



City of New York Parks & Recreation



**Hearing before the City Council
Committee on State and Federal Legislation**

Senate Bill 7858A / Assembly Bill 11099A

June 9, 2010

**Testimony by
Michael Schnall
Director of Government Relations**

S7858A and A11099A, sponsored by Senator Squadron and Assembly Member Millman respectively, amends the New York City Charter to clarify the authority of New York City Department of Parks' Enforcement Patrol (PEP) officers to issue summonses returnable to the Environmental Control Board for the violation of rules of the Parks Department on property under the jurisdiction of the Brooklyn Bridge Development Corporation. In addition, the legislation enables PEP officers to write summonses for violations of rules duly promulgated by the Brooklyn Bridge Park Development Corporation.

Section 1 of the bill amends paragraph 9 of subdivision a of section 533 of the New York City Charter to apply rules and regulations of the Parks Department to parks, recreational facilities and other property under the jurisdiction of the Brooklyn Bridge Park Development Corporation.

Section 2 establishes the remedies and penalties for violations of rules and regulations on public parks and recreational facilities under the jurisdiction of the Brooklyn Bridge Park Development Corporation. In addition to, or as an alternative to any of the remedies or penalties provided under any other provision of law, adjudication of violations of such rules would be before the Environmental Control Board.

Section 3 of S7858A and A11099A provides that the act would take effect immediately after the Governor signs this bill into law.

The Parks Department is in continuing discussions with the Brooklyn Bridge Park Development Corporation to supply PEP officers in order to provide security services at Brooklyn Bridge Park. This arrangement helps to establish a regular presence of PEP officers in this park, which is jointly owned by New York City and New York State. This arrangement furthers the uniform application of the rules of the Parks Department and provides for the consistent enforcement of such rules over almost all parks in New York City.

The proposed amendment of the New York City Charter would firmly establish the authority of the Parks Department to enforce its rules in Brooklyn Bridge Park. Similar Charter amendments were made with respect to public parks under the jurisdiction of the Hudson River Park Trust and the Battery Park City Authority.

We ask this committee to vote to send a favorable home rule message to the legislature in Albany. Thank you.

DAVID WOLOCH
DEPUTY COMMISSIONER FOR EXTERNAL AFFAIRS
NEW YORK CITY DEPARTMENT OF TRANSPORTATION

HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON STATE & FEDERAL LEGISLATION
June 10, 2010

Good morning Chairwoman Foster and Members of the Committee. I am David Woloch, Deputy Commissioner for External Affairs at the New York City Department of Transportation (DOT) with me here today is John Tiplado, Ph.D PE, DOT's Director of Systems Engineering. Thank you for inviting me here today to state the Administration's support for a Home Rule Message in connection with the pending State legislation (A10201/S7735) to authorize the City to establish a Bus Mobility Demonstration Program. This bill will ensure that the City is successful in providing more efficient and effective bus service to the people and visitors of the City of New York.

In June 2008, DOT, in coordination with the New York State Department of Transportation and MTA New York City Transit Authority, launched the first Bus Rapid Transit Route on the Bx12 Line on Fordham Road in the Bronx. This marks the first of five Phase I routes in the Select Bus Service (SBS), which provide faster, more reliable, and more attractive bus service throughout the City. Through improvements such as off-board fare collection, traffic signal priority and enhanced bus lanes, we have reduced travel time by 24% and ridership on the Bx12 has gone up by 30%. This Monday, we announced the new SBS line planned along 1st and 2nd Avenues in Manhattan, which will incorporate features that have made Fordham Road such a success. We anticipate that SBS service along the crowded and congested M15 line will greatly improve travel experiences for bus passengers along a route that now takes 90 minutes to travel 8.5 miles.

Making public transit more appealing to users is necessary to reduce the negative effects of traffic congestion and create a more sustainable transportation network. Coupled with the 53% rise in bus ridership in the City over the past 30 years and the subsequent reduction in bus speeds due to increased traffic, programs like SBS are essential to the vitality of the City.

Despite our many efforts to provide enhanced bus service, both SBS and other bus lanes in the city can only be successful if conditions on roadways are conducive to rapid transit. Designated bus lanes must remain

free of unauthorized vehicles to ensure the free flow of buses. This legislation will boost enforcement efforts, complementing the work of the New York City Police Department, by utilizing technology to capture photos and videos of vehicles that are in violation of bus lane restrictions, which as specified in the City's Traffic Rules, specifically preclude motor vehicles from standing, parking or driving within a bus lane. Traffic rules allow for taxis and other cars to quickly drop off or pick up in the bus lane and use the lane to make the next available right hand turn, and bus lane cameras would not change that. The images taken of illegal use of the bus lane will be used as evidence in a proceeding to impose liability on the owner of the vehicle.

More specifically, the state legislation allows for cameras to be used exclusively along bus lanes, covering no more than 50 miles of bus lanes and operating only on weekdays from 7:00 am to 7:00 pm. The cameras may consist of fixed-location units, mobile units which can be moved around to various locations, and/or units mounted on the buses themselves. Bus lane violations will be treated as the equivalent of a parking ticket and no points will be assessed against the driver. The legislation you are voting on today differs from what you have seen previously based on feedback we received. We worked with the NYCLU and TWU to include privacy language for motorists and bus drivers. In addition, the bill now requires signs along bus lanes notifying motorists when cameras are in use. This is not a "gotcha" bill; we want drivers to stay clear of bus lanes so that bus service can be fast and efficient.

For the last few months, we have been working with the Taxi & Limousine Commission (TLC) to pilot video enforcement of taxis, and we have seen that the video technology works. But without legislation, these efforts will have to be limited to taxis.

We urge the Committee to issue a Home Rule message on this legislation, as it is an important component of our SBS Program, and will enable us to provide more efficient and effective bus service to New Yorkers.

Thank you again for the opportunity to testify before you today in support of this bill. At this time, we would be happy to answer any questions that you may have.



Correction Captains' Association, Inc.

DEPARTMENT OF CORRECTION CITY OF NEW YORK

233 Broadway, New York, N.Y. 10279 - Suite 1701

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June 9, 2010

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Sergeant-at-Arms

Good Morning:

My name is Patrick Ferraiuolo and I am the President for the Correction Captains' Association. I appreciate the opportunity to speak before you as Assembly Bill # 7383, an act to amend the Administrative Code of the City of New York in relation to health insurance coverage for surviving spouses of uniformed personnel of the NYC Department of Correction who are members of the NYC Retirement System.

Correction Officers of all titles work a very stressful and dangerous job. It has often been said that our members work a job that many would not do. While our members have a 20 year retirement program, more often than not members stay beyond their 20 years and continue to provide a valuable service.

It is for these reasons that I have asked you to consider this bill which would now treat correction personnel and their spouses in the same manner as our counterparts in the NYC Police and Fire Departments.

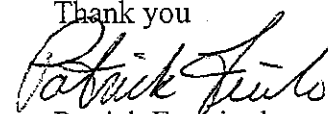
This bill which requires a home rule message from the Council would allow the surviving spouse of an active or retired member of service to now purchase Health Insurance Coverage when COBRA coverage runs out. The spouse if elects to do so, would pay 102% of the Group Rate.

Correction members provide a valuable service to our City and at the very least, the men and women who work as Correction Officers in all titles should feel comfort in knowing that their spouse in the unfortunate circumstance of their death would be able to continue Health Coverage.

This bill would cover spouses and domestic partners.

I thank you for this opportunity and I am hopeful that you will vote favorably and render a Home Rule Message so I can then appeal to the legislators in Albany to make this law.

Thank you


Patrick Ferraiuolo

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ROBERT MCDEVITT
Fire Marshal Representative

Memorandum in Support of Request for a Home Rule for A.10154/S.5631a

An act to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with 20 years of creditable retirement service

The Uniformed Firefighters Association, which represents 22,000 active and retired Firefighters and Fire Marshals, strongly supports A.10154/S.5631a. This proposed legislation prohibits the employer from denying a pension to any New York City Firefighter or Police Officer who has attained twenty years of creditable service and would have otherwise been eligible for retirement, who was dismissed from employment.

Presently, every other public employee in New York, including those in the New York State Local Police and Fire Retirement system, covering all Police Officers and Firefighters outside the City of New York, has their pension protected statutorily. If a member has the minimum years of service required to receive a pension and is dismissed, he or she receives his or her pension immediately. In fact, this applies to all other public employees in New York City and New York State.

This legislation ensures that a member with 20 or more years of service, who would otherwise be entitled to his/her pension had he/she applied for retirement, not be denied that pension, and that the City not be allowed to use the 30 day waiting period to thwart his or her pension rights. This is purely a matter of equity and fairness. New York City Firefighters and Police Officers are the only employees that do not have this protection.

It is totally against the principle and concept of pensions to deny to a member and their family his or her retirement benefits for which he or she has expended many years of service and, in the New York City Police and Fire Pension Funds, contributed up to 8% of his or her total earnings.

The member is being sufficiently punished for their possible departmental violation by being dismissed from their position. There is no need to become so punitive as to then also punish his or her family by not allowing them to benefit from the pension upon which they depended.

UNIFORMED
FIRE DEPARTMENT, CITY OF NEW YORK
FIRE OFFICERS
LOCAL 854, INTERNATIONAL ASSN. OF FIRE FIGHTERS, AFL-CIO
ASSOCIATION

225 BROADWAY ☆ NEW YORK, NY 10007 ☆ SUITE 401
TEL: (212) 293-9300 ☆ FAX: (212) 292-1560 ☆ EMAIL: WWW.UFOA.ORG

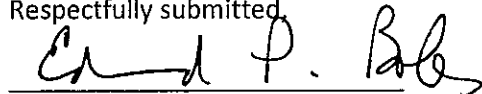
Memorandum in Support

Request for a Home Rule Message for A.10154/S S.5631a

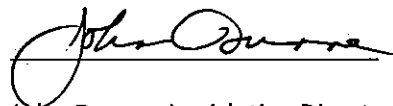
- A fire officer's pension is actually deferred income. It is a long-standing negotiated benefit agreed to in exchange for reduced wages received during our tenure working for the City of New York. It is an *earned* benefit. We receive this generous benefit in exchange for putting our lives on the line each and every day we report for duty.
- The penalty of losing a pension accrued over the course of a 20-year career is too excessive a punishment. The loss of our pension, with its accrued annuity value upwards of one million dollars earned over the course of an entire career, is cruel and inhuman treatment, particularly when the impact is weighed of such punishment on an entire family. Additionally, the loss of the Variable Supplement benefit, assuming a fire officer would live 20-years in retirement, would be close to one-quarter of a million dollars. This severe financial penalty could be imposed on a fire officer who has not even been arrested or charged with a crime, let alone ever convicted of a crime. Termination, and commensurate loss of pension, could simply be the result of Fire Departmental charges alone.
- Only NYC police officers and firefighters are held to this high standard that inflicts severe financial punishment. Other police officers and firefighters across New York State do not forfeit their pensions. Elected officials, City officials, judges, and many other New York City and New York State workers as well do not forfeit their pensions. We are in no way condoning illicit behavior or illegal wrongdoing, but it is plainly unfair to single us out for such extreme treatment. It's one thing to levy a penalty on a person who makes a mistake, but let's not crucify an individual who has otherwise served the City well.

A.10154S, S.5631a, is submitted in answer to fairness and equity. Accordingly, we respectfully request the NY City Council to award a Home Rule Message to this legislation.

Respectfully submitted,



Edward Boles, Legislative Chairman



John Dunne, Legislative Director



AFFILIATED WITH

NEW YORK STATE AFL-CIO

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO • MARITIME PORT COUNCIL OF GREATER NEW YORK & VICINITY
UNION LABEL & SERVICE TRADES COUNCIL OF GREATER NEW YORK & LONG ISLAND • NATIONAL SAFETY COUNCIL

Testimony of Frank Tramontano before the City Council State and Federal Legislation Committee on June 9, 2010.

Good Morning, my name is Frank Tramontano and I am the Legislative Coordinator for the New York City Patrolmen's Benevolent Association. I would like to thank Speaker Quinn, Chairwoman Foster and all the committee members for having this hearing.

As you know, this bill will insure that every New York City uniformed Police and Fire officer will have a guaranteed pension upon the attainment of 20 years of service. Currently, all New York State Police and Fire members of the New York State Retirement System are guaranteed a pension upon the attainment of 5 years of service.

This is also the case for New York City Correction and Sanitation members hired after June 1976 and the case for 99.9 percent of all New York City civilian employees. It is also the benefit being provided all newly hired New York City Police and Fire members and this has been the case since July 2009.

It is our belief that while this State legislation will directly benefit very few individuals it will result in a benefit to the City of New York as well as provide an indirect benefit to a significant number of our members. I say that because the fact is that there are a significant number of police officers who retire promptly upon the attainment of 20 years of service.

They do this because of a fear that one day their job may put them in a precarious situation whereby a decision they make may cost them their job and their pension. The job of a New York City Police officer is unlike any other job and there is no doubt that this legislation will result in more officers deciding to stay beyond twenty years. This will translate into a more experienced police force and less time the City will be paying that member a retirement pension.

Too often there has been criticism concerning retirement benefits provided New York City Police officers. I would like to use this opportunity to state the fact of the matter is the only change in service retirement benefit over the last 34 years has been the change brought about by the Governor's veto of the Tier II pension benefit extension.

That change has meant that New York City Police and Fire members who are hired after July 2009 must work twenty two years or two additional years to receive the same one half pay service retirement benefit provided the Police and Fire members who were hired before that date. However, that veto also resulted in better pension protection rights for those uniformed members hired after July 2009 when compared to those hired before them. So all newly hired police and fire officers are now provided pension protection rights upon the attainment of five years of service. It seems only fair to at least provide pension protection upon the attainment of twenty years for all those police and fire members who were hired before July 2009. Again, thank you for your help in bringing this issue before this committee and I am happy to answer any questions you may have at this time.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/9/10

(PLEASE PRINT)

Name: Christian Dipalermo

Address: 233 Broadway NY NY 10007

I represent: New Yorkers for Parks

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. SLR Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: FRANK TRAMONTANO

Address: 407-60th ST Bklyn

I represent: PATROLMAN'S BENEVOLENT ASS

Address: 125 BROAD ST N.Y.N.Y. 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. AA 7383 Res. No. S 3004

in favor in opposition

Date: 6-9-10

(PLEASE PRINT)

Name: PETER MERINGOLO

Address: 3000 MARCYS AVE STE 1W7

I represent: NEW HYDE PARK N.Y. 11042

Address: CORRECTION CAPTAINS ASSOC. INC
233 BROADWAY N.Y. N.Y. 10279

Please complete this card and return to the Sergeant-at-Arms

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in favor in opposition

Date: 6-9-10

(PLEASE PRINT)

Name: Patrick Ferraluolo

Address: 233 Broadway NY NY 10279

I represent: Correction Captains Association

Address: 233 Broadway NY NY 10279

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition Precedent SLR

Date: 6/9/10

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Name: James Stevin

Address: 204 E 23rd NY 10010

I represent: UFA

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 5631-A Res. No. _____

in favor in opposition

Date: 6-9-2010

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Name: Michael Palladino

Address: _____

I represent: Detectives Endowment Association

Address: 26 Thomas St NY NY

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. A10154 Res. No. _____

in favor in opposition

Date: 6/9/10

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Name: JOHN QUINN

Address: 225 BROADWAY, 5TB 401, NY, NY 10007

I represent: NYC UNIFORMED FIRE OFFICERS ASSOC.

Address: S/A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. A.10154 Res. No. _____

in favor in opposition

Date: 6/9/10

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Name: EDDIE BOLES

Address: _____

I represent: NYC UNIFORMED FIRE OFFICERS ASSOC.

Address: 225 BROADWAY, 5TB 401, NY, NY 10007

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Schnall

Address: Director of Government Affairs

I represent: Dept. of Parks + Recreation

Address: _____

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

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Name: David Woloch

Address: Deputy Commissioner for External Affairs

I represent: Department of Transportation

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John Tipaldo

Address: Director of Systems Engineering

I represent: Department of Transportation

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lois Tandler

Address: _____

I represent: New York City Transit

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆