zones through Intro. 2279. However, we must point out that our industry, like other industries, are struggling with rising costs and the idea that commercial parking would be metered under Intro 2277 will result in an added cost to our industry. Given the essential service that our industry provides to both residential and commercial customers, we would respectfully request that the Council explore an exemption to the metered parking for vehicles delivering essential services such as heating fuel.

With regards to Intro 2281, we support the Council's interest in reducing truck traffic generated by large buildings and would like to be included in the discussion with the newly-created Office of Sustainable Delivery Systems within the Department of Buildings (DOB) as we believe we can bring unique industry-specific knowledge to the table. While we are bound by certain physical restrictions of a customer's access point, we welcome an opportunity to work with DOB to make more efficient deliveries.

In terms of the truck route network in New York City, our industry has always abided to the truck route map to the extent we can but as it has been mentioned previously in my testimony, we have to go to the locations where our customers are regardless of the street and whether it is a mapped route. We agree with Intro 2282 that the truck route map in New York City should certainly be examined and would welcome an opportunity to provide feedback to the Department of Transportation (DOT) during this process. On the issue of microdistribution centers as proposed in Intro 2253, we certainly agree that there is a need to reduce traffic congestion in the city, particularly in the central business district, but we must make it clear that the idea of microdistribution is not a "one size fits all" approach that is applicable to different industries. In the case of the heating fuel industry, it would be unlikely that we would ever be able to equip a cargo bicycle with a fuel tank. That said, we do acknowledge that more can be done on sustainable deliveries and we as an industry are always exploring more green technologies where possible.

We look forward to working with the Council on these important pieces of legislation.

Thank you.

**Testimony on Behalf of the United Parcel Service (UPS)
to the NYC Council's Committee on Transportation Hearing on the Smart, Safe, & Sustainable
Deliveries Bill Package
May 5, 2021**

UPS thanks Speaker Johnson and Chair Rodriguez for holding this important hearing on the recently proposed Smart, Safe, and Sustainable Deliveries Bill Package, and for the opportunity to provide feedback. We would also like to thank Council Members Reynoso, Powers and Rivera for their leadership on this legislation and for their advocacy for smart, sustainable delivery solutions.

It's without a doubt that the last year has been an incredibly difficult one for New York City and UPS is proud to have been on the forefront, working with communities across the globe and in New York City, to ensure that New Yorkers receive their packages in a timely and safely manner. UPS' large presence in NYC, serving 8.5 million customers (including 70,000 small businesses), with 11 facilities in all five boroughs is why we're so committed to investing in zero-emission deliveries and reducing traffic congestion.

UPS has long envisioned alternatives for a more sustainable streetscape and we're delighted to see that the Council has taken a huge first step to address the continued shortage and lack of curb space available for commercial deliveries. UPS strongly supports Intro. 2277, which would support efficiency by extending the number of hours that commercial vehicles can park in loading zones from 3 to 8 hours. UPS consolidates all ground, air, and expedited packages on one vehicle, meaning one truck may serve hundreds of customers in an 8-hour shift. Increasing the time allowed at the curb will decrease congestion and instances of double parking by eliminating the need for vehicles to unnecessarily re-enter the roadway every 3 hours to find new parking. Commercial zone parking enforcement would further complement these efforts. Similarly, Intro. 2279's proposal to require the Department of Transportation (DOT) to designate at least 25% of curb space to loading zones in both densely populated neighborhoods and neighborhoods with commercial and manufacturing uses, would ensure that there is additional commercial parking to help offset the exponentially growing volume of deliveries in New York City. We believe this will not only make deliveries more efficient, but also create safer streets for drivers, bikers, and pedestrians alike. As e-commerce continues to grow, it is critical that the City continuously evaluate the amount of curb space available for deliveries. Therefore, UPS encourages the City to regularly evaluate whether the 25% threshold is still sufficient to meet demand.

UPS is also strongly in support of Intro. 2253, which would require DOT to establish a pilot program of at least 12 micro-distribution centers. As a proud participant in DOT's e-cargo bike program, we believe that micro-distribution centers will be crucial to managing the volume of packages and moving New York City towards more sustainable methods of commercial deliveries. With Intro. 2253, New York has an opportunity to lead the way on zero emission alternatives to last mile distribution. In preparation of cargo bike deployments in other metro areas like Seattle

and Portland, UPS is excited to expand on the great success realized in Europe in the areas of truck dwell time and double parking, amongst other challenges associated with limited curbside space. That is why UPS strongly supports Reso. 1610, calling on the State to amend existing e-bike regulations to allow different cargo bike models to operate in New York City. We commend Senator Jessica Ramos for her leadership on this issue in Albany and look forward to working with her, the Council and DOT to pass this legislation. Together, we can build a more efficient, more sustainable delivery network that meets the needs of all New Yorkers.

Moving into the future, and as we continue to address the cross roads between ecommerce growth, customer demand and challenging curbside space, UPS is hopeful to work with the council to help alleviate the traditional five day weekly peak congestion by supporting weekend delivery. Research shows that the pandemic has accelerated the use of e-commerce by five years in one year, which will continue to significantly impact our delivery demand patterns. Already marked by the USPS and other industry stakeholders leveraging a seven day network, UPS has recently started weekend delivery service to help manage volume; by October, UPS anticipates that nearly 90% of our delivery addresses will have Saturday service with Sunday service to follow.

Thank you for your time and consideration. UPS looks forward to continue working with the Council to support safe and sustainable streets for all.



May 5, 2021

Council Member Rodriguez, Chair of the Committee on Transportation,

Thank you for the opportunity to provide testimony to your committee on a critical issue impacting Target in New York City. **We strongly support the Council's efforts to alleviate load zone challenges, especially Intro. 2279 introduced by Council Member Reynoso, and Intro. 2277 introduced by Council Member Powers.**

Target currently operates 29 stores in New York City, with locations in each of the five boroughs, and new stores in the pipeline to open in the future. In 2020-21, Target gave over \$2.5M to the community through grants to local non-profits, COVID-19 support including vaccine equity efforts, and over \$1.4M in product donations, including over 830,000 pounds of food to Food Bank for New York City. Our team members also volunteered over 8,000 hours across New York City.

Target's stores are at the center of how we serve our guests, including in New York City. That's why we're continuing to invest in new stores in neighborhoods across the city.

But doing this provides logistical challenges, as we work to make the Target experience that our guests expect fit inside the square footage of our small format stores. One of the most difficult challenges we face is the accessibility of loading zones.

We knew when we decided to open stores across the city that it meant adapting our operating model to a unique environment. Our team developed innovative strategies to bring inventory into our stores from our distribution centers, in consideration of the traffic restrictions and limited storage space available to us. In order to do this, we've implemented a delivery schedule that replenishes shelves at multiple intervals throughout the day compared to the daily schedule our typical stores receive.

Our stores employ more than 7,000 New Yorkers, and our top priority is protecting the safety of those team members and our guests. When loading zones are blocked or otherwise unavailable, it puts our team in the difficult position of having to decide whether to find a secondary way to unload the freight from trucks, or to turn away the delivery, leaving those shelves empty and guests wanting more.

We hear from our community partners that they are disappointed when Target trucks are forced to offload outside of the established loading zones, and we are too. We've had ongoing

discussions with the Department of Transportation and the New York City Police Department seeking to remedy this problem.

Unfortunately, the fact remains: **loading zones across the city—most especially in Manhattan—are regularly occupied by private, commercial, and even municipal vehicles.** Many of these vehicles are left in the loading zones for hours on end, causing significant logistical challenges for our deliveries.

We are grateful to city officials for hearing our concerns, and are thrilled to see this legislation introduced by the Council to alleviate this problem. The solutions proposed Intro. 2279 and 2277 would go a long way toward improving this situation and would help us operate stores safely across the city.

Target welcomes the opportunity to collaborate with the Council and would be happy to be a resource in any way that is helpful as you deliberate. We are grateful for the Council's leadership on this issue and appreciate the opportunity to submit this testimony in support of these efforts.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Isaac Reyes', with a stylized flourish at the end.

Isaac Reyes
Senior Vice President of Government Affairs
Target Corporation

STATEMENT OF THE BROADWAY LEAGUE
IN SUPPORT OF INTRODUCTORY BILL 1811
May 5, 2021

Good morning. I am Thomas Ferrugia and I am the Director of Governmental Affairs for The Broadway League, which has served as the principal trade association for the commercial Broadway theatre industry in New York State and across North America for over 80 years. We represent over 700 theatre owners, producers and road presenters nationwide – with over 400 maintaining offices in New York City. We thank Chairman Rodriguez and the other distinguished members of the Committee on Transportation for the opportunity to comment. We also express gratitude to Speaker Johnson and Council Member Powers for addressing this ongoing challenge.

I would like to preface my comments with some background: In 2019, Broadway in New York City sold 14.8 million tickets. Approximately 46% of those admissions were domestic tourists, an additional 19% were foreign tourists and approximately 59% of all visitors reported that attending a Broadway show was a principal reason for visiting New York City. Broadway provided almost 100,000 full-time equivalent jobs and welcomed approximately 40,000 theatregoers per day. Combined, Broadway Theatre had an economic impact of approximately \$20 billion on the United State and generated approximately \$675 million in tax revenue for the City. As you know, our venues have been shuttered since March 12, 2020 and New York City loses an estimated \$1.225 billion in economic activity every month Broadway theatres remain dark, therefore is vital that live theatre resume at full capacity as soon as it is safe to do so.

The League has always endorsed legislation aimed at improving the flow of pedestrian and vehicular traffic, encouraging visitor and resident access, and enhancing the overall quality of life in Times Square. We have endorsed sensible legislation that supports economic activity on the streets of New York City, including licensing pedicabs, improving oversight of street vending, outdoor performers and street fairs. We believe this oversight is more important than ever as we work with legislators and health officials to raise our curtains and rebuild audience confidence in public gatherings and shared

spaces. The promise of a safe and orderly environment is vital to encouraging visitors to return to Times Square.

With respect to Int. 1811; it is important that the Council act to regulate what, despite efforts to manage, has remained a leading contributor to an unsafe, chaotic and disorganized atmosphere in Times Square. It is imperative that a visitor's experience - from the moment he or she arrives in the midtown core - is overwhelmingly positive. However, we have seen a proliferation of anonymous vendors who aggressively solicit trusting families, take unfair advantage of their familiarity with the characters the solicitors portray and often attempt to embarrass or harass visitors into paying for photographs. While the City enacted legislation aimed at quelling this activity, unfortunately solicitors have been taking advantage a technical loophole wherein they will solicit and engage in business outside the activity zones but accept payment within the designated areas. This has largely prevented the City from effectively deterring this behavior which damages the perception of New York City and discourages tourism. In addition, the publicity generated by acts of bad behavior ultimately discourages residents from visiting Times Square and patronizing local businesses.

We were supportive of the designation of Times Square as a pedestrian plaza and how this change grants the Department of Transportation authorization to regulate much of the activity in the area. We fully support Intro 1811 which requires that persons engaging in commercial activities be deemed to be engaged in such activity for the entirety of the interaction. It also, among other things, provides much needed oversight of fairs and street closures; which have become a frequent, unanticipated and frustrating obstacle to accessing Times Square.

The Broadway League feels Intro 1811 is another positive step in addressing several challenging issues that face the Theatre District. We look forward to working with this Committee, Council Representatives and our partners in the midtown community to continue to provide visitors with a unique and safe experience. On behalf of the Broadway theatre community, the League applauds the Council's ongoing commitment to addressing these problems in a fair and balanced manner.

I would be happy to answer any questions you may have.



**Committee on Transportation
May 5th 2021**

Thank you for the opportunity to submit testimony. My name is Phoebe Flaherty, I'm an Organizer at ALIGN: The Alliance for a Greater New York. ALIGN is a community-labor coalition dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We coordinate the Climate Works for All coalition and the Transform Dont Trash Coalition, the coalitions that led the organizing to pass Local Law 97 the Dirty Buildings bill and Local Law 199 Commercial Waste Zones.

As we all know, we are still in the midst of this pandemic, and New York's Black and brown and environmental justice communities are bearing the brunt of the impact of the virus and the economic downturn. We're seeing record high unemployment, concentrated in BIPOC and environmental justice communities.

Our City's budget must prioritize investment and job creation for the communities that have been hit the hardest by this pandemic.

The Climate Works for All coalition created an Equitable Recovery Report, a roadmap to creating 100,000 good green jobs for New York City's Black and brown communities and moving us out of the pandemic and recession towards our climate goals by investing 16 billion dollars over 3 years. This is the comprehensive plan we need to move our city through crisis and towards equity and climate justice.

We know that the city is still reeling from the crisis, and we have developed interim Climate budget priorities that will lead us on the same path towards investment in communities and green job creation.

Within the City's 2022 budget, we are calling for an investment of \$200 million to climate, environmental justice and job creation strategies.

We are calling for the following transportation investments:

\$3 million for Clean Transportation Expansions

\$3 million in funding towards 14 electric school buses for NYCSBUS, the City's new municipal school bus fleet. Further funding should prioritize community led transportation planning to determine local transportation needs for clean, resilient, and accessible public transportation and street safety.

We are calling for the following climate and jobs creation investments:

\$80 million toward retrofitting public schools to meet LL 97 standards

Funding would go towards schools that are currently emitting above 2030 - 2034 standards. An annual investment of \$80 million would bring a large portion of high-emitting schools into compliance by 2035.

\$100 million toward Solar on Schools

Funding would go towards solar installation on public schools. An annual investment of \$100 million would allow us to meet our solar goals by 2025.

\$17 million in Public Waste Management

\$4 million of funding would go to DSNY to hire staff to implement the Commercial Waste Zone program
\$13 million of funding would go towards doubling the impact of current community composting and food scrap drop off programs by adding more local-scale processing sites and compensating staff, ongoing support for school composting, beginning government building composting, and piloting and studying organics collection and recycling in multifamily buildings in preparation for a citywide organics recycling program.

These investments will create thousands of jobs for New Yorkers, and are what is necessary to invest in New York's BIPOC and frontline Environmental Justice communities, address the inequities of the pandemic and move us out of the COVID crisis while addressing the climate crisis. We believe these investments will move us forward on the path towards an Equitable Recovery.

Thank you for your time and consideration.

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The Building Owners and Managers Association of Greater New York's Testimony on Int Nos 1737, 354, 1127, 1366

The Building Owners and Managers Association of Greater New York (BOMA New York) appreciates this opportunity to submit the below comments for the record. BOMA New York represents more than 750 property owners, managers, and building professionals who own or manage 400 million square feet of commercial space in New York City. We are an association within BOMA International, a federation of 90 US associations and 19 international affiliates that own and operate approximately 10.5 billion square feet of office space in the United States.

Int 1737: A Local Law to Amend the Administrative Code of the City of New York, in Relation to After Hours Work Authorization.

This proposed legislation would significantly reduce the use of after-hours variances (AHVs) for construction that is allowed in the City. Such a result would have a negative impact on the economy as we emerge from the COVID-19 pandemic, and would not significantly improve noise-related or other quality of life issues. In addition, new and stricter construction noise regulations went into effect in 2020, and it is too early to know what impact those regulations will have. For all of these reasons, BOMA New York strongly opposes int no 1737.

Construction in New York City, and especially in Manhattan, is complicated by a range of constraints that need to be taken into consideration when proposing regulations. For example, many construction activities, such as the use of heavy equipment like cranes, need to occur in off-peak hours, when less pedestrians are around, for safety reasons. In addition, construction on existing, commercial buildings often needs to be undertaken when tenants are not in the building. Reducing the use of AHVs, as this bill would do, would prolong construction activities in ways that would both add to noise and other construction impacts and significantly increase costs of construction to a degree that would lead to a loss of jobs and other economic activity. The loss of jobs and economic activity would be particularly burdensome as we try to recover from the impacts of the COVID-19 pandemic.

In addition, only a relatively small number of AHVs are associated with noise and other complaints. According to DOB data, 95% of AHVs create zero noise complaints, and the median number of such complaints is 1 per AHV. Therefore, the benefits of reducing AHVs is minimal, while the costs are high.

Construction noise, as well as other sources of noise, are strictly regulated by the 2005 Noise Code, as amended over the years. Construction noise is managed by mandating specific mitigation measures based on the equipment being used or activity being undertaken. As stated, stricter construction noise regulations recently went into effect. These tools, if sufficiently

enforced, should allow for proper construction noise mitigation, while, through the use of AHVs, providing the flexibility needed for construction activities to take place at the safest times.

Int 354: A Local Law to amend the administrative code of the city of New York, in relation to penalties for the unauthorized alteration or demolition of a premises calendared by the landmarks preservation commission.

This bill would impose extremely harsh civil and criminal penalties for demolishing or altering buildings calendared for consideration by the Landmarks Preservation Commission without a DOB permit. As BOMA New York is unaware of these types of activities occurring in the recent decades, and given the size of the penalties, we oppose this legislation. If the legislation does move forward, it needs to carve out minor alterations that may be necessary for basic maintenance.

Int 1127: A Local Law to amend the administrative code of the city of New York, in relation to expediting permits.

This proposed bill would require DOB to expedite certain permits and amendments to permits. BOMA New York supports this legislation, but would call on the Council to work with DOB to make sure they have the resources necessary to implement the law.

Int 1366: A Local Law to amend the administrative code of the city of New York, in relation to requiring certain insurance filings with the department of buildings.

This proposed law would require DOB to collect and keep information about insurance coverage at construction sites and to publish it on a public website. Contractors and their sub-contractors in New York City already maintain extensive and costly insurance protections in order to undertake construction activities. Indeed, anyone seeking a permit from DOB has to show that they have insurance, and the amount of insurance they have to carry reflects the amount of risk the project has, such that where there is structural or similar work, they must be insured up to \$20 million. This information is viewable by the public through DOB NOW. It is unclear how this bill would improve the existing system, and it would raise privacy issues by sharing this information publicly. Therefore, BOMA New York opposes int no 1366.

Int 1667: A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors and the department of buildings to make information regarding environmental monitoring of construction work publicly available.

This bill requires contractors to reports environmental monitoring data to DOB and DEP and to post it publicly on site. It is unclear how this legislation would improve the environment and human health over existing monitoring and mitigation regulations, but it would impose significant costs. For example, those receiving permits from the City must submit an environmental mitigation plan under the current system. BOMA New York recommends that the Council review existing DEP and DOB regulations to demonstrate that such costs lead to substantial benefits.

Contact:

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The Building Owners and Managers Association of Greater New York's Testimony on Int Nos 2281-2021, 2277-2021, and 1811-2019

The Building Owners and Managers Association of Greater New York (BOMA New York) appreciates this opportunity to submit the below comments for the record. BOMA New York represents more than 750 property owners, managers, and building professionals who own or manage 400 million square feet of commercial space in New York City. We are an association within BOMA International, a federation of 90 US associations and 19 international affiliates that own and operate approximately 10.5 billion square feet of office space in the United States.

Int 2281: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating an office of sustainable delivery systems and requiring large generator of truck traffic buildings to produce and implement a delivery and servicing plan.

This bill would establish a new Office of Sustainable Delivery Systems in the Department of Buildings and would require buildings over 500,000 square feet to create and submit to that Office a delivery and services vehicle plan. These plans would describe how building managers would take actions to reduce delivery and servicing trips to buildings and otherwise implement sustainable measures related to such trips.

Although BOMA New York supports the intent of this legislation, which is to reduce truck traffic related to deliveries and service providers, we do not support its approach to that problem. The proposed bill appears to have been written with little or no stakeholder input, which resulted in assumptions and initiatives that are not realistic or feasible.

For starters, regulating buildings over 500,000 square feet is arbitrary. There is no evidence that square footage is an accurate measure of the number of delivery or service vehicles that would come to a building, and, in fact, given that different buildings have widely different uses and tenants, one would expect that it would be a poor indicator. In addition, many large buildings currently have very efficient delivery practices, and the bill would only add significant administrative and other costs to those buildings, with no reduction in traffic.

Furthermore, the proposed legislation would require building managers to take on responsibilities that are outside of their knowledge or ability to control. Building managers do not know, and cannot control, routes that service and delivery trucks take to their location. They also do not, in many cases, have a say in when deliveries occur. Building managers are responsive to tenant needs, and those needs determine the number, and often the timing, of deliveries and other services.

While many buildings try to have large deliveries occur outside of peak hours, and most large buildings efficiently manage deliveries to the building, moving 50% of deliveries to off-peak

hours, is unlikely to be possible. First, the number itself is arbitrary. In addition, as stated, deliveries are mostly based on tenant needs. Third, it would not be safe or secure to allow deliveries to be dropped off and stored without building staff present, as the bill seems to call for, and so there would be union and other labor considerations that would make off-peak deliveries less tenable. Nor is there evidence that there will be space for “consolidation centers” where deliveries could be securely dropped off. Finally, probably the most common noise complaint received by large office buildings is from nearby residents complaining about noise from waste handling trucks picking up demolition debris, which must be done at night, so truck traffic during night hours causes its own set of problems.

While other cities around the world have employed some of the strategies that this bill would require, they did so after much study of the overall issue of congestion, of which delivery and service vehicles make up a relatively small percent, and in conjunction with a more comprehensive strategy for reducing overall traffic and the environmental hazards associated with it. Such in depth studies would also need to be undertaken here in New York City to get a detailed understanding of the primary causes of traffic congestion and the best strategies for reducing it. Therefore, BOMA New York opposes this proposed law.

Int 2277: A Local Law to amend the administrative code of the city of New York, in relation to commercial loading zones.

This bill would control commercial loading zones with muni-meters, set prices for parking in loading zones, and extend the number of hours a vehicle can park in such zones from 3 to 8. The bill would also prohibit placard parking in commercial zones below 60th Street and allow cargo bicycles to park in loading zones. Finally, it would require construction permit applicants to maintain commercial loading zones or create temporary ones.

BOMA New York generally supports this legislation.

Int 1811: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district safety zone.

This proposed legislation would create a pedestrian safety zone in Manhattan’s Theater District, wherein DOT would be given certain regulatory authority to accommodate pedestrian traffic. It also sets up an inter-agency working group to take on issues related to the safety of pedestrians.

BOMA New York generally supports this bill and would like to work with the City on its implementation. If successful, the bill could be the basis for taking similar actions in other parts of the City, as needed.

Contact:
Daniel Avery, Director of Legislative Affairs
BOMA New York
347-343-2316
daniel@bomany.com



Testimony in Support of Int. 1811

Cristyne L. Nicholas- Chair, The Broadway Association

May 5, 2021- New York City Council Committee on Transportation

Thank you, Chair Rodriguez. My name is Cristyne Nicholas and I am testifying on behalf of the Broadway Association, of which I am Chair, in support of Intro 1811.

The Broadway Association is the 110-year old not- for-profit organization dedicated to the cultural and economic betterment of Midtown West, which comprises the Broadway Theater District. The Association works together with other civic, cultural and business organizations to foster a climate that has ushered in the development renaissance within the community and also serves as a resource of support during these unprecedented times.

The Broadway Association has a distinguished history of speaking out when a particular issue negatively affects our district and one of, if not our core issue, is quality of life, not just for our membership, but for those coming through the Crossroads of the World every single day. Especially as we begin to re-open New York City, the well-being of those within the Times Square area, which pre-pandemic, totaled over 400,000 individuals daily, is vital to the recovery of tourism, as well as ensuring that every person, whether visitor or worker, feels welcomed and safe.

In 2016, the Broadway Association was vocal in our support of Local Law 53, which created the Pedestrian Flow Zones and Designated Activity Zones in Times Square, where commercial activity including ticket selling, street performances and costumed characters posing for photos or other activities, would be the only place that this type of activity would be allowed to occur. Yet, according to a survey conducted by the Times Square Alliance in 2019, 47% of New Yorkers had been aggressively accosted by costumed characters or solicitors outside of these zones. We completely support the clarification of existing regulations that state that any solicitation must take place in the Designated Activity Zone and that these individuals adhere to all permit requirements.



**THE BROADWAY
ASSOCIATION**
FOUNDED 1911

We are also in support of DOT expanding the Pedestrian Flow Zones in the Broadway Theater District, to allow for safe movement of Broadway patrons entering and exiting theaters during peak performance times. As unregulated commercial activity has spread to West 42nd Street between 7th and 8th Avenues, where there are currently no Designated Activity Zones, we must ensure that there is no crowding that forces pedestrians to walk in the street, causing dangerous conditions with oncoming street traffic.

I want to thank Speaker Johnson and Council Member Powers for their continued leadership and efforts regarding Intro 1811. The Broadway Association looks forward to working with City agencies, elected officials, the Times Square Alliance, the Broadway League and other area stakeholders to ensure the implementation of these regulations, as it is now, more than ever, essential that we proactively continue to focus on the safety of visitors coming back to the bright lights of Times Square and Broadway.



**Testimony from Tom Harris, Acting President
Times Square Alliance**

**Intro.1811 | Theater District Safety Zone
May 6, 2021**

Thank you, Chair Rodriguez and members of the Committee for the opportunity to submit testimony. My name is Tom Harris and I am the Acting President of the Times Square Alliance. The Times Square Alliance strongly supports Intro. 1811 and thanks its sponsors, Council Member Keith Powers and Speaker Corey Johnson, for their ongoing leadership on public space management amidst the COVID-19 pandemic.

Times Square has always been a center of creativity and innovation. We continue to pilot new public space management strategies, particularly those that prioritize pedestrians, contribute to the excitement and diverse activity that is Times Square's hallmark, and now, to ensure visitor safety in a post-COVID world. A more organized and holistic approach to public space management - one that is consistent with how public space is used and functions - has become increasingly important.

Ten years ago, the City created the Broadway pedestrian plazas as an experiment to manage increased congestion overburdening our sidewalks. The plazas were a tremendous success; tourists, local employees, and residents could navigate Times Square safely and have a place to sit, relax and enjoy public programming. By 2020, before COVID-19 hit, the plazas welcomed over 400,000 people a day, a level of use which requires us to balance competing demands for space.

In 2016, in response to this, the Council passed common sense regulations to balance the multiple demands for use of our public spaces with pedestrian safety. These rules aimed to preserve mobility on the plazas and maintain individuals' right to engage in commercial activity in the public realm by creating two types of zones:

1. Pedestrian Flow Zones, or lanes dedicated solely to walking and
2. Designated Activity Zones, areas where commercial activity is allowed to occur, including ticket selling, street performances, costumed characters posing for photos or other activities offered with an expectation of a fee or tip.

The intent of this law – Local Law 53 – was to require that commercial activity outside of that permitted by a franchise or other city permit, occur exclusively in Designated Activity Zones, but the City's interpretation of the rule has left passersby open to unwanted solicitations outside of the zones. In fact, in 2019, well after Local Law 53's passage, 47% of New Yorkers surveyed had an unpleasant interaction with a costumed character. Among those who work and live in Times Square, 60% reported an unpleasant interaction, and a quarter of those folks reported being touched without consent, the impact of which is even more serious post-pandemic.



Furthermore, these rules pertain only to plazas; not to surrounding streets with similar congestion issues. As such, commercial activity on nearby streets increased, resulting in blocked subway entrances, difficult egress from theaters, hotels, and other establishments, as well as thousands of people walking in the streets. If we want New York City to be a safe and comfortable post-recovery destination, we must address these conditions *before* workers and visitors return to our plazas en masse.

Intro. 1811 does this by building on Local Law 53 to improve pedestrian flow and safety in the following ways:

1. It clarifies existing regulations regarding designated activities such that the entirety of the interaction must take place in the Designated Activity Zone;
2. Creates flow zones on overcrowded streets within the Times Square area, including West 42nd Street, Broadway, Seventh Avenue and side streets with three or more theaters seating over 500 people;
3. Gives DOT the authority to consider pedestrian congestion when authorizing street closures, and;
4. Mandates the formation of a working group to include various City agencies, elected officials and representatives of both the community and those engaged in designated activities to meet regularly to ensure ongoing communication and cooperation among all stakeholders.

Today, more than ever, it is essential that we proactively ensure the well-being of those who visit Times Square. If visitors feel safe in Times Square, the busiest crossroads of the world, they will feel safe across the City. We look forward to working with the City Council to create a safe and enjoyable pedestrian experience on Times Square and New York City's path to reopening and recovery.

Scheduling Programs for Deliveries for Large Urban Office Buildings are a Success

My name is Jeffrey Friedman, I am the CEO of Building Intelligence and providers of SV3, a SafetyAct Certified delivery scheduling program for facilities. As important as it is to solve congestion issues, knowing what vehicles and drivers are meant to arrive matter as well for security and safety. Leveraging investments in security to create efficient operations has resulted in a better city.

One Bryant Park, World Trade Center, Hudson Yards, Time Warner Center, One Vanderbilt and many others have successfully implemented delivery scheduling programs to reduce traffic, reduce pollution, optimize operations and support a better working city, a smart city.

These forward-thinking owners and operators have put the wheels in motion to support efficient operations and a safer city. The city needs more buildings to coordinate delivery operations to support a safer city. The premise of these systems is to allow tenants and vendors to coordinate and consolidate deliveries to reduce traffic and pollution.

Many of the buildings, with small footprints of loading docks, would have trucks tied up in lines of traffic, but for their delivery systems. I began this mission to support safe deliveries, as a form of security, but what I discovered is that this mission led to less traffic, less congestion, less trucks sitting idle causing pollution, and a better city.

Thank you for your time.

*Testimony of Jordan Barowitz
Vice President of Public Affairs at The Durst Organization
Committee on Transportation, May 5th, 2021*

I testify in support of Intro 1811 and commend Speaker Johnson and Councilmember Powers on their leadership in ensuring that Times Square remains a center for creativity and beacon for visitors from across the globe.

The Durst Organization owns 151 West 42nd Street that abuts the Broadway Plaza between 42nd and 43rd Streets and is the largest building in Times Square.

The programming and regulation of public space is critical to its success. Without well managed and maintained sidewalks and plazas, Times Square can dissolve from exciting, exhilarating, and mildly chaotic into creepy and unpleasant.

While many costume characters observe DAZs, many do not. I work adjacent to Times Square and have frequently witnessed posses of characters careening across the Broadway Plazas, swarming potential parents with young children, creating bedlam for other pedestrians, and occasionally scaring the living daylights out of the kids.

It is unpleasant and unnerving and creates a sense of anxiety for visitors and hostility for New Yorkers travelling through Times Square.

The over-population of street vendor along the side streets results in congestion and blocked entrances to theaters, subways and stores and frequently forces pedestrians to walk in traffic along 42nd Street if they have any chance of getting where they want to go. Throngs of people walking in traffic along 42nd Street grinds traffic to a near standstill and is extremely dangerous.

Intro. 1811 will improve safety and pedestrian flow by building on Local Law 53 by:

1. It clarifies existing regulations regarding designated activities such that the entirety of the interaction must take place in the Designated Activity Zone;
2. Creates flow zones on overcrowded streets within the Times Square area, including West 42nd Street, Broadway, Seventh Avenue and side streets with three or more theaters seating over 500 people;
3. Prohibits tour bus parking adjacent to those flow zones;
4. Gives DOT the authority to consider pedestrian congestion when authorizing street closures, and;
5. Mandates the formation of a working group to include various City agencies, elected officials and representatives of both the community and those engaged in designated activities to meet regularly to ensure ongoing communication and cooperation among all stakeholders.

Thank you for the opportunity to testify.

Testimony from the Flatiron/23rd Street Partnership
May 5, 2021
City Council Committee on Transportation

Good morning Chair Rodriguez, and members of the Committee. My name is James Mettham and I am the Executive Director of the Flatiron/23rd Street Partnership. I'm here today to testify in support of the Smart, Safe and Sustainable Deliveries package of legislation being heard today.

As the Business Improvement District serving Flatiron and NoMad it is essential that we maintain a clean and safe environment for our district's businesses, residents, and visitors. This requires a review of how we use our streets and sidewalks to enhance the pedestrian experience and support commerce simultaneously.

The streets of Flatiron and NoMad see regular idling and double parking, and even before the pandemic, district stakeholders, from small independent retailers to large anchor tenants, shared concerns of impromptu distribution centers set up on the sidewalk in front of their spaces. These ad hoc arrangements block the pedestrian right of way and their occurrence has been exacerbated by the explosion of e-commerce over the past year.

Neighborhoods around the City need a modern approach to commercial loading and delivery so we can better manage curb access and ensure businesses and residential buildings aren't saddled with hosting large distribution centers on their sidewalks.

We are happy to see the Council, and particularly Speaker Johnson and Council Members Rivera and Powers, take the lead on tackling this issue in a holistic way through the Smart, Safe and Sustainable Deliveries legislation being discussed today.

Specifically, we support creating micro-distribution centers where goods can be transferred from commercial vehicles to sustainable modes of transportation, such as cargo bikes and hand trucks, for the last mile of their journey. This will help keep our sidewalks clear for pedestrians and help clear curb access and mitigate double parking.

The Partnership has a long history of innovative, successful collaboration with City agencies, including the Department of Transportation. We are happy to engage with our partners at DOT to discuss where such micro-distribution centers could be located in and around our district and would support efforts to increase the use of sustainable modes of transporting commercial goods, such as cargo bikes.

This legislation being considered today will make the delivery process more efficient in Flatiron and NoMad as well as other neighborhoods throughout the city. We thank the members of the committee and the bill sponsors for their hard work and careful thought that went into this reform package, and we are proud to offer our support.

Intro. 1811 Theater District Safety Zone

Thank you, Chair Rodriguez and members of the Committee for allowing me the opportunity to speak today. My name is David Cohen, owner of Grand Slam New York located at 1557 Broadway. Grand Slam New York supports Intro. 1811 and thanks its sponsors, Council Member Keith Powers and Speaker Corey Johnson, for their ongoing leadership on public space management amidst the COVID-19 pandemic.

Times Square has always been a center of creativity and innovation. We continue to pilot new public space management strategies, particularly those that prioritize pedestrians, contribute to the excitement and diverse activity that is Times Square's hallmark, and now, to ensure visitor safety in a post-COVID world.

Ten years ago, the City created the Broadway pedestrian plazas as an experiment to manage increased congestion overburdening our sidewalks. The plazas were a tremendous success; tourists, local employees, and residents could navigate Times Square safely and have a place to sit, relax and enjoy public programming. By 2020, before COVID-19 hit, the plazas welcomed over 400,000 people a day, a level of use which requires us to balance competing demands for space.

In 2016, in response to this, the Council passed common sense regulations to balance the multiple demands for use of our public spaces with pedestrian safety. These rules aimed to preserve mobility on the plazas and maintain individuals' right to engage in commercial activity in the public realm by creating two types of zones:

1. Pedestrian Flow Zones, or lanes dedicated solely to walking and
2. Designated Activity Zones, areas where commercial activity is allowed to occur, including ticket selling, street performances, costumed characters posing for photos or other activities offered with an expectation of a fee or tip.

The intent of this law – Local Law 53 – was to require that commercial activity outside of that permitted by a franchise or other city permit, occur exclusively in Designated Activity Zones, but the City's interpretation of the rule has left passersby open to unwanted solicitations outside of the zones. In fact, in 2019, well after Local Law 53's passage, 47% of New Yorkers surveyed had an unpleasant interaction with a costumed character. Among those who work and live in Times Square, 60% reported an unpleasant interaction, and a quarter of those folks reported being touched without consent, the impact of which is even more serious post-pandemic.

Furthermore, these rules pertain only to plazas; not to surrounding streets with similar congestion issues. As such, commercial activity on nearby streets increased, resulting in blocked subway entrances, difficult egress from theaters, hotels, and other establishments, as well as thousands of people walking in the streets. If we want New York City to be a safe and comfortable post-recovery destination, we must address these conditions *before* workers and visitors return to our plazas en masse.

Intro. 1811 does this by building on Local Law 53 to improve pedestrian flow and safety in the following ways:

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5. Mandates the formation of a working group to include various City agencies, elected officials and representatives of both the community and those engaged in designated activities to meet regularly to ensure ongoing communication and cooperation among all stakeholders.

Today, more than ever, it is essential that we proactively ensure the safety of those who visit Times Square. If visitors feel safe in Times Square, the busiest crossroads of the world, they will feel safe across the City. Adopting Intro. 1811 puts us further along the path to recovery and lets the world know that New York City is a safe and exciting place to return to.

Best...

David Cohen

Good Afternoon Council Members and Committee,

Please find testimony

Would like to summarize a plan for Red Hook and NYC with inbound Container Freight via water to Last Mile Warehouses, and outbound delivery service via water to be delivered to **NYC's 520 miles** of water front property as per above attachment.

Red Hook Brooklyn is approximately 1 square mile in land coverage, and has water on 3 sides.

The highways and trucks coming into the neighborhood usually travel from New Jersey over the Goethals Bridge, through Staten Island, over the Verrazano Bridge, onto the Gowanus Expressway and through the local streets.

In Red Hook, there are 2 main Truck routes south bound to several new High Cube Last Mile Warehouses (over 2 million sq/ft) presently under construction.

The Western Truck route is Van Brunt Street that is a single lane street going South bound and a single lane going North bound, and the second route is Court Street again one lane in each direction and going through city parks with children.

Our goal is **Congestion and Pollution Mitigation** and we are looking at following additional options.

Amazon is presently constructing 3 sites, and on their South End Site at 280 Richards Street, it is located in the Erie Basin. They have an approx. 600 linear foot Bulkhead in Erie Basin.

This site would be able to accommodate a set (2 pcs) of Kuenz Cranes similar to the Cranes at the DSNY site on the Gowanus Canal (Photo attached above).

This would enable 40 foot containers to be brought in via Container Barge from New Jersey, placed on Chassis and brought to their 28 loading docks at each of their neighboring sites for unloading with electric terminal tractors. If this site is not an option, we can look further at other potential local sites.

The cost amortized over their 20 year lease period will include, site work, cranes, the loading of Containers in NJ on barge, moved via Norfolk Tug and Barge (with Tier 4 Diesel Engines) to Red Hook on a 150 unit of 40' Container capacity Barge, including unloading and reloading for redelivery of empties back to New Jersey, will be approx \$ 300.00 per container.

This is based on 2-3 round trips per 24 hrs. The barge dimensions are 300' long X 60' wide.

An additional waterborne component for delivery to consumers either via bicycle or electric scooters would entail following:

I. NYC EDC Has a Dock NYC and a Freight NYC plan where they are looking to compile city owned and private waterfront properties through out NYC's 520 Mile Waterfront, allowing for different needed uses.

A. These spaces can be used as a freight landing area for small light weight containers, enabling delivery company's such as UPS, Fed Ex., DHL, Amazon etc, to receive freight

II. We can design a light weight container that would be standardized with approx dimensions of 42" x 42" x 72" height (or a convenient size). They can be interlocking so 4 containers can be loaded on a launch with one lift.

Each container when packed will be destined for a specific designated Dock NYC or private site and marked for its delivery Zip code.

III. Have Tricycles or small electric Scooters be made with a chassis to accommodate the standardized container. This would reduce street congestion/pollution, no double parked delivery issues (as will be small in width size and allow traffic to continue to flow.)

- A. Each Container will be painted and have the logo of each delivery company as desired, as well as container #'s for tracking purposes.
- B. Would be interesting if can manufacture many required components locally.
- C, Install Charging stations at the Dock NYC/Private sites for overnight charging of scooters.
- D. Have a small lift crane to place containers on Bicycle/Scooter chassis

Below are additional details of existing conditions with yellow highlighted attachments above:

1. Red Hook has 2 main truck routes to Last Mile Warehouses, each has one lane South Bound and one lane North Bound
 - A, Court Street Attachment, and continuing through NYC Parks on Bay St
 - B. Van Brunt Street Attachment, Through commercial shops, Public Schools, Residential etc.

2. Amazon Last Mile Warehouses and UPS Site is either on the water or 1-2 blocks away from the water.
 - A. Red Hook WH's Map Attachment, This map also includes some modifications to current truck routes removing congestion off our local streets.
 - B. 640Columbia.com <https://www.640columbia.com>
 - C. 280 Richards St. [Thor closes on \\$230M finance deal for new Red Hook Amazon warehouse | Real Estate Weekly \(rew-online.com\)](#)
 - D. 55 Bay Street [55 BAY ST, BROOKLYN - Home](#)
 - E. More to come ????

3. Have Amazon and UPS freight come in via water in shipping containers and help in "**Congestion Mitigation and Air Quality**" to the neighborhood and NYC.
 - A. 280 Richards St has a Bulk Head that can accommodate crane installation. Find 3 attachments of existing conditions.
 - I. 280 Richards Northwest Panoramic
 - II. 280 Richards Basin Bulkhead East to West
 - III. 280 Richards Street Bulkhead West to East
 - B. Install similar cranes that DOS Container Cranes has on Gowanus, find attachment above
 - C. Find Kuenz Crane photo from manufacturer
 - D. Find Kuenz Crane Drawing above.

4. Site work and Tug/Barge Operator
 - A. All the Site work was done by Prismatic Dev. Corp for the DSNY site which we have been in contact with.
 - B. In addition, Have reached out to Norfolk Tug and Barge where they currently have the contract with NYC to move recyclable waste containers on a daily basis from the Gowanus to New Jersey and returning empties for reloading, a similar operation we are looking to do for Last Mile Warehouses. Their Tugs have Tier 4 diesel engines emitting the least amount of pollutants into our atmosphere.

5. How cost effective could above operation be???
 - A. In putting a price on Site work which has been given by Prismatic,
 - B. The labor costs for loading and unloading the containers
 - C. The Cost of Tug/Crew and barge with a capacity of 150 pcs 40' Containers twice a day totaling 300 Containers daily estimated by Ed Whitmore of Norfolk Tug & Barge

D. If we can amortize the cost over the 20 year lease period that Amazon has, it would be around \$ 300.00 per container in and out.

F. It would be more appealing if since we are removing trucks off our Streets, Highways, Bridges as well as reducing pollution, have Federal and State Government help subsidized a project like this.

NYC will benefit by considering this proposal. Thank you for your time.

Sincerely,
Jim Tampakis
Resilient Red Hook Committee Member
Cell 718 755 8855
Office 718 855 9800

Barge Cranes

Barge Crane – Portiques fluviaux



Purpose / Einsatz / Application:

2 Gantry cranes for 20' waste container handling
2 Krane für den Umschlag von 20' Müllcontainern
2 Portiques fluviaux (conteneurs 20' à ordures)

Customer / Kunde / Client:

Operator / Betreiber / Opérateur:

Location / Standort / Site

Year of commissioning / Inbetriebnahmejahr / Année de mise en service

Mi-Jack Products Inc.
NYC Department of Sanitation
New York Southwest Brooklyn, USA
2017



Type / Typ / Type

KB 15,24/2 DG

KB = Künz Barge Track width/stacking height // Spurweite/Stapelhöhe // Entraxe/Hauteur d'empilage

SG Single Girder / DG Double Girder/ ASG Aerodynamic Single Girder / ADG Aerodynamic Double Girder

Technical Data / Technische Daten / Données Techniques

Lifting capacity under spreader / Tragfähigkeit am Spreader / Capacité de levage au spreader 30,0t

Cantilever fixed column / Auskragung Feststütze / Avant-bec palée fixe 3,7 m

Cantilever hinged column / Auskragung Pendelstütze / Avant-bec palée pendulaire 17,1 m

Length of crane way / Kranbahnlänge / Longueur de la voie de roulement 70,1 m

Working speeds / Arbeitsgeschwindigkeiten / Vitesses

Hoist rated load / Hub Vollast / Levage pleine charge 0 – 52 m/min

Hoist partial load / Hub Teillast / Levage charge partielle 0 – 110 m/min

Gantry drive / Kranfahrt / Translation 0 – 70,1 m/min

Trolley drive / Katzfahrt / Direction 0 – 122 m/min

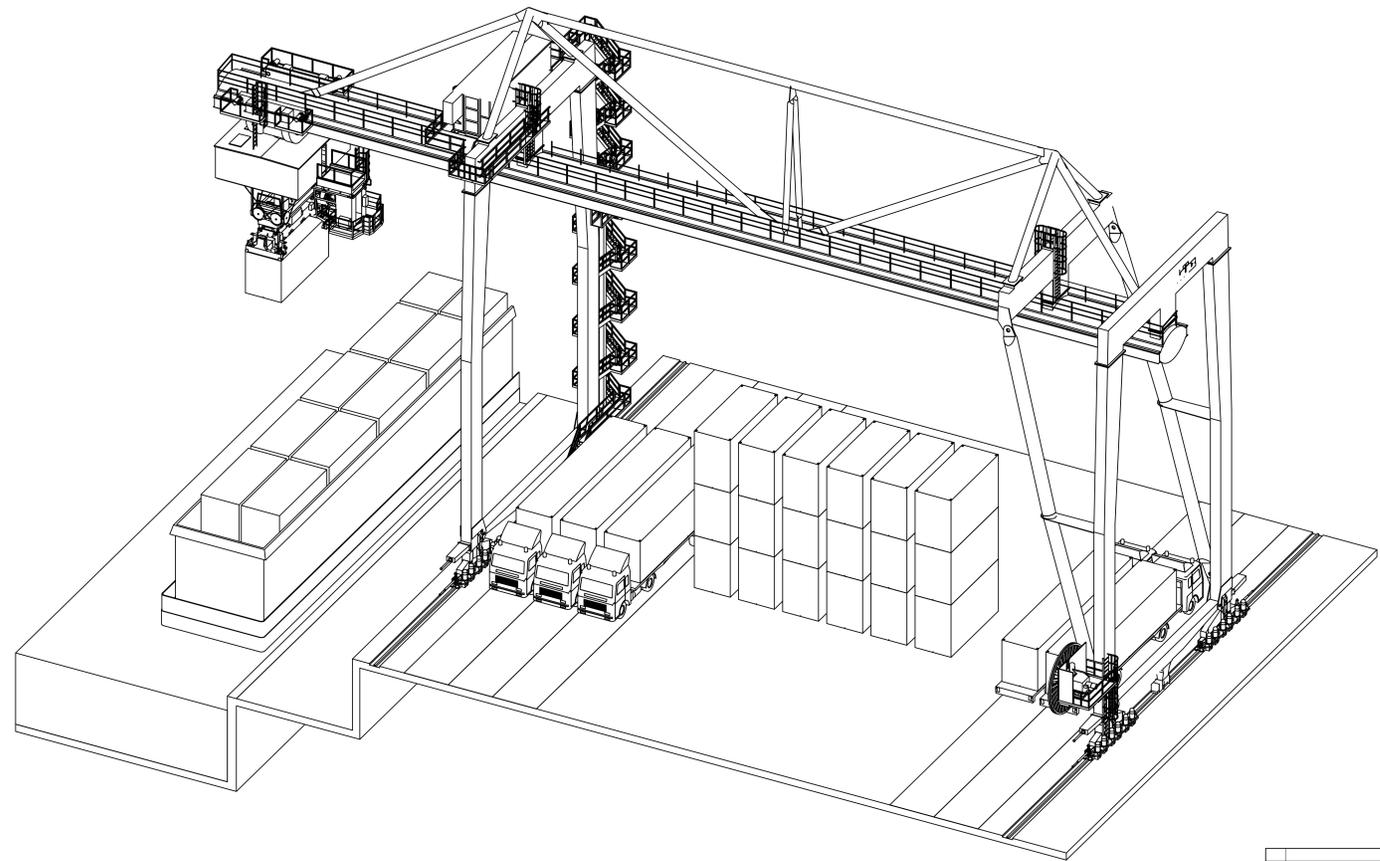
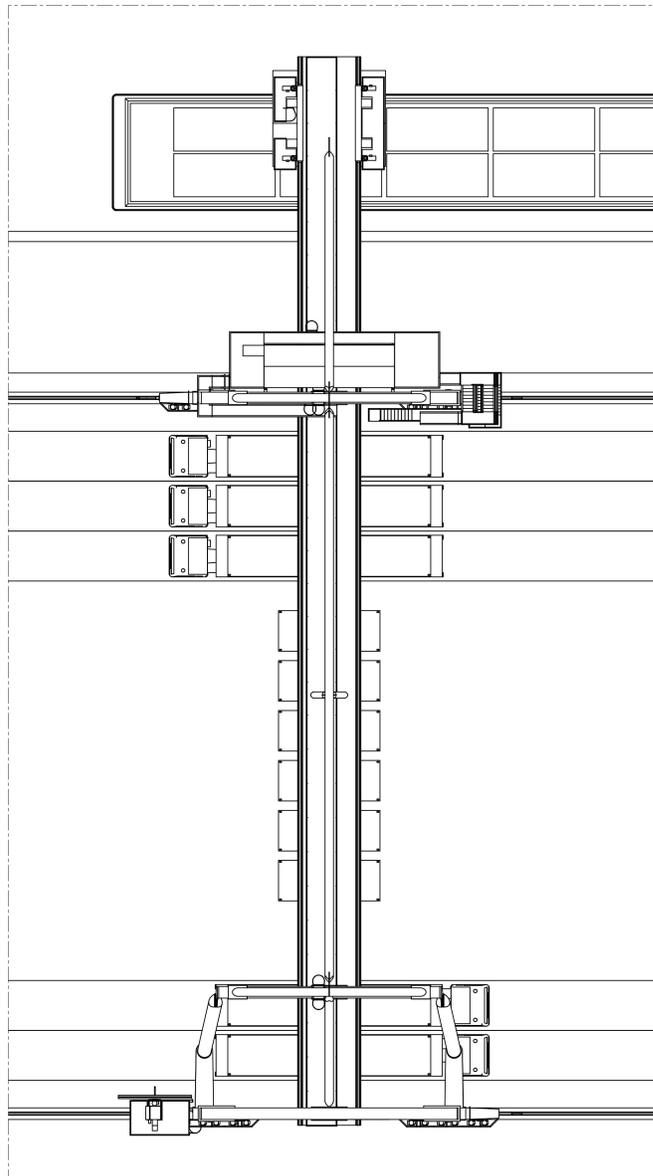
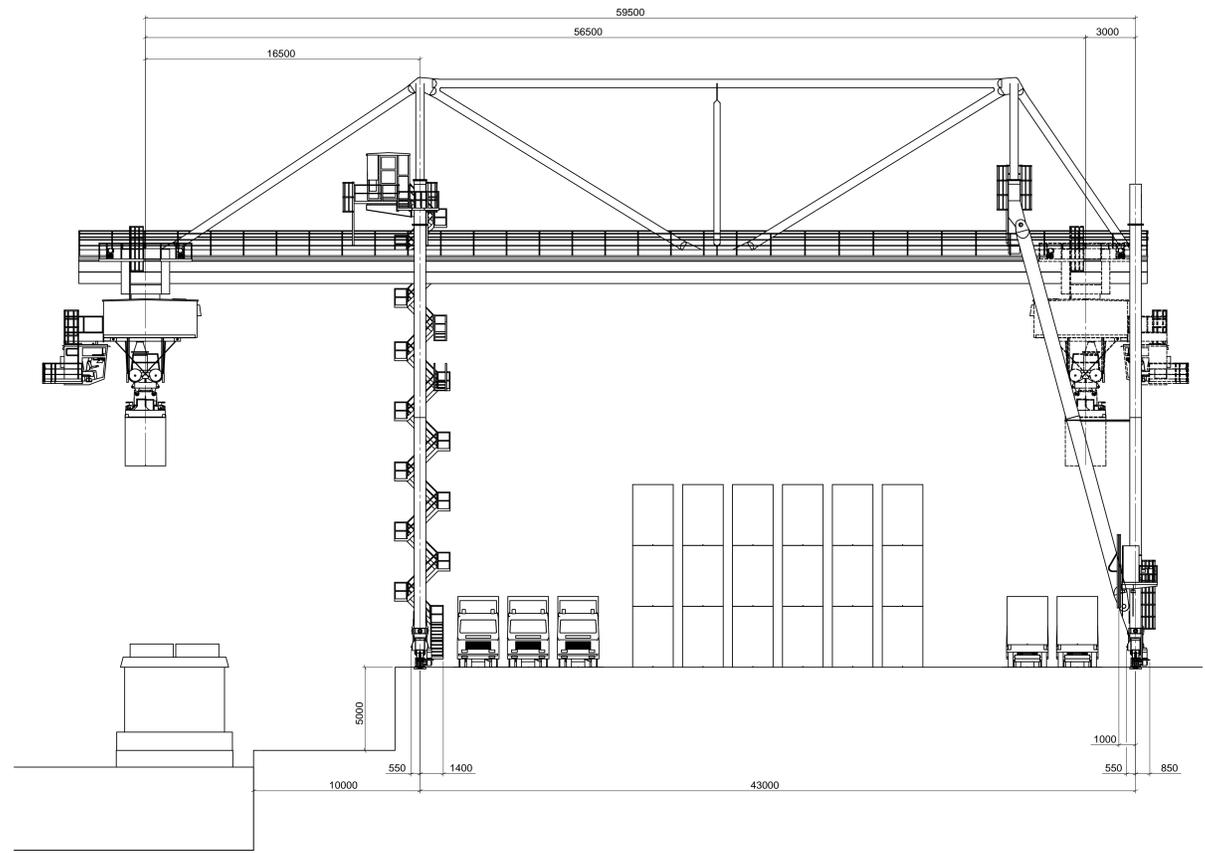
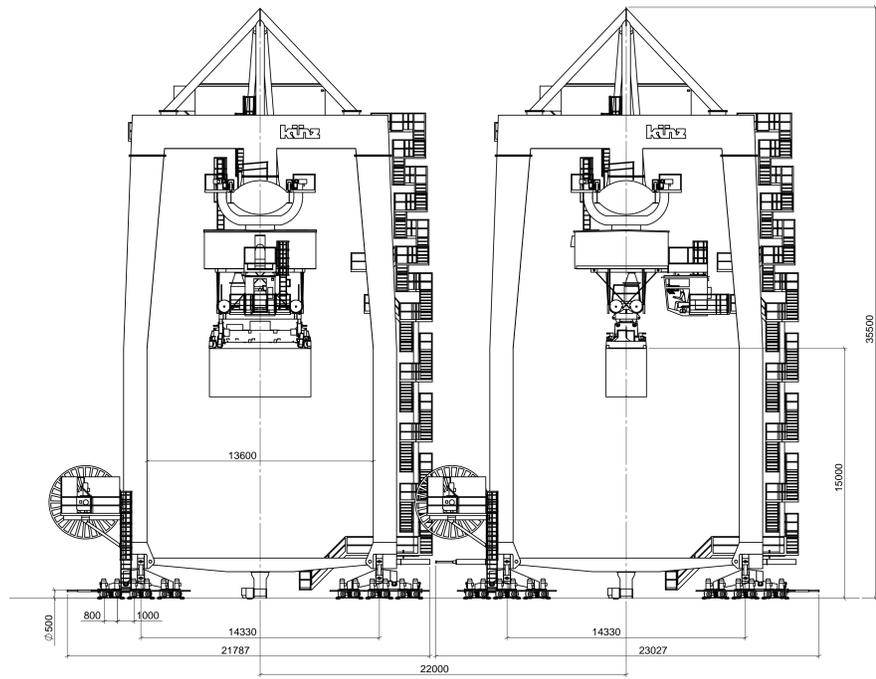
Power / Leistungen / Puissances

Main hoist / Hubwerk / Levage 1 x 325 kW / 60%ED

Gantry drive / Kranfahrwerk / Translation 12 x 13 kW / 100%ED

Trolley drive / Katzfahrwerk / Direction 4 x 19 kW / 100%ED

Slewing mech. / Drehwerk / Rotation 2 x 7,0 kW / 100%ED



Erstentwurf, vorbehaltlich Änderungen!
 First draft, design may be subject to change!
 Première ébauche, sujet à modifications!

0 Extension / Initial Release / Version initial		ANGEBOTSZEICHNUNG PROPOSAL DRAWING PLAN DE CONCEPTION	
1 Änderung / Revision / Edition		klnz	
Freigegeben / Released date / Date de validation		Name / Name / Nom	
Benennung / Designation / Dénomination KASG EGIS		Projekt / Project / Projet	
Anlage / Site / Site		Kunde / Customer / Client	
Mäße / Scale / Echelle		Schutzzeichen ISO 10110 beachten. Please to attention notice ISO 10110. Respect des consignes de protection ISO 10110.	
1:150		Alternative Änderungen vorbehalten! / Bâtiment/Project/ Formel / Number / Numéro / Rev Design may be subject to change / Modifications possibles	
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Randall's Island / Port Morris

Harding Park

Long Island City / Roosevelt Island

Brooklyn Bridge Park

Williamsburg / Greenpoint

Amphibious Gowanus

North Shore

Broad Channel:
Zoning for Resiliency

STATEN ISLAND

Lower New
York Bay

Raritan Bay

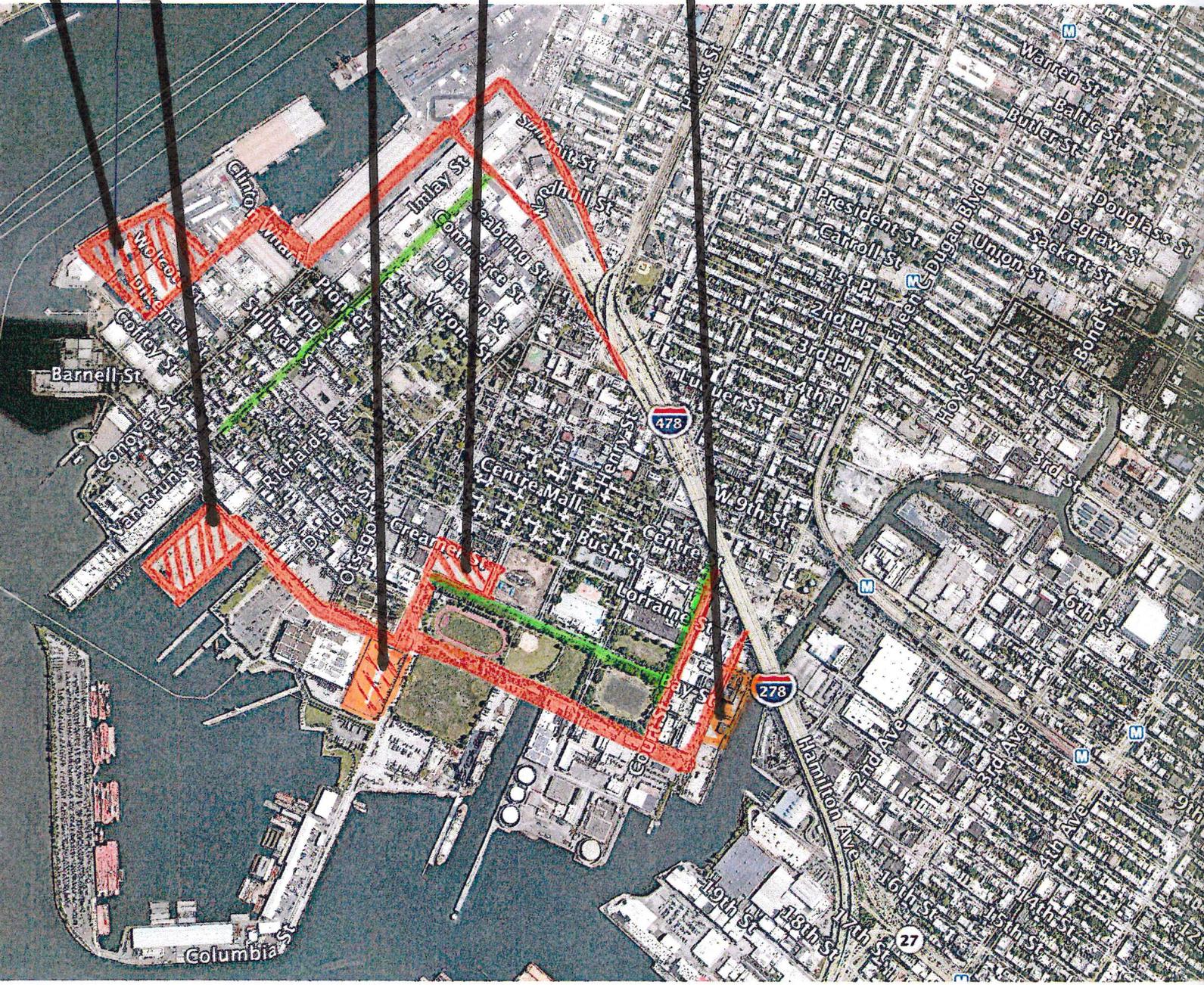
UPS, 1.2 mil sq/ft

640 Columbia St, 400,000 Sq/ft

659 Smith St, 168,000 sq/ft

280 Richards, 320,000 sq/ft

55 Bay St, 90,000 sq/ft



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DHL

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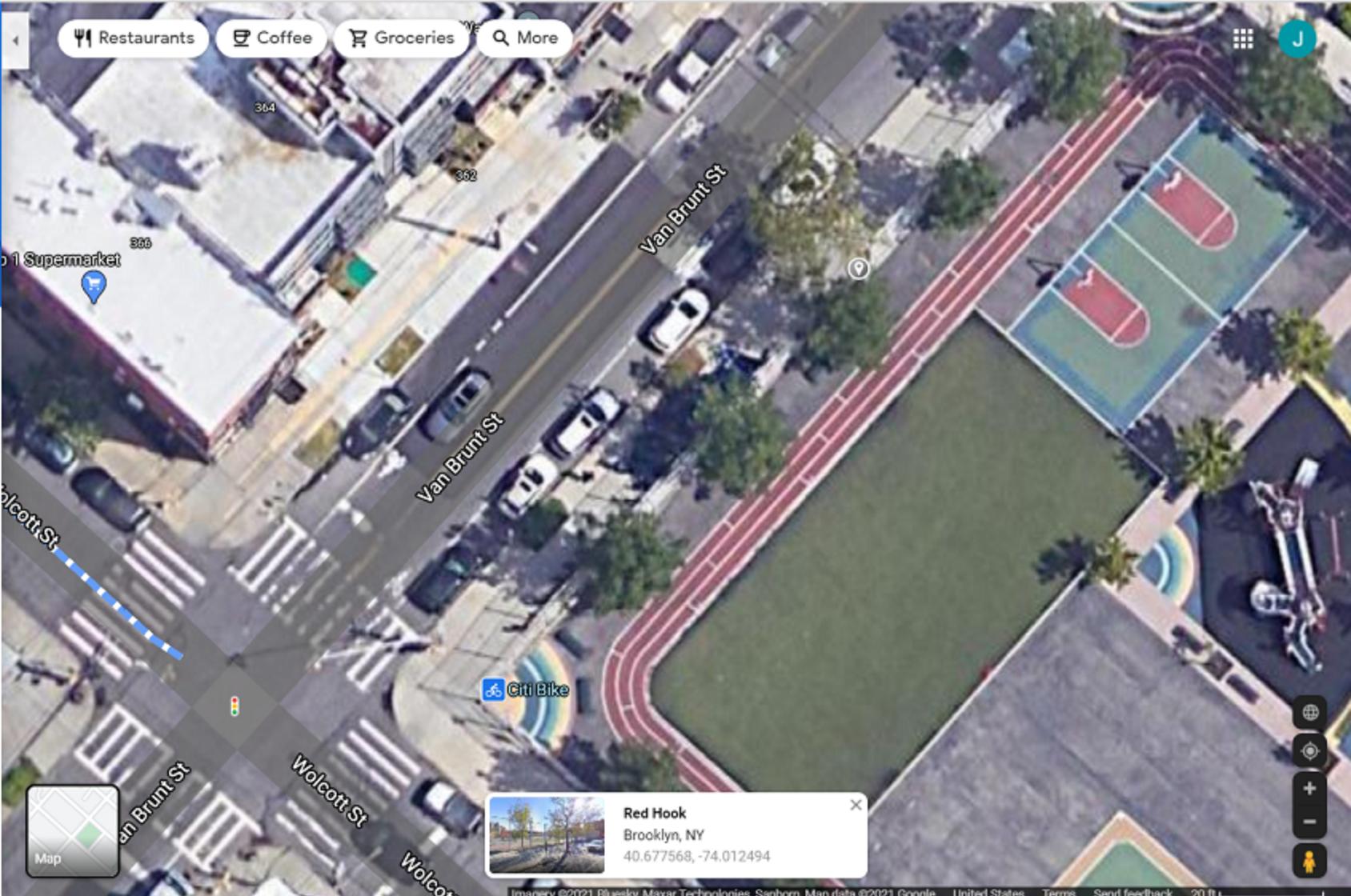
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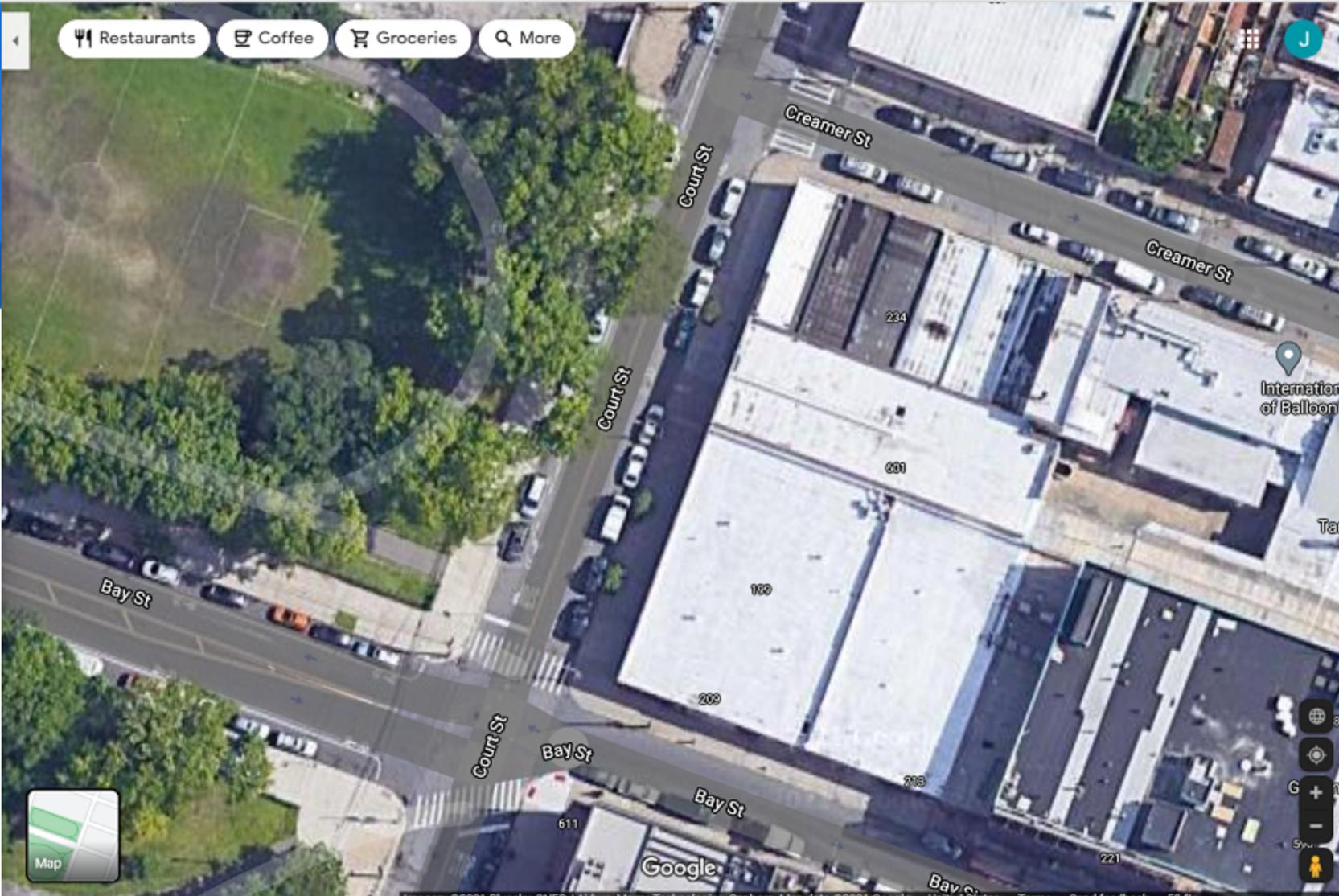
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TESTIMONY TO THE NEW YORK CITY COUNCIL

May 5th, 2021

José Holguín-Veras, Ph.D. W.H. Hart Professor

Director of the Center of Excellence for Sustainable Urban Freight Systems

Rensselaer Polytechnic Institute, Email: jhv@rpi.edu

Honorable City Council Speaker Mr. Corey Johnson, City Council members Mr. Ydanis Rodriguez, Mr. Antonio Reynoso, Ms. Carlina Rivera, and Mr. Keith Powers, members of the public.

My name is José Holguín-Veras, a New Yorker at heart, and the Director of the Center of Excellence for Sustainable Urban Freight Systems, a coalition of the leading urban freight research centers in the world. We have a global view on urban freight management, policy, and planning. Among other accomplishments, our group designed the off-hour delivery project successfully implemented by NYC Department of Transportation.

It is a great pleasure to express my support to the initiatives drafted by the New York City Council's Transportation Committee because they will:

- **Help reduce the obstructions produced by double-parked trucks** by improve curbside access to commercial vehicles through modernizing the legislative framework of commercial loading zones ([Intro 2277](#): Reforming commercial loading zones and [Intro 2279](#): Expanding commercial loading zones)
- **Foster the use of sustainable freight modes** by facilitating pilot testing and development of micro-distribution-centers ([Intro 2253](#): Micro-distribution centers) and, requesting the NYS Legislature to remove the barriers to the use of electric cargo bikes ([Reso 1610](#): State legalization of Cargo bikes)
- **Help reduce the package theft and increase delivery efficiency** by fostering the installation of secure package storage ([Intro 2280](#): Secure package rooms)
- **Minimize truck vehicle-miles-traveled the associated externalities** by means of updating the truck route network ([Intro 2282](#): Redesign truck routes)
- **Manage the freight traffic created by large commercial buildings** by requiring building owners to implement Delivery and Service Plans ([Intro 2281](#): Delivery and Service Plans)

In addition to advancing sustainable deliveries in New York City, I would expect this legislative package to influence urban freight policy and management in cities across America and the world. As shown by the off-hour delivery project—which spawned pilot tests and implementations in the US and the world—the eyes of the freight world are on NYC.

In closing, it is important to keep in mind that innovation is, by definition a risky endeavor. In spite of our best efforts, things not always go as expected. I encourage the New York City Council to closely monitor the performance of these legislative initiatives, improve what needs to be improved, and keep working to foster sustainable urban deliveries in New York City. We have the responsibility to fight climate change with all the tools we have while, while fostering quality of life, and economic prosperity. The excerpts that follow provide data and insight about the importance of urban freight activity in NYC

Thank you for your attention.

José Holguín-Veras

About the Importance of Freight Activity to Cities and Challenges Ahead

Excerpts from Holguín-Veras et al. (2018). **The New York City Off-Hour Delivery Program: A Business and Community-Friendly Sustainability Program.** *INFORMS Journal on Applied Analytics*, 48(1), 70-86. doi:<https://doi.org/10.1287/inte.2017.0929>

Metropolitan areas are economic powerhouses; their vitality central to the success of national economies. Consider that: (1) the top 600 cities in the world produce about 60% of the global Gross Domestic Product (Dobbs et al. 2011); (2) about 83% of establishments, 78% of employment, and 76% of the value of manufactures take place in the metro/micro-politan areas (U.S. Census Bureau 2002); and (3) 80% of the total cargo transported in the United States (US) has its origin or destination at one of the country's top 100 metropolitan areas (Tomer and Kane 2014). Without modern supply chains—the circulatory systems of metropolitan areas—urban and national economies would collapse. Yet, major challenges threaten the performance of modern supply chains and the quality of life in metropolitan areas, including the combined effects of climate change, rising urban congestion, the health impacts of urban pollution, the emergence of megaregions, the surge of internet deliveries, heightened expectations from users in terms of speed and costs of delivery, and the already high last-mile delivery costs.

Efficient logistics are critical to sustaining both the quality of life and vitality of metropolitan areas. The Freight-Intensive-Sectors of the economy—where the production and consumption of freight is a central component of the activity (e.g., manufacturing, accommodation and food)—represent about 45% of commercial establishments, and 50% of employment in America's metropolitan areas. Service-Intensive-Sectors—where the primary business function is one of service (e.g., finance, education)—represent the rest. Both groups need supplies brought in and shipments sent out, though in different amounts; the bulk of the freight and freight-trips are generated by the freight-intensive-sectors. Essentially, the performance of logistics directly impacts about half the economy in metropolitan areas, and indirectly affects the other half.

The amount of cargo transported in metropolitan areas is very large, and growing. Expressed in a per-capita basis—total amount of cargo divided by the population—the rates of generation of cargo exhibit a wide range that is highly dependent on income: 45 kg/person-day in New York City (NYC), 35 kg/person-day in Beijing, China, and 25 kg/person-day in Medellín, Colombia. Transporting these supplies—used for manufacturing, imports and exports, general trade, and human consumption—is a monumental challenge that is becoming incredibly expensive and complex. As incomes rise, the amount of cargo produced, consumed, and transported also increases. This is particularly the case of NYC, where incomes have steadily risen. According to the New York City Mobility Report (NYC Department of Transportation 2016), between 1980 and 2010, New York City for example, has experienced a 16% growth in population, 12% growth in employment, 187% growth in tourism, and 59% growth in subway ridership. Between 2010 and 2015, New York City added more than 500,000 jobs with the city's population growing steadily at an average annual rate of 1%, tourists visiting grew by 9.5 million or nearly 20% in the period. It was estimated that daily freight trips have increased steadily, growing by 5.7% between 2010 and 2013.

The transport of cargo needed by metropolitan economies requires the use of multiple transport modes: hundreds of thousands of delivery vehicles of all sizes, ranging from large semi-trailers to delivery vans to cargo cycles. This activity also produces large amounts of externalities in terms of infrastructure damage, congestion, pollution, traffic crashes, health impacts produced by emissions, and other impacts that detract from urban dwellers' quality of life. Recent research developed models to estimate the freight trip generation produced by commercial establishments (Holguín-Veras et al. 2016b). The application of these models to employment data reveals that, on average, every resident in a US metropolitan area produces about 0.07 deliveries/person-day. For every fourteen residents, or about six households, one delivery trip is produced every single day. In the New York metropolitan area, the largest in the country, this represents about 1.4 million freight-trips/day. In addition to deliveries to commercial establishments, the logistics industry has to conduct an increasing number of internet deliveries to

households. In 2009, internet orders were generated at an average per-capita rate of 0.054 deliveries/person-day; while the estimated per-capita rate for 2014 is about 0.10 deliveries/person-day (COE-SUFS 2016). In Seoul, South Korea, internet deliveries are made at a rate of 0.20 deliveries/person-day (Park et al. 2016). Currently, on any given day, the number of internet deliveries to households is larger than the number of deliveries to commercial establishments. If US cities follow the example of Seoul, the number of internet deliveries to households would become about three times larger than the number of deliveries to commercial establishments. Aggravating the matter, consumers' desire to receive their internet purchases quickly works against the sustainability of logistical operations. The faster the delivery, the more difficult it is to achieve an efficient use of assets: the number of vehicles required to transport the supplies increases, as does the traffic and energy consumption, while the sustainability of the supply chain decreases.

Transporting supplies in most urban environments is a very expensive proposition. A comparative study funded by the Inter-American Development Bank estimated that, in NYC, congestion increased delivery costs by a factor of +98% on average, with respect to congestion-free costs, though the range of cost increases ranges from (+40% to 196% (Holguín-Veras et al. 2016a). These extra costs significantly increase the cost of living. These impacts help explain the high costs of conducting the last segment of the deliveries, the proverbial "last-mile," which typically represents between 28% to 50 % of total transport costs (McCrea 2016). Finding ways to reduce these costs, and the numerous externalities associated with delivery traffic, will have beneficial impacts on the economy, the profitability of the private sector, the environment, and urban livability.

These are not the only challenges. Emerging economic, social, and technological trends are all imposing higher requirements on urban supply chains. As people move into megaregions in search of opportunities and better services, their reliance on supply chains increases freight demand and service traffic, and ultimately, congestion. Megaregions are also changing due to globalization's impacts on local economies. Abandoned manufacturing sites have been repurposed, and cities have replaced warehouse areas with high-value manufacturing, residential, commercial, and service establishments; all part of high-tech and service economies. Such shifts lead to increases in freight-trips, typically by small trucks. Example: in the NYC metropolitan area in 1964, the 18.5 million residents and 8 million employees generated about 2.8 million freight-trips/day to businesses; today, the area's 20.2 million residents and 9.3 million employees generate 3.0-3.4 million deliveries/day (1.4 million deliveries to businesses, and 1.6-2.0 million internet deliveries to households). The rise of megaregions and megalopolis is often accompanied by logistical sprawl (the outward migration of distribution centers and warehouses), which further complicates urban logistics. These trends will have profound impacts on transportation supply and demand. Socio-demographic trends also imply changes in urban freight systems. Rising population, with increasing rates of internet deliveries per capita and crowdsourcing of service activities, will increase the traffic of passenger, freight, and service activities. The reliability of on-demand deliveries of home and health supplies and the aging of the American population will also increase internet deliveries and service trips.

In some cases, public-sector policies could inadvertently make things worse. This is a major risk, partly because of the lack of established procedures that city governments and transportation departments can use to identify policies and programs to improve the performance of logistics in metropolitan areas. There are no widely available training courses and best-practice handbooks that could be used to train public-sector professionals. One of the few reference publications is Holguín-Veras et al. (2015) which reports the OHD study and pilot conducted in NYC and which is heavily cited in this paper.

At the same time that the amount of freight and freight-trips is rapidly growing—due to the trends discussed above—it is becoming prohibitively expensive and extremely difficult to add capacity to transportation networks. In this context, the only option is use the existing infrastructure in a way that foster sustainability and manage demand to reduce the pressure on transportation networks.

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Statement In Support of Intro. 1811, Establishing Theater District Safety Zone

Thank you, Chair Rodriguez and members of the Committee for allowing me the opportunity to speak today. My name is Jessica Baker Vodoor and I am the Vice President of Operations for the New 42nd Street. We strongly support the thoughtful policies included in Intro. 1811 and we offer our sincere thanks to the bill's sponsors, Council Member Keith Powers and Speaker Corey Johnson, for their ongoing leadership and support of the theaters and businesses on 42nd Street during this difficult COVID-19 pandemic.

Over the past thirty years, New 42 has partnered with the City and State to create and manage a vibrant mix of adaptive reuses for City-owned historic theaters on 42nd Street between 7th and 8th Avenue, and today, the 42nd Street theaters desperately need the "Theater District Safety Zone" designation created by Intro 1811. On the east side of this single 42nd Street block, there are five theaters with a total of more than 5,000 live theater seats. These venues include the New 42's New Victory Theater, which during normal operations presents world class performances for more than 100,000 New York City school children, parents, and families annually as well as providing arts education experiences for school kids across all five boroughs. The block also is the home to the nonprofit Roundabout Theater's American Airlines Theatre, a Broadway sized stage with rotating productions, the Lyric Theatre which presents the long running commercial Broadway production Harry Potter and the Cursed Child, and the New 42's Duke on 42nd Street, an off-broadway venue with rotating performance offerings. Across the street on the same block is Disney's New Amsterdam Theater, which offers world class Broadway performances for New York City families.

Establishing Pedestrian Flow Zones on the sidewalks of blocks like ours with multiple active theaters is just common sense, as the density of visitors and theatergoers to our block adds to the congestion of commuters between the Times Square Subway, Port Authority, and Grand Central Station. This congestion creates safety and egress concerns that require informed and reasonable policy solutions like Intro 1811. The additional unregulated spillover of commercial activity like the costumed characters and ticket sellers creates overcrowding conditions that bottleneck the sidewalk traffic, forcing pedestrians (many of whom are children) into the street. The crowds also block emergency exit pathways, and this causes significant safety hazards for theater audiences and employees. Tour buses parked on streets like ours also exacerbate the problem, walling in pedestrians, creating dangerous egress and ingress backups which could prevent a swift evacuation of the theaters, and making it impossible for school buses to safely drop kids off for school matinees. The bill's creation of Pedestrian Flow Zones and tour bus parking prohibition adjacent to the zones on streets like 42nd Street between 7th and 8th Avenue is something that is long overdue, and I thank you for this wise legislative proposal.

Finally, I applaud the inclusion within the bill of the formation of a working group which will include various City agencies, elected officials and representatives of both the community and those engaged in designated activities. These groups need to meet regularly to discuss and address the ever changing conditions, and I believe this is an excellent solution within this important legislation. Blocks like 42nd Street are unique ecosystems, and creating specialized solutions for this important corridor requires active participation, ongoing communication and cooperation amongst all stakeholders to protect and maintain a vibrant 42nd Street and theater district at large.

As we continue building our COVID recovery for the city's entertainment, cultural, and tourism economy, legislation like Intro. 1811 is exactly the kind of informed legislation that the council should be implementing to bring New York City back stronger, safer, and better than it's ever been before. I urge the committee to recommend this bill forward and advocate for its passage by the full Council. Thank you for allowing me to speak to you today and for your leadership on this critical safety and recovery issue.

Jessica Baker Vodoor
Vice President, Operations
New 42nd Street, Inc.

Testimony
Intro. 1811
Theater District Safety Zone

Thank you, Chair Rodriguez and members of the Committee for allowing me the opportunity to submit testimony. My name is Julia Levy and I am Executive Director of the not for profit Roundabout Theatre Company with five theatres all located in the Broadway district including our flagship theatre, the American Airlines Theatre, on 42nd Street between 7th and 8th Avenues. On behalf of our Board of Directors, artists, audiences and staff, I support Intro. 1811 and sincerely thank its sponsors, Council Member Keith Powers and Speaker Corey Johnson, for their ongoing leadership on public space management amidst the COVID-19 pandemic.

Times Square has always been a center of creativity and innovation. The Times Square Alliance, of which I am a board member, continues to pilot new public space management strategies, particularly those that prioritize pedestrians and their health and safety, contribute to the excitement and diverse activity that is Times Square's hallmark, and now, to ensure visitor safety in a post-COVID world. And as important to ensuring visitor safety is doing all that is possible to build that confidence among visitors that Times Square *is* safe!

This safety is particularly critical for those of us who not only visit the area but also work in the area! In trips to the Times Square area since COVID lockdown, I have noticed tremendous inconsistent mask use since COVID – especially among the costume characters. I have also experienced the lack of adhering to any sort of social distancing with costume characters and visitors.

Ten years ago, the City created the Broadway pedestrian plazas as an experiment to manage increased congestion overburdening our sidewalks. The plazas were a tremendous success; tourists, local employees, and residents could navigate Times Square safely and have a place to sit, relax and enjoy public programming. By 2020, before COVID-19 hit, the plazas welcomed over 400,000 people a day, a level of use which requires us to balance competing demands for space.

In 2016, in response to this, the Council passed common sense regulations to balance the multiple demands for use of our public spaces with pedestrian safety. These rules aimed to preserve mobility on the plazas and maintain individuals' right to engage in commercial activity in the public realm by creating two types of zones:

1. Pedestrian Flow Zones, or lanes dedicated solely to walking and
2. Designated Activity Zones (DAZ), areas where commercial activity is allowed to occur, including ticket selling, street performances, costumed characters posing for photos or other activities offered with an expectation of a fee or tip.

The intent of this law – Local Law 53 – was to require that commercial activity outside of that permitted by a franchise or other city permit, occur exclusively in Designated Activity Zones, but the City's interpretation of the rule has left passersby open to unwanted solicitations outside of the zones. According to a recent survey by the Times Square Alliance, in 2019, well after Local Law 53's passage, 47% of New Yorkers surveyed had an unpleasant interaction with a costumed character. Among those who work and live in Times Square, 60% reported an unpleasant interaction, and a quarter of those folks reported being touched without consent, the impact of which is even more serious post-pandemic.

While most of the costumed characters abide by the DAZ rules, one needs to only observe there are a significant number that bully and harass people for tips.

Currently, the existing rules pertain only to plazas; not to surrounding streets with similar congestion issues. As such, commercial activity on nearby streets increased, resulting in blocked subway entrances, difficult egress from theaters, hotels, and other establishments, as well as thousands of people walking in the streets. If we want New York City to be a safe and comfortable post-recovery destination, we must address these conditions *before* workers and visitors return to our plazas en masse.

In fact, almost immediately after the pedestrian zones were instituted, the costume characters began congregating on 42nd Street and 7th Avenue creating an unsafe environment for Roundabout's stakeholders attempting to navigate those corners to access our entrance midblock.

Intro. 1811 does this by building on Local Law 53 to improve pedestrian flow and safety in the following ways:

1. It clarifies existing regulations regarding designated activities such that the entirety of the interaction must take place in the Designated Activity Zone;
2. Creates flow zones on overcrowded streets within the Times Square area, including West 42nd Street, Broadway, Seventh Avenue and side streets with three or more theaters seating over 500 people;
3. Prohibits tour bus parking adjacent to those flow zones;
4. Gives DOT the authority to consider pedestrian congestion when authorizing street closures, and;
5. Mandates the formation of a working group to include various City agencies, elected officials and representatives of both the community and those engaged in designated activities to meet regularly to ensure ongoing communication and cooperation among all stakeholders.

Today, it is essential that we proactively ensure the safety of those who visit Times Square including our audiences and our workforce of artists, front of house, backstage and administrators. If visitors feel safe in Times Square, the busiest crossroads of the world, they will feel safe across the City. Adopting Intro. 1811 puts us further along the path to recovery and lets the world know that New York City is a safe and exciting place to return.

Given the challenges of our industry, the theatrical community, returning to our places of work, audiences feeling safe entering our theatres, feeling safe in Times Square will be critical to our ability to recover.

Testimony of Kendra Hems

On Behalf of

Trucking Association of New York

Before the

**New York City Council
Committee on Transportation
May 5, 2021**

Regarding

Trucking and Freight Management Legislation

Good morning Chairman Rodriguez as well as members of the committee and thank you for the opportunity to testify before you today. My name is Kendra Hems and I serve as President of the Trucking Association of New York (TANY). For over 85 years, TANY, a non-profit trade group, has represented the trucking industry in New York, advocating for the industry at the local, state and federal levels. We provide educational programs to our membership, which enhance their safety and maintenance efforts and offer numerous councils and committees to meet the diverse needs of our membership. TANY comprises over 600 member companies from New York, Canada, every border state, and other states across the country and is the exclusive New York affiliate of the American Trucking Associations (ATA).

First and foremost, I would like to thank the Council for taking the time to organize today's hearing which will focus on the critical nature of how goods and services are delivered in New York City. Since the beginning of the pandemic, the trucking industry has had to adapt to an unprecedented rise in consumer demand as well as ensuring that critical supplies were delivered to healthcare facilities and providers throughout the city and state. At the same time, the City has implemented policies to expand open spaces for pedestrian access and the creation of the Open Restaurants program to expand outdoor dining, all of which, have made curb access a finite resource.

While we understand recent policies and the need for enhanced open space, we must balance those needs with how we allow for the safe and efficient delivery of goods. We are glad that the Council has taken steps to introduce legislation being heard today which TANY believes will improve curb access and freight management.

Intro 2253 would create a pilot program to create at least 12 micro-distribution centers, which would be used to consolidate freight to transfer to sustainable modes of transportation for last mile delivery. We have been speaking with potential vendors that are already working on this concept and agree that it makes sense for certain operations. However, as work continues to shift to the use of zero emission vehicles in New York City and across the state, we question why electric vehicle charging would only be made available, at a minimum, at three of the centers. Smaller, electric vehicles, including box trucks, may have to wait for their daily deliveries to be consolidated and it would make sense to allow them to charge while waiting.

TRUCKING ASSOCIATION OF NEW YORK

Regarding Intros 2277 and 2279 which reform the system of commercial loading zones as well as expanding the amount of commercial loading zones citywide, TANY is appreciative of the intent to expand the duration of commercial parking as well as ensuring that the City does more to expand available space. TANY has long advocated that there are simply not enough available commercial loading zones which results in our members having to double park their vehicles and increasing traffic congestion. We believe the reforms in Intro 2277 including extending the maximum amount of time from 3 to 8 hours will greatly enhance our members' operations. However, we are concerned that the proposed parking rates set a minimum rate per hour, but do not set a maximum. Trucks are providing critical deliveries and should not be subject to exorbitant parking rates to do so. Additionally, specific to intro 2279, we would like to see a provision that requirement that 25 percent of curb space be available for commercial parking be evaluated annually. Absent that evaluation, we are concerned that over time the curb allocation could erode.

We also applaud the Council for including measures to prohibit the use of parking placards in the central business district (CBD) of Manhattan but would ask that the Council explore extending the use of this prohibition citywide as we have seen parking placard use in the other boroughs that takes up a significant amount of available commercial loading zones. One area of concern, however, is the issue of requiring all commercial parking to be metered. The trucking industry, like other industries, has had to deal with rising costs during the pandemic and we are concerned with the idea that our members will now have an added cost in some commercial loading zones that were previously unmetered and cost-free.

Turning to Intros 2280 and 2281 which address how goods are delivered to certain buildings, TANY is generally supportive of both of these pieces of legislation. We see the benefit of having one secure location in a building for package delivery as proposed in Intro 2280 that will save drivers and delivery workers from spending significant amounts of time traversing up and down floors to deliver packages. TANY also sees the benefits of examining larger buildings and the way they conduct the delivery of goods and services but cautions the Council that there is not a "one size fits all" solution to this issue. We have a variety of members who need to deliver essential services, for example, that require them to access specific areas of a building.

Finally, on Intro 2282, TANY agrees that the truck route map in New York City is in need of reconfiguration and we are happy to see the inclusion of stakeholder management in the legislation. We are also glad to see that the legislation calls for the replacement and enhancement of truck route signage. TANY has been working with the Department of Transportation (DOT) on this issue for several years and we have made some progress although it appears that increased funding is needed to ensure that additional signage is replaced. With that said, TANY is aware that DOT is in the process of releasing a new freight management plan that includes a redesigned truck route map and we are concerned with how this will conflict with Intro 2282.

As I mentioned at the beginning of my testimony, TANY is thrilled to see the Council taking legislative action on freight management and we look forward to continuing our dialogue on this package of legislation.

Thank you.

TRUCKING ASSOCIATION OF NEW YORK



Twin America Testimony on City Council Intro 1811

May 5, 2021

Thank you to Chair Rodriguez and members of the City Council Committee on Transportation. My name is Laura Rothrock and I am testifying today on behalf of Twin America. Twin America provides hop-on/hop-off, open top double-decker sightseeing bus tours. Before the Covid-19 pandemic, our company served over one million customers annually and employed approximately 1,000 union employees (Transport Workers Union of America, A.F.L.-C.I.O Local 225; International Brotherhood of Teamsters Local 966; United Service Workers Union IUJAT, Local 1212, Jointly with Stationary Engineers, Firemen, Maintenance and Building Service Union Local 670, RWDSU,UFCW) in New York City.

Regarding City Council Intro 1811, we understand that Times Square stakeholders want better pedestrian flow in the public plazas. However, the language about sight-seeing buses is duplicative of current city policy and does not offer flexibility as our City begins to welcome back tourists. We ask that the bill be amended to delete the following provision: “no on-street sight-seeing bus stop shall be located adjacent to a pedestrian flow zone.”

The City Department of Transportation provides sight-seeing bus stop permits that are also reviewed by the local Community Board. If there is a problem with a sight-seeing bus stop, we will work with DOT, the Times Square Alliance and the community board to relocate the stop. To legislate where sightseeing bus stops can be located within Times Square seems like an overreach and unnecessary since there is already a public process in place.

Twin America has been working with the City Council, the Times Square Alliance, and other local stakeholders since the pedestrian plaza program began. We were deeply involved in the discussions around the activity zones when they were first implemented in 2016 and we will want to continue to work with the Council and all stakeholders to find solutions that help make our city safe and welcoming. We have also offered up suggestions dating back to 2016 to the Administration and City Council about how to better regulate ticket sellers and we would be happy to revisit those discussions.

As you can imagine, Covid-19 has devastated our industry and the city's tourism economy. Now that we are over the worst of the pandemic, we hope to work with the City Council on ways to invigorate tourism during the long recovery ahead of us. We ask that you remove the bus stop provision from this bill language and we would be happy to discuss with you further. Thank you for your consideration.



**New York City Council
Committee on Transportation**

Wednesday, May 5, 2021

Testimony from Long Island City Partnership

Good Morning Chair Rodriguez and Members of the Committee on Transportation, and thank you for the opportunity to address you today. My name is Charles Yu, and I am the Senior Director of Business Assistance of the Long Island City Partnership, the local development corporation for LIC. We also manage the LIC Business Improvement District (LIC BID) and Industrial Business Zone (IBZ). We know that the New York BID Association, of which we are a member through our BID arm, is also submitting testimony and we echo its sentiments. We also thought it was important to share our perspective in our Industrial Business Service Provider hat, where we work one on one with industrial businesses throughout Western Queens.

Transportation and freight mobility are very important issues for our area. Many of our businesses rely on trucks, vans, and other commercial vehicles in their daily operations to deliver essential products and services to their customers in Manhattan and beyond.

We commend the Council for highlighting the need to accommodate essential delivery activity and to proactively to alleviate the growing conflicts on our congested streets. We would welcome the opportunity to work with you, DOT, our businesses and other affected community stakeholders on crafting a holistic approach to these pressing issues.

While we believe the package of bills for smart, safe, and sustainable deliveries is a much-needed call to action, we also caution that these are complicated issues and this is a difficult moment, when the rules for permanent open dining and congestion pricing management, just to name two, are being developed and will also have a direct effect on the use of curb space and traffic lanes. Further, at this time when we are still experiencing massive disruptions due to COVID-19, it is a difficult time to properly gauge demand and traffic patterns, making an appropriate long-term solution elusive.

We also fear unintended consequences of some of these proposals, especially when applied so broadly. For example, the conversion of all commercial loading zones to muni-meter parking and the extension from 3- to 8-hour parking could turn the city's curb spaces into transfer stations rather than encouraging turn-over; the expansion of commercial loading zones to no less than 25% of available curb space could introduce frictions with restaurants offering outdoor dining on certain streets, and may not actually line up with the needs of those making deliveries; the site-selection and implementation of the micro-distribution centers could increase the cost of delivery and does not make sense for all types of deliveries.

We recognize the urgent need to solve the traffic challenges the city is facing now and thank the Council's leadership in responding to this issue. That being said, having a specific bill prescribing precise solutions could actually restrict its flexibility in addressing the diverse challenges of individual neighborhoods in the city.

On a more macro level, we have long heard that Congesting Pricing will have a considerable impact on traffic patterns in Manhattan but also in Western Queens. We have been patiently waiting for more information. Without the details, it has been difficult to evaluate the exact implication and gauge its interaction with the package of bills currently on the table.

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For these reasons, we sincerely ask that there be a chance to collectively develop a plan with the Council, DOT, businesses, and other community stakeholders that would create a long-lasting impact on traffic and efficiency on our streets.

Thank you for your attention.