

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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June 22, 2011  
Start: 10:13 am  
Recess: 1:10 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JAMES VACCA  
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer  
Council Member Daniel R. Garodnick  
Council Member David G. Greenfield  
Council Member Vincent M. Ignizio  
Council Member Peter A. Koo  
Council Member G. Oliver Koppell  
Council Member Brad S. Lander  
Council Member Jessica S. Lappin  
Council Member Stephen T. Levin  
Council Member Darlene Mealy  
Council Member Ydanis A. Rodriguez  
Council Member Deborah L. Rose  
Council Member Eric A. Ulrich  
Council Member James G. Van Bramer

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

James Vacca  
Opening Statement  
Chairperson  
Committee on Transportation

James Vacca thanks Speaker Christine C. Quinn  
James Vacca speaking on Intro 231-A

Daniel R. Garodnick  
Speaking on Intros 301 and 465  
New York City Council Member

David Woloch  
Deputy Commissioner  
External Affairs  
New York City Department of Transportation

Mary Gotsopoulos  
Chief Judge for Parking Adjudications  
New York City Department of Finance

Susan Petito  
Assistant Commissioner  
Intergovernmental Affairs  
New York City Police Department

Stephen T. Levin  
Speaking on Intro 372-A  
New York City Council Member

Juan Martinez  
Transportation Alternatives

Peter Crashes  
60<sup>th</sup> Street Block Association  
Brooklyn, New York

Ken Derricks  
Founder  
New York OnShore Technology Group

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

Jonathan Kalkin  
Director  
Roosevelt Island Operating Corporation  
Judy Stanton  
Brooklyn Heights Association

Rolf Carl  
Resident  
Greenpoint, Brooklyn

Ken Thorpe  
Chairman  
New York Trucking and Delivery Association

Gina Argento  
Broadway Stages

James Huntley  
Communications Workers of America  
CWA Local 1182

Called but did not testify:  
David Bachman

Called but did not testify:  
Negus Schworn Clark  
Community Board 9

Mark A. Motler  
Executive Director  
New York State Movers and Warehousemen's Association

Jeffrey Frediani  
Legislative Analyst  
AAA New York

Thomas Hillgartner  
Executive Director  
New York City Parking Justice League

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

Alan Golan  
Chief Operating Officer  
Shlepper's Moving and Storage

James Cannings  
Official Appointee  
East Midtown Plaza  
New York City

Called but did not testify:  
John Trako  
Moving Ahead Moving and Storage

Called but did not testify:  
Robert Cansow Jr.  
Universal Moving and Storage

Called but did not testify:  
Dan Missui  
U. Santini, Incorporated

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2 CHAIRPERSON VACCA: May I ask that  
3 you turn off your cell phones or put them on  
4 vibrate so that they do not ring during the  
5 meeting? Okay. Thank you. I'd like to welcome  
6 everyone here today, June 22<sup>nd</sup>; this is a hearing  
7 of the Committee on Transportation. I'm James  
8 Vacca, Chair of the Committee. And today we're  
9 going to be considering seven bills filed by  
10 myself and my colleagues which will address the  
11 issue of what I call parking fairness.

12 Being fair about parking in New  
13 York City is important but it's turned out not to  
14 be an easy goal to achieve. We know that parking  
15 in New York City will often drive you crazy. But  
16 what does happen is that people are driven even  
17 crazier by extra hardships and extra  
18 inconveniences that we encounter as drivers every  
19 day: the parking space that is taken up by a car  
20 with a phony placard; the parking ticket that you  
21 were issued erroneously but that you can't fight  
22 because it's your word against the agent's word;  
23 the film shoot that takes up parking on one half  
24 of your block and the alternate side rules that  
25 take up parking on the other side of your block.

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2                   These are small indignities of  
3 parking in New York City and the City Council  
4 Members from their communities want to inject  
5 fairness into the process. And they've submitted  
6 seven bills that we're going to hear today because  
7 they believe that there are solutions to these  
8 problems. That we should be able to reduce some of  
9 the headaches that many New Yorkers get when it  
10 comes to parking in New York City.

11                   Today's bills represent simple  
12 solutions to making driving in New York a little  
13 less frustrating. And I want to thank Speaker  
14 Quinn for encouraging this hearing and for her  
15 input into this process during the past two years.  
16 Rather than go into each of today's bills, I'm  
17 going to allow each sponsor to say a few words in  
18 a minute.

19                   But I want to make clear the  
20 commitment of this Committee and I want to make  
21 clear the commitment of my colleagues. And that  
22 is to do something about parking problems New  
23 Yorkers face. I think the time has long passed  
24 and some of the bills that we've enacted have made  
25 a significant difference to date. We still have

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more to do.

My bill, Intro 231-A which I'm sponsoring, this bill would create a pilot program in which traffic agents would photograph certain parking violations before they issue a ticket and then include a copy of the photograph with the ticket. New York City collects over \$500 million from parking tickets every year. Individual tickets can sometimes run up to \$165 a piece. And yet we have a situation were if a motorist is issued a parking ticket in error, the changes are that motorists will have no basis to fight the ticket because when you go to traffic court it's a matter of he said/she said and the driver rarely wins. That's not fair. And it's not necessary.

Other cities including Chicago, Los Angeles and Sacramento have begun updating their ticketing devices so that agents can attach photographs to each of the tickets they issue. Intro 231 would require the City to undertake a pilot to see if similar technologies could work here. I'm open to doing a pilot in whatever way and at whatever time the City thinks would be the most cost effective and the most manageable but we

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need to get started.

It's not fair in today's process that the City is judge and jury. The City gives you the ticket and when you fight the ticket an administrative hearing judge employed by the City then determines whether you are innocent or guilty. I want to empower the motorist to have minimal protection by way of a picture, to allow that person, the motorist, to substantiate that there is reasonable doubt concerning the ticket he is contesting.

And by the same token, certain motorists who get tickets who think that they want to contest a ticket will also probably not contest a ticket if they know a picture is being taken and that picture will prove that they are wrong and contesting it is a waste of their time. So it goes both ways. But it's called fairness.

Now I'd like to call upon my colleagues who have sponsored bills before us today. And I'd like to ask them to say a few words in support of their legislation. Let me start off with Council Member Garodnick who is the sponsor of Intros 301 and 465, Council Member



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Garodnick.

COUNCIL MEMBER GARODNICK: Thank you very much Chair Vacca. And I want to thank you very much for including Intro 301 and 465 on today's agenda. By way of introduction here, Intro 301 would require dismissal of parking violations for a failure to display a muni meter receipt if a driver can produce a valid receipt from the applicable meter at the time that the ticket was issued. The legislation is intended to protect New Yorkers from what we might call an active God. A valid muni meter receipt placed in a visible location on a car's dashboard that may inadvertently shift or flip over when the car door is closed. Should that happen and a ticket is subsequently issued, producing a valid receipt should be an affirmative defense. Sort of hard to argue with this one in my view.

I gave the Department of Finance an opportunity to address this by rule to put it directly in their list of possible defenses. They have not acted despite the fact that a couple of years have now gone by since I've made that request. And indeed there are a number of

1  
2 possible defenses that are listed in the  
3 Department of Finance's handbook, The Guide to  
4 Parking Ticket Hearings, this is not one.

5           The other bill on today's agenda  
6 addressing ongoing parking placard abuse. We have  
7 seen a considerable amount of fraudulent placard  
8 use such as Xeroxed, expired or fake placards such  
9 as this recently-created placard that has an  
10 official looking seal that states Official  
11 Business, gives a vehicle identification number;  
12 it says it's the State of New York Numismatic  
13 Agency which of course is coin collection.

14           There is no such agency as far as  
15 any of us are aware. It proudly bears the seal of  
16 the Republic of Bulgaria. And at the bottom is  
17 says that it is authorized by Noah. And we than  
18 Transportation Alternatives for their putting this  
19 together and that they put it out there on the  
20 street yesterday as reported in the local paper,  
21 in the Daily News, which said that despite being  
22 out in front of 250 Broadway, in downtown  
23 Brooklyn, and in Times Square, not a single ticket  
24 was issued for our Numismatic Agency's official  
25 business.

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2 Intro 465 would target precisely  
3 this type of parking placard abuse by requiring  
4 the Department of Transportation and the New York  
5 City Police Department to issue placards with  
6 barcodes that traffic enforcement agents can scan  
7 to determine the placard's validity, given the  
8 available technology that we have, the continued  
9 reports in the papers regarding rampant use of  
10 phony placards, our own observations as members of  
11 the local City Council, as well as the recent  
12 report by Transportation Alternative which showed  
13 that there is continued and significant abuse on  
14 the use of parking placards.

15 It's clearly time for the City to  
16 take a bolder step towards eliminating the  
17 fraudulent use of these placards. So we look  
18 forward to hearing from the Administration. And  
19 again Chair Vacca I want to thank you for putting  
20 these bills on the agenda.

21 CHAIRPERSON VACCA: Thank you  
22 Council Member Garodnick. I'd now like to call  
23 upon Council Member Lander.

24 COUNCIL MEMBER LANDER: Thank you  
25 Chair Vacca. I also want to add my thanks to you

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2 for putting these packages of bills together,  
3 obviously an important issue that affects many,  
4 many New Yorkers.

5 Together with Council Member Lappin  
6 who I understand will be here shortly, I'm proud  
7 to be one of the cosponsors of Intro 440-A which  
8 would establish a temporary parking permit for  
9 when you're moving, for a moving van, both the  
10 apartment or the house that you're moving out of  
11 and the one that you're moving into. Anyone who  
12 has moved in New York City or had their neighbor  
13 move in New York City knows what a headache the  
14 moving, the parking spots around moving can be.  
15 We all have stories of, you know, either on our  
16 own when we slept in the car or used lawn  
17 furniture or stakes out parking spots or couldn't  
18 get one and had to walk around the block carrying  
19 dressers.

20 And even more of us again as  
21 neighbors have had to endure the double parked  
22 moving van. This is a pretty simple, it doesn't  
23 address some of the broader issues, but simply on  
24 moving day it would mean you could sign up for a  
25 temporary permit. I'd be delighted to have it

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2 work in synch with Council Member Garodnick's  
3 bill. It would have a bar code so that you could  
4 distinguish the real ones from the fake ones.  
5 Simply allow you to reserve, you know, reserve the  
6 spot in front of the house that you are moving in  
7 or out of and save a little bit of the headache of  
8 moving both for those who are doing the moving and  
9 for neighbors. So hope we'll be able to talk  
10 about it today and move that forward as well.  
11 Thank you.

12 CHAIRPERSON VACCA: Thank you. I'd  
13 like to introduce the members of our Committee who  
14 are here today: to my extreme left, Council Member  
15 Vincent Ignizio from Staten Island; Council Member  
16 Peter Koo from Queens; Council Member Jimmy Van  
17 Bramer from Queens; Council Member Garodnick who  
18 spoke on his legislation; Council Member Lander  
19 who just spoke; and Council Member Oliver Koppell  
20 from the Bronx. Okay. Anything else? Okay.  
21 Without further ado Commissioner Woloch, do you  
22 want to lead off?

23 COMMISSIONER WOLOCH: Sure.

24 CHAIRPERSON VACCA: Okay. Please  
25 introduce yourself for the record.

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2 MR. DAVID WOLOCH: Okay. Good  
3 morning Chairman Vacca and members of the  
4 Transportation Committee. My name is David  
5 Woloch. I'm the Deputy Commissioner for External  
6 Affairs at the New York City Department of  
7 Transportation. Before we begin our testimony on  
8 the bills being heard this morning that seek to  
9 improve parking, I'd like to take a moment to  
10 acknowledge on behalf of the agency's president  
11 what we've done recently to make parking in New  
12 York City easier for drivers.

13 The introduction of the muni meter  
14 system is the largest and most notable improvement  
15 to parking in New York City. Over the course of  
16 the next year DOT will be replacing all remaining  
17 single space parking meters with muni meters  
18 throughout the City. These improvements make it  
19 easier for drivers to pay at meters, reduce  
20 sidewalk encumbrances and make more curb space  
21 available for parking.

22 Additional parking has also been  
23 created through the reduction of alternate side  
24 parking days in a number of neighborhoods. In  
25 2008 and 2009 at the request of Community Boards 2

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2 and 6 in Brooklyn, and as Council Member Koppell  
3 knows, Community Board 8 in the Bronx, DOT changed  
4 approximately 9,600 ASP signs throughout these  
5 districts to ease parking for local residents.  
6 This year thanks to Local Law 30 we can now, going  
7 forward, offer reduced ASP in other parts of the  
8 City as well.

9 In addition working in partnership  
10 with the Council we've made our parking  
11 regulations available online. And we'll have them  
12 mapped by May 2012 which Council Member Garodnick  
13 is familiar with. DOT is also working to improve  
14 parking in shopping and retail areas through the  
15 Park Smart Program which aims to increase the  
16 availability of metered parking spaces by  
17 encouraging motorists to park no longer than  
18 necessary. The meter rate is higher when demand  
19 for parking is greatest and decreases when demand  
20 is lower. Developed in close collaboration with  
21 each community, Park Smart makes parking easier  
22 while reducing congestion and improving safety on  
23 our street.

24 We're also working to promote off-  
25 hour deliveries and to create loading windows in

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2 commercial areas where we make curb space  
3 available for parking during certain hours of the  
4 day and limit it to truck loading only during  
5 other hours.

6 To reduce traffic congestion and  
7 increase the availability of parking, the  
8 Bloomberg Administration has made great efforts to  
9 reduce the number of parking placards distributed  
10 to City agencies. In 2008 City-issued permits  
11 were cut by over 50%. And the issuing of permits  
12 became the sole responsibility of the Police  
13 Department and DOT, a system which has  
14 significantly cut down on the number of fraudulent  
15 placards.

16 The Department of Finance has also  
17 made it easier to resolve parking summonses, DOF  
18 is now accepting payments over the web, in  
19 addition to in person, on the phone, and by mail;  
20 offering same day hearings in their business  
21 centers and making hearing requests available  
22 online or by mail. And as of this year drivers  
23 can now choose the option to submit evidence  
24 online. These changes have enabled drivers to  
25 contest over 10,000 summonses on the web each



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month.

While we have undoubtedly made parking easier there is no question that the parking experience is still a frustrating one for New Yorkers. We're eager to work with the Council to continue to find solutions though with so many cars and so little curb space there are few easy answers.

Intro 44-A which would require DOT to establish a program to disseminate a new class of placards for temporary one-day permits is well-intentioned but does not seem feasible. The bill would require additional staff and resources, open us up to further permit abuse, and would create a permit that would inherently be difficult to allocate, limit and manage. While the language is not clear if this bill applies to areas of No Standing or No Stopping, it would be of great concern as these areas generally remain clear for safety or traffic flow purposes.

Instead we believe the Council's intent is to allow the permit holder to park only where there is a No Parking regulation or in spots available to other permit holders. So an

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2 additional problem we see with Intro 44-A is that  
3 the applicant would not actually get that much  
4 utility out of the permit since the No Parking  
5 regulation is not that frequent in many  
6 communities. Most neighborhoods have No Parking  
7 zones in front of houses of worship and they often  
8 exist on commercial strips to accommodate  
9 deliveries.

10 But the typical residential block  
11 lacks any No Parking zones. Arguably on most  
12 blocks the only time the permit would be useful is  
13 for the few hours of the week when ASP is in  
14 effect which itself would compromise street  
15 cleaning. We do not see the value in creating a  
16 new class of permit that would be difficult to  
17 administer and be susceptible to abuse for a  
18 privilege that may not actually be that useful to  
19 the permittee. In short this new program would  
20 have many costs and risks but would provide little  
21 benefit.

22 Thank you Chairman Vacca and  
23 members of the Committee and I'll be happy to  
24 answer your questions at the conclusion of the  
25 testimonies given. And I'll now turn it over to

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my colleagues.

CHAIRPERSON VACCA: Okay, do you want to go Department of Finance? Introduce yourself.

MS. MARY GOTSOPOULIS: Good morning Chairman Vacca and members of the City Council Committee on Transportation. I am Mary Gotsopoulos the Chief Judge for Parking Adjudications in the New York City Department of Finance. I thank you for the opportunity to testify on Intros 301, 372, 609 and 619 concerning the adjudication of parking tickets. The City issues parking, red light camera, and bus lane violations each year to maintain public safety and order on our streets.

Most people who receive a violation either on their windshield or through the mail acknowledge their mistake and pay their summonses. But in some cases a person may feel that the ticket was given in error and will want to dispute it. The Department of Finance adjudicates nearly 2 million disputed parking summonses each year for commercial and noncommercial motorists. To meet the needs of motorists, we offer same day hearings

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2 in person without an appointment at our business  
3 centers, hearings via mail, and an online option  
4 to challenge the ticket.

5 We constantly strive to provide a  
6 fair and convenient process. In March, Mayor  
7 Bloomberg and Speaker Quinn jointly announced that  
8 the City added the capability of uploading  
9 evidence electronically in order to contest  
10 parking, red light camera, and bus lane violations  
11 online. Additional evidence beyond a statement of  
12 why the ticket is not valid is not always  
13 necessary but the new capability will enable  
14 people to include additional information when  
15 making their case. Respondents are now able to  
16 submit photos, letters, and other documents by web  
17 just like they can in person or by mail.

18 Our administrative law judges  
19 evaluate the actual summons written and the verbal  
20 or written defense of the motorist as well as any  
21 additional evidence they provide. The ticketing  
22 officer does not participate in the proceedings in  
23 the overwhelming majority of cases. The  
24 administrative law judges who hear the cases give  
25 the same weight to testimony and evidence offered

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2 in person, online, or through the mail, giving  
3 equal consideration to the summonses under review  
4 and the testimony of the motorist.

5 Intro 301 would create an  
6 affirmative defense to parking violations issued  
7 for failure to display a muni meter receive if the  
8 driver provides a valid receipt at the hearing.  
9 Since administrative law judges today take  
10 receipts into account when conducting hearing on  
11 this charge, we think the affirmative defense is  
12 not necessary. In fact 74% of motorists that  
13 contest summonses issued for failure to display  
14 muni meter receipts are found to be not guilty.

15 Intro 372 would suspend alternate  
16 side parking on blocks that are adjacent to  
17 filming. This bill raises many concerns. The  
18 power to determine where alternate side parking is  
19 suspended is delegated to a production company.  
20 That information would not be available to our  
21 administrative law judges since it is not made by  
22 a City agency. The provision concerning  
23 suspending parking rules within a certain radius  
24 of actual filming is even more troubling from an  
25 adjudication point of use since the area where

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2 filming occurs can vary from one moment to moment  
3 and again is not recorded anywhere.

4 To adjudicate a defense like this,  
5 we would need an official determination of the  
6 specific areas with well-defined borders including  
7 the sides of streets where parking has been  
8 suspended. Further many film permits are granted  
9 within 48 hours of filming for short durations of  
10 time. The process outlined in Intro 372 would  
11 require considerable interagency coordination on  
12 very fast deadlines and would result in the  
13 decrease of cleanliness scorecard ratings on  
14 streets where parking would not otherwise be  
15 disrupted.

16 Intro 609 would allow for an  
17 electronic signature for people contesting a  
18 parking ticket online. The Department of Finance  
19 currently has a successful online parking hearing  
20 process. Our online hearings reduce the burden on  
21 motorists, eliminating the need to come to a  
22 business center or find a stamp to mail a letter.  
23 Online hearings are not only more convenient for  
24 motorists but are also less costly and more  
25 efficient for the Department, a benefit to all

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taxpayers.

All aspects of the hearing are held online including submission of evidence as I mentioned earlier. In March, 16,787 violations were contested online. Again the online submission of this information carries with it the weight of an in-person submission or appearance.

Electronic signatures would be expensive to program into Finance's hearing application and would make hearing submissions more complicated for motorists. We want to make this option as user friendly as possible and adding additional steps would create barriers to deter usage of this channel.

We are not aware of any issues with online hearings that would suggest electronic signatures are needed as our judges would not view the testimony any differently if the bill becomes law. If this bill is being put forward of a specific concern, we are happy to discuss alternative ways to resolve the particular constituent issue.

Intro 610 provides for a 30-day waiting period before the late fees can be

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2 imposed. We support this bill which is akin to  
3 the way we implement late fees under our current  
4 system. While we recognize that the bill would  
5 limit our flexibility to change course in the  
6 future, we think this restriction is fair and do  
7 not object to it. Thank you.

8 CHAIRPERSON VACCA: Thank you. Ms.  
9 Petito? Please identify yourself.

10 MS. SUSAN PETITO: Good morning Mr.  
11 Chairman, members of the Council. I'm Susan  
12 Petito, Assistant Commissioner of  
13 Intergovernmental Affairs of the New York City  
14 Police Department. And I'm here today on behalf  
15 of Police Commissioner Raymond Kelly to provide  
16 our comments regarding two bills before you;  
17 Intros number 231-A and 435.

18 First Intro 231-A would establish a  
19 year-long pilot program in one or more community  
20 districts to be determined by the Department of  
21 Transportation in which a photograph must  
22 accompany every parking summons issued for certain  
23 enumerated violations: bus stops; handicap zones;  
24 bicycle lanes; crosswalks; sidewalks; fire  
25 hydrants; double parking; and failure to display a



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required document or license plate.

We respectfully urge the Council not to approve this bill for several of the same reasons we discussed in June of 2009 when this Committee heard a similar bill. We've previously discussed the fiscal and technological difficulties which would be created by enactment of this proposal. We acknowledge that the sponsors might have taken those difficulties into account by framing the bill as a pilot project with limited geographic scope rather than as a universal change to the manner in which parking summonses are issued and processed.

However a completely new infrastructure with associated hardware and software changes for both the NYPD and the Department of Finance would still have to be implemented to create, store, download, and communicate photographs associated with the enumerated parking violations in order to comply with this proposal.

If the photograph were to be considered a part of the Notice of Violation then an electronic or other mechanism would need to be

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2 designed in order to some how communicate that  
3 photograph to the owner of the vehicle receiving  
4 the summons as well. We therefore question the  
5 extent to which making this proposal a pilot  
6 project rather than a full scale citywide change  
7 decreases the expenditure of City resources which  
8 would be necessary to implement it.

9 We also note that changing the  
10 character of the bill from a citywide proposal to  
11 instead establish a pilot program within a limited  
12 geographic area would create a notable  
13 inconsistency regarding parking summonses.  
14 Motorists in different parts of the City would be  
15 entitled to expect different levels of evidence  
16 supporting the issuance of a parking summons and  
17 would have different defenses available to contest  
18 them.

19 In addition this revised version of  
20 the bill would require all of the enumerated  
21 parking summonses to be accompanied by  
22 photographs, not only those issued using parking  
23 ticket devices. This means that our police  
24 officers would need to be provided with and carry  
25 cameras in addition to all of the equipment they

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already need to carry.

Further enforcement personnel assigned to agencies other than the NYPD would also need to carry cameras and develop their own infrastructure to support this initiative.

Beyond the technical and fiscal consequences flowing from enactment of Intro 231-A the bill introduces a host of complications regarding the evidentiary value of photographs and the use to which they would be required to be put by administrative law judges adjudicating summonses. We learned during the June 2009 hearing that the intent behind the proposal is for summonses to be automatically dismissed if they are not accompanied by a photograph but the plain language of the bill does not clearly state that consequence.

There would be circumstances in which photographs will not be clear or not capable of being taken or downloaded. For example on cloudy or rainy days or at night it is much less likely that a successful photograph could be taken. It may be literally impossible to photograph a violation. For example if the

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2 motorist having been warned and persisting in  
3 committing the violation physically moves the  
4 vehicle before the enforcement officer is able to  
5 snap the photograph or a motorist dropping off a  
6 passenger is blocking a bus in a bus stop and  
7 observed by an enforcement officer but the bus  
8 moves out of the bus stop before the officer can  
9 take the photo. The inability to take the photo  
10 does not mean that the violation was not committed  
11 but the summons would be fatally flawed pursuant  
12 to this proposal.

13                   One photograph will almost  
14 certainly not be enough to document a violation in  
15 some cases. As an example a vehicle parked  
16 illegally in a bus stop would conceivably require  
17 a photo capturing the vehicle, its license plate,  
18 the relevant signage and the address where the  
19 vehicle is located. Such a photo may not be  
20 physically possible to take. There may be one  
21 sign on the block with the vehicle too far from  
22 the sign for the sign to be legible in a  
23 photograph of both.

24                   Alternatively enforcement personnel  
25 would potentially have to take several photographs

1  
2 to get a complete picture of the violation which  
3 could be contested by a motorist claiming that the  
4 photos do not accurately reflect the situation on  
5 the street. For example that the photo of the  
6 sign was not the closest sign to the vehicle,  
7 stating a different regulation.

8           The bill would require enforcement  
9 personnel to spend more time documenting each  
10 parking violation and would possibly place them in  
11 jeopardy having to take photographs from the  
12 street with their backs to oncoming traffic. The  
13 bill also carries a greater level of potential  
14 danger to enforcement personnel because of the  
15 likelihood of encountering a motorist who objects  
16 to the issuance of the violation or to the  
17 photographing of their vehicle or even of  
18 themselves if they happen to be in or near the  
19 vehicle.

20           It is uncertain whether and how  
21 explanations would need to be provided where  
22 multiple photos are taken, when a photo was  
23 impossible to take, and it is further uncertain  
24 whether and how the photographs would need to be  
25 verified or authenticated as part of the

1  
2 adjudication process. In fact under the plain  
3 language of the bill there is no opportunity for  
4 such explanations and we presume the lack of a  
5 photo would result in automatic dismissal.

6 In addition it is unclear what  
7 probative value some photographs may have since  
8 the violations they are assumed to document may  
9 not be easily determined from a photograph. For  
10 example the exact distance a vehicle is parked  
11 from a hydrant.

12 But we again reiterate the most  
13 important reason not to enact this bill: it would  
14 incalculably damage the validity of all parking  
15 summonses issued. This bill carries with it an  
16 underlying assumption that the prima facie case  
17 established by the issuance of the summons itself  
18 and the sworn affirmation of its truth by the  
19 issuing officer is insufficient. The bill in  
20 effect communicates doubt about the validity of  
21 parking summonses unless they are supported by a  
22 contemporaneous photograph which will ultimately  
23 beg the question of why a photograph is not  
24 required for the issuance of a summons for every  
25 violation, not only parking violations, no matter

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how and by whom it is issued.

We believe that the summons itself must and should continue to provide the evidence needed to support a finding that the violation has been committed.

Turning to Intro 465, the bill would require the NYPD and the DOT to place bar codes on the parking placards they issue which would allow traffic enforcement agents to confirm their validity. We have several concerns regarding possible enactment of this bill.

Most important we respectfully suggest that it is inappropriate to enact into law the requirement to utilize a particular technological tool, in this case the bar code, which may not be the best means of ensuring validity and in fact may become obsolete within a relatively short period of time given the rapid pace of development of security technology.

The parking placards currently issued by the NYPD and DOT carry security features which we would be happy to discuss with you in a more private setting. We would certainly not object to legislation which would require parking

1  
2 placards issued by our agencies to bear security  
3 features of a nature and design to be approved by  
4 the Police Commissioner. But the use of one  
5 particular mechanism, the bar code, may not  
6 provide the type of verification that one might  
7 expect. A good copy of a document can also  
8 replicate the bar code. And unless the bar code  
9 is tied to an infrastructure which can in real  
10 time provide additional information about the  
11 owner or registrant of the document which bears  
12 it, the bar code may be useless for verification  
13 purposes.

14 In addition our understanding is  
15 that the intent of the bill is for traffic  
16 enforcement agents to use their parking ticket  
17 devices to scan the bar code in the same manner  
18 that they scan bar codes on vehicle registration  
19 stickers. However the vehicle registration  
20 stickers is easily accessible, located on the edge  
21 of the vehicle windshield, against which the  
22 scanner is directly held. It is unclear that a  
23 PTD scanner would be able to read a bar code  
24 appearing on a parking placard sitting inside the  
25 vehicle on the dashboard because of the distance



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involved.

It is also unclear what the cost for enabling the PTDs to perform this function would be and whether it would be worth the result, especially since in no event would the traffic enforcement agent be able to determine from the bar cord whether the actual use of the placard was legitimate or not, notwithstanding whether it is a genuine placard.

Accordingly we are unable to support the enactment of Intro 465 as written but we understand and agree with the Council's concerns regarding the ability to determine whether parking placards are valid and would be pleased to discuss this issue with you further. Thank you and we welcome your questions.

CHAIRPERSON VACCA: Thank you everyone for your testimony. I'd like to introduce Council Member Levin who is here. He is sponsoring one of the bills today. Council Member Eric Ulrich has joined us. Okay, I did not miss anyone, okay. Thank you everyone. I'm going to ask some questions limited to my bill. And I thank you Ms. Petito for your testimony regarding

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231-A.

Much of your testimony leads, almost leads, much of your testimony almost leaves me speechless but I use the word almost, not speechless at all.

When you talk about in paragraph 3, you mentioned that having a geographic area for a pilot program would create a notable inconsistency regarding parking summonses. Motorists in different parts of the City would be entitled to expect different levels of evidence supporting the issuance of a summons. Why then is the Mayor proposing cameras on street sweepers and doing so in only 25 of the City's 59 Community Districts? Isn't that an inconsistency?

MS. PETITO: Well I don't know enough about that program to be able to comment upon it.

CHAIRPERSON VACCA: I...

MS. PETITO: I--

CHAIRPERSON VACCA: [Interposing] I can understand that--

MS. PETITO: --don't know what--I don't know what that--

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2 CHAIRPERSON VACCA: --but I think  
3 the inconsistency is in the policy of the  
4 Administration because on one hand when it comes  
5 to giving tickets and having people pay more, that  
6 technology is in place. But when it comes to  
7 taking pictures so that people can have a defense  
8 against an undeserved ticket, that technology we  
9 can't afford and that technology is not in place.  
10 That's the inconsistency.

11 [Applause]

12 SERGEANT AT ARMS: Quiet please.

13 CHAIRPERSON VACCA: Since the last  
14 hearing you mentioned in 1979 (sic), and we spoke  
15 about the Chicago program at that time where they  
16 do take pictures of tickets. Have you studied the  
17 Chicago policy and the Chicago picture-taking  
18 program?

19 MS. PETITO: We have not.

20 CHAIRPERSON VACCA: You have not.

21 MS. PETITO: My, from published  
22 reports though, I understand that the Chicago  
23 program is based in part on the fact that they  
24 privatized the enforcement of parking regulations.  
25 And that seemed to have something to do with the

1  
2 fact that they take photos. In other words it's  
3 not government employees who are issuing the  
4 tickets in all cases. But other than that, we  
5 have not--

6 CHAIRPERSON VACCA: [Interposing]

7 Well I had asked that it be studied at that time.  
8 Part of the Chicago program involves the use of  
9 vendors. And those vendors post pictures. And  
10 those pictures can be accessed and used. The  
11 Chicago experiment is working very well. We are  
12 asking that a camera be placed on existing  
13 equipment that parking enforcement people have.  
14 This is the age of technology. I don't think the  
15 issue is we can't do it. I think the issue is you  
16 won't do it.

17 This is a technology administration  
18 that stresses technology in every aspect of  
19 government. So this, I cannot believe this is an  
20 issue of can't; this is an issue of won't. This  
21 is not a novel idea. We've discussed this before.  
22 I modified the bill. I'm open to other  
23 amendments. Now you spoke before about not  
24 involving the Police Department. I am open to  
25 amending the bill to not involve the Police

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2 Department because you said it would be  
3 cumbersome. And the word cumbersome was also used  
4 when you state a pilot program would be  
5 cumbersome, yet, when we proposed it on a citywide  
6 basis there was a whole potpourri of reasons why  
7 that was no good either.

8           If you ask me, this entire issue of  
9 traffic summonses in this City has become a cash  
10 cow that the City wants to continue perpetuating.  
11 And any type of opportunity we want to give to a  
12 motorist, to prove that there is a reasonable  
13 doubt that he may not have committed the offense,  
14 and that picture would represent an opportunity  
15 for that, it is always opposed.

16           Are you open to any negotiation?  
17 Is there anything in this bill, and I just  
18 mentioned taking out the Police Department, I am  
19 flexible in talking to you about that, but I do  
20 think that I would like something done. And I  
21 would like to know what are we willing to do if at  
22 all? Have you assessed the bill to tell us today  
23 that under certain circumstances, your Department  
24 would be open to further discussion?

25           MS. PETITO: Mr. Chairman, just a

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point of clarification, when you speak about taking the Police Department out of the bill, we do the bulk of the issuance, both the police officers and the traffic enforcement agents, do most of this violation enforcement. So I'm not quite clear what you mean.

CHAIRPERSON VACCA: Well you mentioned that the Police Department, I mean uniformed police officer--

MS. PETITO: [Interposing]  
Uniformed, okay, all right.

CHAIRPERSON VACCA: --that's what I meant, uniformed--

MS. PETITO: [Interposing] Okay.  
Mm-hmm.

CHAIRPERSON VACCA: --officers.

MS. PETITO: Okay.

CHAIRPERSON VACCA: your testimony, I gathered was concerned about uniformed--

MS. PETITO: [Interposing] About police officers not carrying cameras, correct.

CHAIRPERSON VACCA: --right.

MS. PETITO: Right.

CHAIRPERSON VACCA: Because they

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already carry a lot of equipment.

MS. PETITO: Right.

CHAIRPERSON VACCA: I would be willing to talk to you about that further but--

MS. PETITO: [Interposing] Well Mr. Chairman as I testified, our most important concern is the substantive, conceptual concern about requiring photos, at all, for violations that are sworn to by government employees and constitute a prima facia case. This is a substantive hurdle that we face that we don't see a way around. There are certain things that I've pointed out that certainly legislation could be changed to accommodate such as making this applicable only to traffic enforcement agents rather than to police officers as well or other agencies.

But the substantive qualm that we have about the bill is that it sets up an expectation that unless there is a photo documenting a violation it cannot be proven based on the sworn statement of the public employee. And that's something that we--that's a hurdle that I don't think we can get over.

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2 CHAIRPERSON VACCA: Okay. No. I  
3 think that we can. I think that we can put  
4 language in the bill. I'm determined; I'm  
5 determined to push this bill. I just want you to  
6 know.

7 MS. PETITO: Understood.

8 CHAIRPERSON VACCA: Come back again  
9 and again and again. Why are we talking on page 2  
10 about where an agent would stand when he takes a  
11 picture? You spoke about the bill, where they  
12 would stand they would not be in danger, the  
13 picture would have to include this and would have  
14 to include that, and agents may not be safe. But  
15 that's a training aspect. If we implement a  
16 camera program, agents would be trained on how to  
17 take a picture. We take pictures with our  
18 Blackberries on our cell phones. We can't train  
19 people on not to take a picture here but to take a  
20 picture here. And how do take a picture so that  
21 you will not risk your safety. I don't  
22 understand. Again, it's not that we can't; it's  
23 just that we won't.

24 MS. PETITO: Well with all due  
25 respect, we don't want to increase the level of



1  
2 danger that our agents face. And when I spoke  
3 with our operational personnel, that was one of  
4 the big concerns about the agents having to put  
5 themselves in harm's way in order to get the photo  
6 that would then be required. So--

7 CHAIRPERSON VACCA: [Interposing]

8 Again I want you to look into the Chicago program.  
9 There's not been an increased danger to anyone  
10 taking the picture.

11 Another question. Page 3. this  
12 bill carries with it an underlying assumption that  
13 the prima facia case established by the issuance  
14 of the summons itself and the sworn affirmation of  
15 its truth by the issuing officer is insufficient.  
16 No. The presence of the picture is what's called  
17 proof. I'm not making an assumption of what the  
18 traffic agent did was wrong. The presence of the  
19 picture is proof positive. It's further  
20 clarifying the case. There'll be many motorists  
21 who will say, boy, the agent gave me a ticket and  
22 this picture proves I'm wrong. I'm not going to  
23 waste the City's time. I'm not going to go waste  
24 my time and fight this ticket. And if they're  
25 wrong, they should get a ticket.

1  
2 But by the same token we now have a  
3 system where most people, or a lot of people,  
4 can't say most, a lot of people don't even bother  
5 fighting these tickets because they feel they're  
6 going to lose and they feel that the entire  
7 process is based on their just paying, paying,  
8 paying and not losing a day's pay at work.

9 MS. PETITO: Well and we've also  
10 discussed that in the past where the City has made  
11 the process of contesting a parking violation user  
12 friendly in a manner that does not require them to  
13 lose a day's pay as Judge Gotsopoulos pointed out  
14 in her testimony. So I think that there are lots  
15 of people who don't contest their violations  
16 because they are guilty. And they pay it and just  
17 have it be done with. So I don't--

18 CHAIRPERSON VACCA: [Interposing]  
19 And there are a lot of people who are innocent who  
20 don't contest their parking violations because  
21 they don't have proof to contest it and they  
22 cannot lose a day's pay so they pay \$165 and  
23 that's money that they often cannot afford but the  
24 choice is paying that money or losing a day's pay  
25 so they pay the money.

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2 MS. PETITO: As I said there's no  
3 reason for anyone to have to lose a day's pay.

4 CHAIRPERSON VACCA: Okay. Well  
5 I'll leave it at that. I did not expect that we  
6 would have much support. I'm surprised that one  
7 bill is supported which I thank whoever did that.

8 [Off mic comment]

9 CHAIRPERSON VACCA: Finance? I  
10 thank you for supporting one. But I guess the  
11 other six; I guess our parking system is fair I  
12 guess. I'm hearing that everything is fair. I  
13 don't think that's how the general public feels  
14 but people here think it is fair. And I can't  
15 believe that this Council and this body worked for  
16 months on six very significant parking fairness  
17 bills and everything but one is unenforceable, un-  
18 implementable, untenable, impossible. And I know  
19 that that's not the case.

20 Okay. We have questions. Council  
21 Member Van Bramer, please. Can we have attention  
22 please? Council Member Van Bramer.

23 COUNCIL MEMBER VAN BRAMER: Thank  
24 you very much Mr. Chair. I too was stunned by the  
25 number of objections that were raised to all of

1  
2 these bills. And I want to talk mostly about  
3 Intro 465. But I was struck by some of the  
4 comments to Intro 372. So I wanted to ask some  
5 questions of Ms. Gotsopoulos or Judge Gotsopoulos.

6 You said that the power to  
7 determine where alternative side parking is  
8 suspended is delegated to a production company.  
9 So a private production company has the power to  
10 determine where alternate side of the parking is  
11 suspended without any City agency--

12 MS. GOTSPOULIS: [Interposing] No  
13 I think that's the way it's indicated in the bill.  
14 Presently, no, it's the Department of  
15 Transportation that would suspend alternate side  
16 parking. I think one of the issues for us is that  
17 if we give that authority to the production  
18 company it would be very difficult for  
19 administrative law judges to confirm whether or  
20 not alternate side parking was suspended.  
21 Presently we can go into DOT's systems to verify  
22 whether or not the parking has been suspended.

23 So we're concerned that if the  
24 production companies are just suspending the  
25 parking in the radiuses then it would be very

1  
2 difficult for us to confirm if it was in fact  
3 suspended. And part of our concern is that they  
4 wouldn't really care as much. And, you know, it  
5 wouldn't be indicated anywhere. So it would be  
6 difficult for the administrative law judges to get  
7 that information.

8 COUNCIL MEMBER VAN BRAMER:

9 Couldn't we just make sure that there was a record  
10 of it though?

11 MS. GOTSPOULIS: I mean if there  
12 was a valid record of it someplace that was done  
13 by a City agency that we knew that would be true  
14 then as long as we can verify it. But presently I  
15 believe the way the bill is written, it appears  
16 that it's the production company that's making  
17 that call and we have concerns with that.

18 COUNCIL MEMBER VAN BRAMER: It  
19 certainly seems to me like the Mayor's Office of  
20 Film and Television would, could, and should be  
21 engaged in all of this and could achieve those  
22 functions.

23 MS. GOTSPOULIS: I can't speak for  
24 the Mayor's Office of Film and Television. I'm  
25 the Chief Administrative Law Judge for the

1  
2 Department of Finance. And my concern is that I  
3 wouldn't be able to verify, in fact, that the  
4 parking was suspended at that time.

5 COUNCIL MEMBER VAN BRAMER: Sure.

6 I just-

7 MS. GOTSOPoulos: [Interposing] And  
8 it would be easier for the public to come in also.  
9 We don't want to put more onus on the public  
10 having to bring that information with them.  
11 Presently we're able to get that information once  
12 they come in to contest a hearing for parking that  
13 may have been suspended.

14 COUNCIL MEMBER VAN BRAMER: Right.

15 MS. GOTSOPoulos: They were issued  
16 a summons for.

17 COUNCIL MEMBER VAN BRAMER: I just  
18 think that because you actually said the process  
19 outlined in Intro 372 would require a considerable  
20 interagency coordination on very fast deadlines,  
21 implying that that's either not possible or not  
22 desirable. And it would seem to me that that  
23 considerable interagency coordination should be  
24 the rule and not the exception with all of this.

25 And if we had the Office of Film

1  
2 and Television working with DOT and yourself, we  
3 could implement Intro 372 because we should be  
4 doing this. We should be recording it. We should  
5 be knowing where significant filming is going on.  
6 And I support filming but I also had significant  
7 filming on my block in my neighborhood for several  
8 days.

9           And we wanted this. So this to me  
10 makes perfect sense. And I just, it would be  
11 heartwarming if agencies didn't just say that we  
12 oppose this because it would require considerable  
13 interagency coordination when in fact all of you  
14 should be coordinating every day on all of this to  
15 make the lives of our residents and our  
16 constituents easier.

17           So I then want to turn to Intro 465  
18 which I'm proud to be a cosponsor of. And one of  
19 the many reasons why we can't do that is because  
20 the placards are placed on dashboards and things  
21 like that and you think the scanner is not going  
22 to work. So rather than opposing it and saying  
23 the current placard is the problem, wouldn't it be  
24 possible to implement this by simply changing the  
25 placard system to a sticker system and putting

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that on the window just as the registration sticker is?

MS. GOTSPOULIS: Sue, that's a question for you.

MS. PETITO: Yeah. Well as we said, we're very willing to discuss this issue with you further. The bill itself focuses on bar codes and certainly if the bar code is up on the windshield that is much easier to read. Certainly the scanners could probably be reprogrammed to read that type of bar code depending on how much infrastructure supported it. In other words the PTDs have a limited capacity to retain data and storage of data. They're not wireless computers. They're really just they have memory in them. And so the information about all of the bar codes that would have been out there issued would have to be programmed into the PTDs.

Getting over that technological issue though, it's more for the particular bill, it's more about the use of the bar code at all, as opposed to other measure which might develop in the future, might be present now. Because our placards currently bear security measures that we



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don't really want to discuss in a public forum.  
We can have this discussion offline, absolutely.

COUNCIL MEMBER VAN BRAMER: I guess there's just, to me, it seems like there are many, many ways to make this happen that would be terrific--

MS. PETITO: [Interposing] And we agree with the concern, absolutely, we want to prevent fraudulent placard use as well.

COUNCIL MEMBER VAN BRAMER: So would you--

MS. PETITO: [Interposing] We have tremendous resources devoted to it.

COUNCIL MEMBER VAN BRAMER: So many people, particularly in the Dutch Kills neighborhood in my district, would say there's an epidemic as it relates to illegal use of placards. Would you say it's a problem of technology or enforcement?

MS. PETITO: I think it's probably both because you will never--there are pretty much no limits to what somebody with a good copy machine or a printing capacity can fake. So that's one aspect of it. That's why the security

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2 measures that we use will not, are not able to be  
3 photocopied. And that's how, one of the ways in  
4 which we can tell whether something is fake or  
5 real. But there are other technologies out there,  
6 certainly bar codes are one of them, but a good  
7 photocopy, as I said in my testimony, a good  
8 photocopy will replicate the bar code and so that  
9 would come up as a valid permit--

10 COUNCIL MEMBER VAN BRAMER:

11 [Interposing] How many--

12 MS. PETITO: --so that's part of  
13 the problem.

14 COUNCIL MEMBER VAN BRAMER: Do you  
15 know how many tickets are issued for--

16 MS. PETITO: [Interposing] Well we-

17 -

18 COUNCIL MEMBER VAN BRAMER: --  
19 illegal placards?

20 MS. PETITO: We have a unit in the  
21 Internal Affairs Bureau devoted especially to this  
22 function. It's about a dozen people, maybe more  
23 I'm not sure, it is called the Vehicle Enforcement  
24 Unit. And since the inception of the Mayor's  
25 Placard Initiative and our taking this on as a

1  
2 particular issue, we've issued almost 30,000  
3 summonses for illegal parking with a placard. And  
4 we've towed 6,484 cars.

5 COUNCIL MEMBER VAN BRAMER: Do you  
6 know how many of those are in Queens?

7 MS. PETITO: I don't. But if you  
8 have particular locations that you would advise us  
9 of, I can bring that to the Internal Affairs  
10 Bureau and have them take a look at it.

11 COUNCIL MEMBER VAN BRAMER: Well we  
12 have advised the Administration of Dutch Kills and  
13 41<sup>st</sup> Avenue and other avenues in Dutch Kills, many,  
14 many times. And yet it is a persistent and  
15 chronic problem with numerous agencies parking  
16 inappropriately and numerous phony and fake  
17 placards. And there is a lack of enforcement,  
18 serious enforcement, in Dutch Kills.

19 And it is a real nuisance to the  
20 people who live there who cannot park because the  
21 City is not adequately enforcing the laws that  
22 exist. And this Intro seeks to make it easier to  
23 make sure that the rules are enforced. And you  
24 all are opposed to that which I find really  
25 frustrating because it's doing nothing to improve

1  
2 enforcement and nothing to improve the quality of  
3 life of the people in Dutch Kills or all around  
4 the City who have to deal with these issues.

5 MS. PETITO: Well again we're not  
6 opposed to the concept, certainly. We're opposed  
7 to a law which specifies that the technological  
8 improvement has to be a bar code. But we are very  
9 willing and happy to discuss this issue with you  
10 and the Council further. I would also point out  
11 that in an era of diminishing resources and many,  
12 many more demands placed upon enforcement  
13 personnel, priorities are set. And unfortunately  
14 if this, if the illegal parking situation is  
15 accompanied by other problems in an area, that may  
16 not receive the highest priority. But I mean--

17 COUNCIL MEMBER VAN BRAMER:

18 [Interposing] Right. But let us talk about  
19 revenue for one second. Right now you are not  
20 issuing probably thousands of tickets because of  
21 the failure to identify fakes and the failure to  
22 enforce the laws that are on the books. So you  
23 are not writing lots of tickets and generating  
24 lots of revenue because you can't. You've  
25 admitted that you can't. The fakes are too good

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and the enforcement is poor.

So you're not enforcing the law.

You're not--

MS. PETITO: [Interposing] I would disagree with that characterization of my remarks--  
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COUNCIL MEMBER VAN BRAMER: --  
generating that revenue and if you could raise that revenue, then I think that would be very, very good for the City of New York. I just, the last thing I'll say, and obviously Council Member Garodnick can speak to the technical issues of this bill far more than I, but right now there seems to be a system where the good, hardworking, playing-by-the-rules people of Dutch Kills, you know, have to abide by certain rules.

And then others, particularly those who work for City agencies, are held to a different standard. That's patently unfair. And I think we have to do more to make sure that that system of inequality when it comes to parking ceases to exist in New York City. Thank you very much Mr. Chair.

CHAIRPERSON VACCA: Thank you. I'd

1  
2 like to call upon Council Member Levin for a  
3 statement. He is sponsoring the film bill and I'd  
4 like to call upon him please.

5 COUNCIL MEMBER LEVIN: Thank you  
6 Mr. Chairman. I just want to briefly just discuss  
7 my reasons for introducing 372-A. New York City's  
8 unique characteristics combined with general tax  
9 credits and incentives that we give out has made  
10 it one of the most attractive film locations for  
11 major motion pictures and for small independent  
12 files alike throughout the country.

13 And while the production industry  
14 contributes \$5 billion a year to our economy and  
15 employs approximately 100,000 New Yorkers which is  
16 a very good thing, it also provides residents with  
17 headaches when their streets are closed due to  
18 filming. On any given day numerous neighborhoods  
19 throughout the five Boroughs are dealing with  
20 street closures and other inconveniences related  
21 to filming.

22 So not a week goes by where my  
23 office isn't inundated with calls from  
24 constituents who can't find a place to park  
25 because a film crew has taken up residency on

1  
2 their block. Intro 372 seeks to balance the needs  
3 of residents and active film area locations with  
4 the needs of the production industry by suspending  
5 alternate side street parking regulations on a  
6 block adjacent to a film shoot. Drivers will be  
7 given a little bit of relief. This does not solve  
8 every problem but it will be a significant start  
9 and I look forward to continuing to work with  
10 Chairman Vacca, DOT and other stakeholders on this  
11 issue.

12 Now, Judge, I just want to ask you,  
13 you mentioned before in your testimony, let's see,  
14 "the power to determine where alternate side  
15 parking is suspended is delegated to a production  
16 company". I think that you clarified with Council  
17 Member Van Bramer that you were referring to  
18 "under this bill", that is your understanding of  
19 what would happen. That's not actually what's  
20 going on now. For instance when--

21 Ms. GOTSPOULIS: [Interposing]

22 Correct.

23 COUNCIL MEMBER LEVIN: Right. Well  
24 if you look at the bill, the language of the bill  
25 says that the issuance of a permit by the Mayor's

1  
2 Office of Film, Theater, and Broadcasting that  
3 authorizes filming and/or related activity shall  
4 result in a suspension of alternate side of the  
5 street parking rules for the duration of such  
6 permit or seven days whichever is shorter on all  
7 blocks adjacent to or any portion of which is  
8 within 200 feet of the location of the filming.

9           So the statute itself suspends the  
10 alternate side of the street parking. The film  
11 production company does not have the discretion to  
12 decide where, under this language, it does not  
13 have the discretion. All it is saying is that the  
14 film production company is under the obligation to  
15 post that there's an alternate side of the street  
16 parking suspension on those blocks. The statute  
17 itself says that it would result in a suspension.  
18 So it's not--they're not under the discretion to  
19 do that.

20           MS. GOTSPOULIS: From the  
21 adjudications perspective my concern is that we  
22 would be able to verify. That the administrative  
23 law judges could verify that the actual parking  
24 had been suspended where the summons was issued so  
25 that when the person comes in to have a hearing--



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COUNCIL MEMBER LEVIN:

[Interposing] Right.

MS. GOTSOPoulos: --and they say that I parked, you know, two blocks from my residence because they were filming on my block and that my understanding was alternate side parking. We would be able to confirm.

COUNCIL MEMBER LEVIN: Well, but--

MS. GOTSOPoulos: [Interposing] I need to be able and my judges need to be able to verify that in fact the parking was suspended.

COUNCIL MEMBER LEVIN: But permits are granted. Permits are granted--

MS. GOTSOPoulos: [Interposing] Correct.

COUNCIL MEMBER LEVIN: --for particular blocks. And so there should be an ability of interagency coordination to say was a permit granted on an adjacent block or a block within 200 feet of the shooting. So, sorry, it's just that, Commissioner, just one second--

MR. WOLOCH: [Interposing] Sure.

COUNCIL MEMBER LEVIN: That, you know, there should be--there's no question that

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that could be, in fact, confirmed, you know,  
looking at where the permits were issued.

Ms. GOTSPOULIS: Right. But who  
is issuing, who is suspending the alternate side?  
The way the bill, it's very general--

COUNCIL MEMBER LEVIN:

[Interposing] No, no, it's--

MS. GOTSPOULIS: --and it leads me  
to believe that it is the filming company that's  
saying, okay, we're posting signs that it's been  
suspended in a 3-block radius. And then also--

COUNCIL MEMBER LEVIN:

[Interposing] It's not a 3-block radius though  
but--

MS. GOTSPOULIS: [Interposing] No,  
I'm just--I'm just giving that as an example--

COUNCIL MEMBER LEVIN:

[Interposing] It's very clear in the language  
though, very clear in the language of the bill.

MS. GOTSPOULIS: The way the bill  
is written right now it's not clear. And we, from  
an adjudication perspective and also from, I mean  
for citizens, you wouldn't want the person getting  
the ticket having to bring this information in.

1  
2 And I certainly wouldn't want them to have to do  
3 that. It would be easier if I could go into a  
4 database and verify that in fact the alternate  
5 side parking was suspended on such a date and then  
6 I could just, you know, adjudicate that ticket and  
7 not have the person jump through hoops in order to  
8 bring that evidence in.

9 COUNCIL MEMBER LEVIN: But Judge,  
10 the Mayor's Office of Film, Theater, and  
11 Broadcasting has those permits--

12 MS. GOTSPOULIS: [Interposing]  
13 Right. And we can verify the permits--

14 COUNCIL MEMBER LEVIN:  
15 [Interposing] Right.

16 MS. GOTSPOULIS: --were issued  
17 presently for the location that they were issued.

18 COUNCIL MEMBER LEVIN: Right.

19 MS. GOTSPOULIS: But the bill is  
20 suspending parking in--

21 COUNCIL MEMBER LEVIN:  
22 [Interposing] On adjacent blocks.

23 MS. GOTSPOULIS: Correct. And we  
24 need to be able to verify--

25 COUNCIL MEMBER LEVIN:

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[Interposing] That a block is adjacent--?

[Crosstalk]

MR. WOLOCH: [Interposing] So look  
at a map--

COUNCIL MEMBER LEVIN: --you look  
at a map.

MS. GOTSPOULIS: --not determine--

MR. WOLOCH: Let's talk about that-

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COUNCIL MEMBER LEVIN:

[Interposing] Okay.

MR. WOLOCH: --I mean the way the  
bill is written now it does suggest 200 feet.  
However you're going to define it, whether it's  
the film company--

COUNCIL MEMBER LEVIN:

[Interposing] Uh-huh.

MR. WOLOCH: --or the film office  
or DOT or whatever, there's going to be an entity  
that essentially on the fly is going to have to  
make a determination about--

COUNCIL MEMBER LEVIN:

[Interposing] Is that within 200 feet?

MR. WOLOCH: --about 200 feet or

1  
2 even if the language were changed, it would have  
3 to be defined in some way. And I think the issue  
4 here is that despite the best intentions, even if  
5 you have the kind of coordination that should be  
6 happening on lots of different issues--

7 COUNCIL MEMBER LEVIN:

8 [Interposing] Really should be having.

9 MR. WOLOCH: --that on the fly, for  
10 lots of locations, for that coordination to  
11 happen, whoever is making the decision is going to  
12 be very difficult. And let me just take a step  
13 back here for a second.

14 The philosophy of this is actually  
15 something I think we agree with, right? We have  
16 done, we have taken similar steps for large  
17 construction projects--

18 COUNCIL MEMBER LEVIN:

19 [Interposing] Mm-hmm.

20 MR. WOLOCH: --large construction  
21 projects happen over a long period of time and  
22 alternate side signs have been bagged to provide  
23 relief.

24 COUNCIL MEMBER LEVIN: Mm-hmm.

25 MR. WOLOCH: I think the issue here

1  
2 is that you're doing it in small areas for very  
3 short periods of time, essentially on the fly.  
4 The film companies and you can argue about the  
5 costs and benefits of this move into a  
6 neighborhood very, very quickly, somebody then has  
7 to quickly make that determination about where 200  
8 feet begins and where it ends. That has to be  
9 communicated to the residents. And then  
10 communicated to enforcement personnel.

11 COUNCIL MEMBER LEVIN: Uh-huh.

12 MR. WOLOCH: and then to the folks  
13 that do the adjudication. Now--

14 [Crosstalk]

15 COUNCIL MEMBER LEVIN:

16 [Interposing] Well, okay.

17 MR. WOLOCH: Much easier said than  
18 done--

19 COUNCIL MEMBER LEVIN:

20 [Interposing] The manner, okay--

21 MR. WOLOCH: --and I think that's--  
22 and I think that's the concern.

23 COUNCIL MEMBER LEVIN: Well, just a  
24 couple of things. First all a film production  
25 company would need is some measuring tape to

1  
2 measure out what 200 feet is if there's a question  
3 about it. If there's question. If a block is,  
4 most blocks in question are less than 200 feet, I  
5 mean are more than 200 feet, right? So the  
6 question is if it's questionable then they can  
7 make that assessment by measuring it out. It's a  
8 film production company.

9           They are going out and posting on  
10 the blocks that they get the permits on anyway.  
11 It's not as if the Department of Transportation is  
12 coming in and posting the No Parking signs. Trust  
13 me. They have no problem doing that because they  
14 don't want a single car on that block. I live in  
15 a neighborhood where there's a lot of filming  
16 going on. My neighbors, I mean, it's not--this  
17 isn't rocket science.

18           I think that common sense would  
19 dictate that if it's an adjacent block, it's very  
20 clear to anyone that's there that it's an adjacent  
21 block. It's not something that residents would  
22 get confused about. If you were to say, you know,  
23 a radius of 2.25 miles or you'd say 3 or 4 blocks  
24 or something that's not clear language, this is  
25 saying adjacent blocks or any block that has a

1  
2 portion of which is within 200 feet of the film  
3 shoot.

4 I mean that's not, I don't think  
5 that that rises to the level of complications or  
6 complexity that would make it an untenable bill.  
7 I think it might require a little bit more  
8 coordination which is, you know what, that's a big  
9 problem as we have anyway. The Office of Film,  
10 Broadcasting, and Theater should--these permits  
11 should be online. And they should be able to be  
12 seen by residents so that we know when in fact  
13 we're going to be losing a block's worth of  
14 parking in any neighborhood.

15 I mean I live in a neighborhood  
16 where, you know, I'm not near a subway station.  
17 So a lot of people in my neighborhood have cars.  
18 And, you know, we like the film industry. We have  
19 some very good responsible studios, some of which  
20 are testifying today in support of this bill  
21 because they know that it would, you know, it's a  
22 good thing in terms of their relationship with the  
23 neighborhood.

24 They bring in jobs but, you know,  
25 at times residents, you know, we lose the parking.



1  
2 And I hear about this repeatedly from constituents  
3 of mine. So I think that, you know, if in theory  
4 the City is in, you know, in accord with the idea  
5 of the bill and would say that you know what it's  
6 so prevalent in certain neighborhoods. It's, you  
7 know, ubiquitous, especially in neighborhoods that  
8 actually are the homes to production companies.

9 That, you know, just because it's  
10 shorter duration does not necessarily mean that  
11 there can't be a way in which we can make this  
12 work. So I would ask that, I mean I'd be happy to  
13 discuss with DOT and the Mayor's Office of Film,  
14 Theater, and Broadcasting, you know, what  
15 suggestions you guys would have on amending the  
16 language of the bill. That's not a problem. But  
17 I think that we, you know, in addressing the  
18 issue, just saying that we can't coordinate it I  
19 think is really, it does not kind of step up. So.

20 CHAIRPERSON VACCA: I would agree.  
21 And I think that over the summer we should have  
22 further conversations about this bill. I would  
23 like to advance it as well.

24 MR. WOLOCH: I think we're happy to  
25 keep talking about it. What we don't want to do

1  
2 is create a Rube Goldberg like mechanism that's  
3 not going to work.

4 COUNCIL MEMBER LEVIN: Okay.

5 CHAIRPERSON VACCA: Okay.

6 COUNCIL MEMBER LEVIN: Thank you  
7 Deputy Commissioner. Thank you Mr. Chair.

8 CHAIRPERSON VACCA: I'd like to  
9 mention that we've been joined by Council Member  
10 Greenfield and Council Member Brewer and Council  
11 Member Jessica Lappin and Council Member Darlene  
12 Mealy. Okay. Now I'd like to call upon Council  
13 Member Garodnick.

14 COUNCIL MEMBER GARODNICK: Thank  
15 you very much Mr. Chairman. I'm going to focus on  
16 465 and 301. Ms. Petito, let me start with you.  
17 465 for the recollection of our guests today is  
18 the one on the bar codes on the parking placards.  
19 I noted from your testimony that the placards that  
20 are currently issued by NYPD and DOT carry  
21 security features which you'd be happy to discuss  
22 with us in a private setting.

23 I would note, I don't really have  
24 an interest in discussing this with you in a  
25 private setting. We think that this is an

1  
2 important issue for us to be discussing here and  
3 want to hear very clearly from the Police  
4 Department why you view the security features as  
5 the problem here.

6 Today we have, as you note, certain  
7 un-described security features which are present  
8 in placards and yet our enforcement agents can't  
9 figure out what's legit and what's not. You need  
10 a PhD in parking placards to be able to determine  
11 the difference between the many different types of  
12 parking placards that are out there, security  
13 features or not.

14 So let me start with the first  
15 question which is do you regard the placards with  
16 your security features as being secure and free of  
17 fraud today?

18 MS. PETITO: The ones that we issue  
19 and the ones that the DOT issues, yes. What I'm  
20 saying is that the actual placards are--they have  
21 security features that we think are very robust.  
22 They could always be improved. However there are  
23 ways to duplicate them and there are also ways  
24 that they can be copied that are absolutely  
25 fraudulent--

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COUNCIL MEMBER GARODNICK:

[Interposing] Good. Let's stop right there for a second. So the ones that the Police Department issues you say are secure because they're issued by the Police Department and yet they can be photocopied. Is that correct?

MS. PETITO: They can--

COUNCIL MEMBER GARODNICK:

[Interposing] So how secure are they if they can be photocopied?

MS. PETITO: Well the security features will not be replicated on a photocopy. What I'm saying is that the bar code, if there was a bar code, it would be--that would be something that could be photocopied. That's what I was talking about before in my testimony. But if there is a photocopy of one of the ones we issue, it will not reflect the security features that are on it. And--

COUNCIL MEMBER GARODNICK:

[Interposing] Got it. Well surely a bar code or security with a bar code could be introduced so that that could not appear when duplicated. But that's a conversation for the technical folks. We

1  
2 don't need to get into it right now. But I guess  
3 my question for you is, does it really matter how  
4 great your security features are if an agent looks  
5 at your perfectly secure placard and looks at a  
6 photocopied bogus placard and can't actually tell  
7 the difference?

8 MS. PETITO: There is a way that  
9 they can tell the difference but that is not  
10 something that I feel comfortable discussing a  
11 public setting as I, you know, just that  
12 particular aspect of it, but the point is that we  
13 do have people, the Internal Affairs Bureau of  
14 Vehicle Enforcement Unit which the agents can call  
15 if there is any doubt. And they come out and they  
16 are experts and they have tow trucks. They  
17 summons. They may at times sit on a car until the  
18 driver gets back because obviously you can't break  
19 into the car to take out what looks like a  
20 fraudulent placard.

21 So they will observe and then wait  
22 until the driver comes and then confront the  
23 driver. And they've made arrests for forged  
24 plates. They issued summonses for display of  
25 unauthorized police cards. They've suspended

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2 officers. I mean there is enforcement going on.  
3 But not to the degree that I think the Council is  
4 comfortable with and would like to see.

5           The problem is one of circumstance.  
6 We may have traffic enforcement agents who pass by  
7 a vehicle that's illegally parked with a placard  
8 in it but they're not there to issue summonses.  
9 They're there to direct traffic. So that would  
10 not be their priority. It would also depend on  
11 whether the parking violation comes to their  
12 attention because it's hazardous, because it's  
13 double parking. Again that would be something  
14 that would be more likely to come to an agent's  
15 attention.

16           COUNCIL MEMBER GARODNICK: We got  
17 it. And I think you're muddying the waters a  
18 little bit with the issue because we don't dispute  
19 the fact that one can tell the difference between  
20 a legitimate placard and a bogus placard if one  
21 takes the time to look, if one is trained to be  
22 able to figure it out, and if there is a desire to  
23 actually figure it out. We don't dispute that.

24           The issue that we have is the fact  
25 that there are so many of these placards that are

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2 out there that it becomes extremely difficult for  
3 your traffic enforcement agents out on the beat to  
4 figure out what is legit and what is not. So I  
5 guess one question that you might be able to help  
6 us with here is how many different types of  
7 legitimate placards are on the street today?

8 MS. PETITO: Well the ones that we  
9 issue from the Police Department are issued to our  
10 personnel as well as to the District Attorneys and  
11 Federal law enforcement. I believe the Department  
12 of Transportation issues to other City agencies,  
13 Commissioner Woloch?

14 MR. WOLOCH: A few other  
15 categories, clergy, disability permits,  
16 nonprofits.

17 MS. PETITO: But to be clear, the  
18 placard that you held up at the beginning issued  
19 by the Numismatic Authority would not--your bill  
20 would not apply to that placard because it's not  
21 issued by the Police Department or DOT. The State  
22 issues its own placards. You know--

23 COUNCIL MEMBER GARODNICK:  
24 [Interposing] Stop right there.

25 MS. PETITO: Yeah.

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2 COUNCIL MEMBER GARODNICK: No bar  
3 code on that. So my bill would apply. There's no  
4 bar code on that fake placard. The absence of a  
5 bar code answers the question right off the bat.  
6 So I just have to disagree with you. I'll, just  
7 to refresh, the bill requires that there be a bar  
8 code on every parking placard--

9 MS. PETITO: [Interposing] No on  
10 placards issued by the DOT and by the Police  
11 Department.

12 COUNCIL MEMBER GARODNICK: Okay.  
13 So right, not by the Numismatic Society, that is  
14 correct--

15 MS. PETITO: [Interposing] Exactly.  
16 So if it's made to look like an official placard--

17 COUNCIL MEMBER GARODNICK:  
18 [Interposing] I got it so you scan, you scan; you  
19 scan a fake placard with a fake bar code and  
20 what's going to come up? The answer is this is a  
21 bogus placard and that's the point. That's  
22 exactly the point--

23 MS. PETITO: [Interposing] No but--

24 COUNCIL MEMBER GARODNICK: --this  
25 one doesn't have--this one does not have any



1  
2 indicator that it is legit. It does not have a  
3 bar code. If it had the bar code as required by  
4 this law you'd get the answer immediately.

5 MS. PETITO: No. But Council  
6 Member Garodnick, your, the law would not require  
7 a bar code to be placed on the placard you held  
8 up. We do not issue placards to them and so if  
9 there is a placard issued for example by the State  
10 Police it will be legitimate. It will not have a  
11 bar code.

12 COUNCIL MEMBER GARODNICK: Okay you  
13 make the point, two points, one, that bogus  
14 placards are not going to have a bar code because  
15 they're not issued by an official agency. We can  
16 stipulate to that, for sure. Two, you make an  
17 interesting point which is that there are agencies  
18 that are not within the City's jurisdiction that  
19 also might be deserving of bar codes to the extent  
20 that we take this route. That is a fair point and  
21 one that we should certainly discuss with our  
22 colleagues at the State level. I don't think that  
23 that is a bar to anything that we are doing here.

24 So let's go back to those numbers.  
25 You guys issue a ton of placards. Those guys

1  
2 issue a ton of placards. Hit us with the numbers.  
3 NYPD, you've got them for your folks; the DAs and  
4 law enforcement agents, how many do you issue--

5 MS. PETITO: [Interposing] A total  
6 of about 43,000 which is a 33% decrease from the  
7 number we had in 2007. We used to have 64,587--

8 COUNCIL MEMBER GARODNICK:  
9 [Interposing] Okay.

10 MS. PETITO: --we cut it down by a  
11 third.

12 COUNCIL MEMBER GARODNICK: And DOT?

13 MR. WOLOCH: We're at about, for  
14 all those categories, 75,000.

15 COUNCIL MEMBER GARODNICK: Okay.  
16 So there are about--and there are no other City  
17 agency that is allowed to issue parking placards  
18 other than DOT and NYPD, is that correct?

19 MS. PETITO: That's correct.

20 COUNCIL MEMBER GARODNICK: Okay.  
21 So the official tally of New York City is that  
22 there are 118,000, am I getting my math right,  
23 118,000, legitimate parking placards. Now how  
24 many different types of parking placards exist  
25 within that group of 118,000?

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2 MS. PETITO: Well for our purposes  
3 there are plastic, laminate--

4 COUNCIL MEMBER GARODNICK:

5 [Interposing] Visually--by the way let me just be  
6 clear. I'm just talking about the ones which look  
7 different from one another. Because we've got  
8 lots of different examples here. Actually it  
9 would be five or six of them, all have NYPD on  
10 them and they're different. So how many different  
11 types of placards are out there for your two  
12 agencies?

13 MS. PETITO: Well I think generally  
14 for us there are paper placards which are limited  
15 to parking in particular areas by police officers  
16 and employees of the Police Department that need  
17 to be able to park. And those are paper.

18 COUNCIL MEMBER GARODNICK: So  
19 that's one. What else you got?

20 MS. PETITO: And then there's the  
21 plastic placard that I believe it looks like the  
22 ones that DOT issues that go with vehicles. We  
23 have police vehicles that have those placards  
24 associated with them and also pool placards for a  
25 detective squad or an entity that needs to be in

1  
2 the field to use to place in the dash. And those  
3 are plastic.

4 COUNCIL MEMBER GARODNICK: So is  
5 your testimony that there are only two different  
6 looking placards that NYPD issues? One which is  
7 the paper and that all of the plastic ones look  
8 exactly the same?

9 MS. PETITO: I believe they all  
10 look the same but I'd have to check that--

11 COUNCIL MEMBER GARODNICK:  
12 [Interposing] Okay well we don't think--

13 MS. PETITO: --because I don't know  
14 for sure.

15 COUNCIL MEMBER GARODNICK: Got it.  
16 It's certainly the view of the sponsor and I would  
17 suspect the view of many of my colleagues that  
18 there are many more that are even issued by NYPD.  
19 But we'd like an answer from you on that because  
20 that's important. How about DOT? Do you just  
21 have one standard one or do you have multiples?

22 MR. WOLOCH: We have one standard.

23 COUNCIL MEMBER GARODNICK: So there  
24 is no differential. The one that is issued which  
25 says Citywide Agency Parking Permit or whatever it

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says is the only one that DOT issues.

MR. WOLOCH: Correct.

COUNCIL MEMBER GARODNICK: You seem uncertain about that.

MR. WOLOCH: No, in terms of the visually what the placard looks like there is one general type.

COUNCIL MEMBER GARODNICK: Is there--okay so then say more about where there is a difference.

MR. WOLOCH: Well, again, we have different types. We have the placards that go to the agencies. We have placards that go to members of the clergy--

COUNCIL MEMBER GARODNICK: [Interposing] Do they say different things on them?

MR. WOLOCH: --nonprofits, yeah, there's different language on them.

COUNCIL MEMBER GARODNICK: Ah-ha. Okay. So then what I want to know is that. If it does not exactly look visually the same, it's different--

MR. WOLOCH: [Interposing] Oh.

1  
2 COUNCIL MEMBER GARODNICK: --I'm  
3 not talking about it being laminated. I'm not  
4 talking about it having official looking stuff,  
5 the Numismatic Agency looked pretty official, you  
6 know, from an untrained eye. We want to know the  
7 different text, the different styles that exist  
8 out there. We suspect that there are probably a  
9 number of them for DOT and there are a number of  
10 them for NYPD--

11 MR. WOLOCH: [Interposing] Right.

12 COUNCIL MEMBER GARODNICK: --but  
13 that's the source of the--that's part of the  
14 source of the issue. And the additional source of  
15 the issue is that people are just making them up  
16 on their own.

17 MR. WOLOCH: Right. Let me confirm  
18 what that number is and I'll get back to you and  
19 the Committee.

20 COUNCIL MEMBER GARODNICK: Okay.  
21 Ms. Petito, you said that officers, if they have  
22 question and concern about the legitimacy of a  
23 placard have the ability to call the Internal  
24 Affairs Bureau who will come out, take a look,  
25 evaluate, and then potentially tow away the car or

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take other criminal or civil action against the owner of the car, is that correct?

MS. PETITO: Yes. Depending on resources. Again--

COUNCIL MEMBER GARODNICK:

[Interposing] Great. So how many times did that happen in the year 2010?

MS. PETITO: I don't have a record of that, of those kinds of calls. I have a record--

COUNCIL MEMBER GARODNICK:

[Interposing] Would you suspect--

MS. PETITO: --of the number of summonses and tows that IAB accomplished but I don't have a number of referrals they get. They get direct calls to their command center. They get calls from 311. They get referrals from other Police Department employees. That's how they, you know, they get--I will bring back Dutch Kills to them today. So, you know, but that, I don't have a record of how many referrals they received from within the Department.

COUNCIL MEMBER GARODNICK: Do you

know if there were any?

1  
2 MS. PETITO: Anecdotally, yes, but  
3 I can't--I don't have a number.

4 COUNCIL MEMBER GARODNICK: Okay.  
5 We'd like you to come back to us with that. You  
6 noted in your testimony that you weren't certain  
7 if the scanner could read a placard, a bar code on  
8 a placard, can you sit here today and say  
9 affirmatively that it would not?

10 MS. PETITO: No, no. We don't  
11 know--

12 COUNCIL MEMBER GARODNICK: Okay.  
13 You noted that there was a possibility of a  
14 question of cost. You weren't sure what the cost  
15 is. Is that accurate? You don't know what the  
16 cost would be--

17 MS. PETITO: [Interposing] We don't  
18 know.

19 COUNCIL MEMBER GARODNICK: --if  
20 any? Okay.

21 MS. PETITO: We don't know.

22 COUNCIL MEMBER GARODNICK: Okay.  
23 And you noted in your testimony that if there is a  
24 bar code or if there is something which allows an  
25 official to be able to distinguish what is



1  
2 legitimate or what is not, it still does not help  
3 you figure out whether or not they are using it  
4 properly, is that correct?

5 MS. PETITO: That's right.

6 COUNCIL MEMBER GARODNICK: Right.

7 And we certainly agree with that. Also not the  
8 point of this legislation at all. But we  
9 understand and we agree with that and we believe  
10 that agents should be able to have a clear picture  
11 of when a parking placard is appropriate, when it  
12 is not, even if it is legitimate.

13 I have a couple of questions for  
14 the Chief Judge for a moment on 301. Judge, this,  
15 again, is the bill which would allow for an  
16 affirmative defense, if you present a muni meter  
17 receipt which seems like the easiest possible  
18 piece of legislation that probably has passed  
19 through this Council in years. And yet, Judge,  
20 you said that you do not think that it is a good  
21 idea because administrative law judges today take  
22 the receipts into account when conducting a  
23 hearing on a charge for failure to display a muni  
24 meter receipt, is that correct?

25 MS. GOTSPOULIS: I said that I

1  
2 didn't think it was necessary because presently  
3 the law states that it has to be a valid receipt  
4 properly displayed. If a respondent comes in and  
5 has the actual receipt and testifies as you  
6 indicated in one of your examples earlier that  
7 they closed the door and the receipt flipped, you  
8 know, up or, you know, went upside down or fell  
9 onto the floor, they'll take that into  
10 consideration and they'll dismiss the ticket. And  
11 I believe that in my testimony I indicated that  
12 74% of those summonses that are issued where the  
13 people come in for hearings are dismissed  
14 presently.

15 COUNCIL MEMBER GARODNICK: You did.  
16 And I want to get to that in a second. But let's  
17 just talk about how they take that into account.  
18 Somebody comes in with a valid muni meter receipt  
19 from the muni meter in question on that block at  
20 the time before, let's just make it real easy,  
21 before the ticket was issued and for a period of  
22 time that went beyond the period in which the  
23 moment that ticket was issued. How would an ALJ  
24 take that into account?

25 MS. GOTSPOULIS: If the person

1  
2 testifies that they actually put the receipt into-  
3 -because the law does require that it be properly  
4 displayed which means on the actual dashboard and  
5 that when they closed the door it may have fallen  
6 onto the floor and they see that it was an actual  
7 permit that covered the time that the summons was  
8 issued, they will dismiss the ticket.

9 COUNCIL MEMBER GARODNICK: Okay.

10 So the question from a legal matter is whether an  
11 effort was made to properly display it on the  
12 dashboard?

13 MS. GOTSPOULIS: Correct.

14 COUNCIL MEMBER GARODNICK: Okay.

15 So if that's the whole issue, there's been a lot  
16 of discussion in this Council as to whether people  
17 should be penalized as they're on their way  
18 walking back from the muni meter and the ticket is  
19 issued. Let's say somebody does that. They,  
20 forget about the Act of God that I talked about in  
21 my intro, somebody gets the muni meter receipt and  
22 they are walking back to their car. They have not  
23 yet although they have every intention of putting  
24 that thing on their dashboard. They have not yet  
25 done it. They get a ticket. Okay.

1  
2 We can debate the issue of whether  
3 an agent should have to rip up that ticket at that  
4 moment in time. Does the Department of Finance  
5 have any objection to a law which would make it an  
6 affirmative defense to show that you had a valid  
7 paid for muni meter receipt at the moment that  
8 that ticket was issued. And of course the time is  
9 not of dispute. The time is the time. Do you  
10 have any objection to that?

11 MS. GOTSPOULIS: Presently on a  
12 case by case basis the judge will take that into  
13 consideration--

14 COUNCIL MEMBER GARODNICK:  
15 [Interposing] I'm not asking about case by case.  
16 I want to know as a matter of law whether the  
17 Department of Finance would have any objection to  
18 the law which read in that manner.

19 MS. GOTSPOULIS: Well the rules,  
20 the traffic rules presently state that--

21 COUNCIL MEMBER GARODNICK:  
22 [Interposing] I know what the traffic--

23 MS. GOTSPOULIS: --it has to be  
24 properly--okay. So I--

25 COUNCIL MEMBER GARODNICK:

1  
2 [Interposing] I know what the traffic rules state  
3 now. So maybe you're answering it as a judge  
4 which is I'm interpreting the laws as present, you  
5 may not be able to answer--

6 MS. GOTSPOULIS: [Interposing]  
7 That's how I have to answer.

8 COUNCIL MEMBER GARODNICK: --the  
9 question. Okay. So you are not here testifying  
10 on behalf of the Department of Finance as a matter  
11 of policy.

12 MS. GOTSPOULIS: I'm here  
13 testifying as the Chief Administrative Law Judge  
14 saying that the rules, the traffic rules presently  
15 state that not only do you have to have a valid  
16 permit but it has to be properly displayed. And  
17 in the example that you gave where the person may  
18 have purchased the summons and be on their way  
19 back to the vehicle that the judge would take that  
20 into consideration when making their decision.

21 COUNCIL MEMBER GARODNICK: Okay.  
22 So we're going to appreciate that and let you off  
23 the hook because you are telling us what the law  
24 is and we get that. We do want to know from the  
25 Department of Finance what their view is on this

1  
2 subject because the truth is this is an easy one.  
3 And they should be for it. And it brings relief  
4 and some sanity to what is an obvious problem but  
5 we're not going to put you on the spot on that  
6 because you're probably not going to tell us.

7 MS. GOTSPOULIS: Okay. But as the  
8 Chief Administrative Law Judge also I'd want to  
9 say that I wouldn't want inconsistent policy going  
10 against what the rules are saying and what the  
11 traffic rules are. And that's what we have to  
12 make sure that are adhered to are the traffic  
13 rules. So maybe the way to address this is  
14 possibly to change the traffic rules in the way  
15 they're written. But I wouldn't want inconsistent  
16 policy of the agency going against what the actual  
17 law is.

18 COUNCIL MEMBER GARODNICK: I think  
19 that is perfectly fair. We don't want to  
20 complicate the work for the judges who are  
21 adjudicating these difficult issues every day and  
22 we hear that.

23 Now let's just go to one other  
24 thing that you said.

25 MS. GOTSPOULIS: Okay.

1  
2 COUNCIL MEMBER GARODNICK: And this  
3 is one which you will be uniquely equipped to  
4 handle here. 74% of motorists that contest  
5 summonses for failure to display a muni meter  
6 receipt are found to be not guilty. That seems  
7 like a big number. Is there a flaw in the system  
8 that we're missing here? Why are so many of them  
9 being dismissed? What's going on there?

10 MS. GOTSPOULIS: There's not a  
11 flaw in the system. That's the information that  
12 we got out of our STARS system. I mean I don't  
13 keep record of what's dismissed and what's not  
14 dismissed. But in this case what we did was I  
15 asked them to run the numbers to see what it would  
16 be. You know, overall when summons, people come  
17 in for hearings, the guilty/not guilty rate is  
18 about 50/50.

19 So if the person is coming in and  
20 testifying that they did have a valid receipt and  
21 that they made an effort to properly display it  
22 and that something happened which may have been an  
23 Act of God or the wind or something in the, you  
24 know, closing their door, then the judge takes  
25 that into consideration. And as long as they're

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adhering to the law, then, you know, it's within their discretion to dismiss that summons.

COUNCIL MEMBER GARODNICK: Now can, as you sit here today--

MS. PETITO: [Interposing] May I, excuse me, may I jump in on--

COUNCIL MEMBER GARODNICK: [Interposing] Sure.

MS. PETITO: --for a second because the number of 74% kind of implies that three-quarters of the summonses that are issued are not valid but that 74% is of the small percentage that are actually contested. I don't have the exact number overall. There are about 15% of all traffic, parking summonses that are contested. So it's 74% of 15% of those violations--

[Crosstalk]

COUNCIL MEMBER GARODNICK: Okay--

MS. GOTSPOULIS: [Interposing] Well actually not even of the 15%. Of the actual violations that are issued for this specific violation code.

COUNCIL MEMBER GARODNICK: Got it.

MS. GOTSPOULIS: Okay. So I mean



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I could go back and find out, you know, how many summonses are issued for this actual violation and then it would be that percentage of that number.

COUNCIL MEMBER GARODNICK: Right.

Well I mean that's what we're really--

MS. GOTSPOULIS: [Interposing]

Right.

COUNCIL MEMBER GARODNICK: --really interested in--

MS. GOTSPOULIS: [Interposing] So--okay.

COUNCIL MEMBER GARODNICK: --so the 74% tells us something. It doesn't necessarily--

MS. GOTSPOULIS: [Interposing]

Correct.

COUNCIL MEMBER GARODNICK: --answer this particular question--

MS. GOTSPOULIS: [Interposing] So we can get that information to you.

COUNCIL MEMBER GARODNICK: That would be very useful. Okay. So that's all I have. I'll just give you my quick reaction Mr. Chairman. I've heard nothing that deters or

1  
2 dissuades me from pushing both of these bills  
3 further. And I certainly hope the Committee  
4 agrees.

5 CHAIRPERSON VACCA: I somehow  
6 thought that most of us up here would see nothing  
7 today in the testimony that deterred us from  
8 pursuing these issues. And my impression was  
9 correct. Okay. Council Member Lander.

10 COUNCIL MEMBER LANDER: Thank you  
11 Mr. Chairman. Before I ask a few questions about  
12 Intro 44-A sponsored by Council Member Lappin and  
13 myself, I actually want to ask a couple of follow-  
14 up questions on 465, Council Member Garodnick's  
15 bill, because maybe I didn't hear before.

16 Did you say that you do know the  
17 number of summonses issued for placard fraud? I  
18 know you said you couldn't tell us how many times  
19 people had gone out and gotten a call. But do we  
20 have information on the number of summonses and  
21 judgments for placard fraud in the City in 2010--?

22 MS. PETITO: [Interposing] Well  
23 there have been 32 arrests by the Internal Affairs  
24 Bureau's Unit since the inception. I don't know  
25 the disposition of those arrests but it was

1  
2 criminal possession of forged instruments. There  
3 have been 46 criminal summonses issued for display  
4 of an invalid police card. There have been 6,484  
5 tows of vehicles illegally parked with placards in  
6 them. And then there were 29,885 summonses issued  
7 for parking violations with illegal placards or  
8 placards in the vehicles I should say. It doesn't  
9 have to be illegal --

10 COUNCIL MEMBER LANDER: Can you say  
11 that last one again?

12 MS. PETITO: 29,885 summonses  
13 issued for illegal parking by vehicles with  
14 placards in them.

15 COUNCIL MEMBER LANDER: But those  
16 could be legitimate--

17 MS. PETITO: [Interposing] They  
18 could be.

19 COUNCIL MEMBER LANDER: --parked in  
20 a location where you're not supposed to be parking  
21 with your placard.

22 MS. PETITO: Right. A fire hydrant  
23 or a crosswalk, yes.

24 COUNCIL MEMBER LANDER: So of the  
25 ones that we know were issued because the placard

1 was fraudulent, you're telling me it was 32 or 49-

2 -

3  
4 MS. PETITO: [Interposing] I don't  
5 know.

6 COUNCIL MEMBER LANDER: --over what  
7 period of time?

8 MS. PETITO: That's since the  
9 inception of this unit which was April of '08.  
10 But I don't know how many of those vehicles that  
11 were towed or were summons; I don't have a  
12 breakout of how many had illegal placards versus  
13 placards that were legitimate. I don't have a--

14 COUNCIL MEMBER LANDER:  
15 [Interposing] Do we even know that?

16 MS. PETITO: I don't know. I'd  
17 have to check--

18 COUNCIL MEMBER LANDER:  
19 [Interposing] You don't know if we even know.

20 MS. PETITO: I'd have to check.

21 COUNCIL MEMBER LANDER: We might  
22 have given people tickets--

23 MS. PETITO: [Interposing] I didn't  
24 ask that question.

25 COUNCIL MEMBER LANDER: --for

1  
2 illegal parking at a hydrant as though their  
3 placard was legal and legitimate when it was  
4 fraudulent. We might not even know. But--

5 MS. PETITO: [Interposing] That's  
6 right but--

7 COUNCIL MEMBER LANDER: --what we  
8 know is that over the last three, four years,  
9 we've given out four dozen, you know, four dozen  
10 criminal summonses for fraudulent placards.

11 MS. PETITO: And in 2010 we  
12 suspended nine police officers for forgery of a  
13 placard, like copying, illegal copying of a police  
14 placard.

15 COUNCIL MEMBER LANDER: Okay.

16 MS. PETITO: Yeah.

17 COUNCIL MEMBER LANDER: And there  
18 were something like 115,000 legitimate placards  
19 out on the street, is what we said? 118,000. So  
20 can you see why it feels to us like we in fact  
21 really don't have a system in place that does  
22 anything to--I mean I appreciate that when you  
23 found a ring of people producing counterfeit that  
24 you did something to go into it.

25 But I think to those who are out on

1  
2 the streets, it feels like... there's a big  
3 difference between somebody in a counterfeiting  
4 ring and somebody who takes one of these things  
5 and Xeroxes it or gets one and puts it in their  
6 window and uses it. And to us it feels like there  
7 is essentially no meaningful enforcement of kind  
8 of run of the mill placard fraud.

9           And yet we have all these traffic  
10 enforcement unit agents out on the streets. I  
11 mean we see them every day. This is one of the  
12 very few things in our communities that we see all  
13 the time are people out giving tickets, looking in  
14 the window, looking at the registrations, and  
15 looking at placards. And yet there's no evidence  
16 essentially that those folks are doing anything to  
17 evaluate whether they're looking at a fraudulent  
18 placard.

19           MS. PETITO: Well again I would  
20 disagree. I can't give you a specific number of  
21 traffic enforcement agents that have called or  
22 made a referral to Internal Affairs but there are  
23 some. I don't have a number.

24           COUNCIL MEMBER LANDER: So given  
25 how much you track and how much data you use, if

1  
2 you don't know, if you don't ask for it, if  
3 traffic enforcement agents can't even report it in  
4 a way that you would know, then I'm going to say,  
5 again, there is no evidence that the traffic  
6 enforcement agents are trying to enforce or even  
7 see it as their job to enforce, have a code even  
8 to report run of the mill placard fraud while  
9 they're out there trying to police parking in the  
10 City.

11 Let me as a training question. So  
12 what's the training that traffic enforcement  
13 agents get to be able to identify fraudulent  
14 placards and do something about it, if in out on  
15 their runs they're looking to see if people have,  
16 you know, expired, you know, all the other--so  
17 what's the training that they get?

18 MS. PETITO: I don't know the  
19 answer to that question. I can certainly get back  
20 to you.

21 COUNCIL MEMBER LANDER: So you  
22 don't know if they get any training, right--

23 MS. PETITO: [Interposing] I don't  
24 know the answer to the question. I--

25 COUNCIL MEMBER LANDER:

1  
2 [Interposing] Okay. So I think, again, on the  
3 specific question, given that we have all these  
4 folks out on the street trying to enforce the  
5 parking rules, I haven't seen any evidence here  
6 that a rule they're trying to enforce is placard  
7 fraud. And that--

8 MS. PETITO: [Interposing] They're  
9 primary goal out on the street is to enforce  
10 parking violations and to do it in a way that--

11 COUNCIL MEMBER LANDER:  
12 [Interposing] Placard fraud is not a parking  
13 violation?

14 MS. PETITO: It's not a parking  
15 violation. No, it's a criminal violation.

16 COUNCIL MEMBER LANDER: And so we,  
17 of course--

18 MS. PETITO: [Interposing] And  
19 that's so why it's a referral--

20 COUNCIL MEMBER LANDER:  
21 [Interposing] It's a criminal--

22 MS. PETITO: --no, that's why it's  
23 a referral--

24 COUNCIL MEMBER LANDER: --rather  
25 than parking but even though we have all these



1  
2 agents out able to enforce it, it's not their job  
3 to do it because it's not a parking violation.

4 MS. PETITO: It's not a parking  
5 violation. The traffic enforcement agents'  
6 primary function is to keep traffic moving safely  
7 in the City. And what their focus is on is  
8 hazardous violations, hydrants, crosswalks. But  
9 if they are, I don't know the specifics about  
10 their training regarding placard abuse and I can  
11 certainly get back to you about that.

12 COUNCIL MEMBER LANDER: Okay. I  
13 guess I would think most of us, most New Yorkers,  
14 I think, would think of it as a parking violation.  
15 If you're using an illegal placard to park  
16 someplace that you're not supposed to be able to  
17 park, it's one of the very few things we actually  
18 have a lot of agents out there doing.

19 And the fact that we're not using  
20 them essentially at all to enforce something that  
21 we perceive as a big problem because it's a  
22 criminal problem and not a parking problem and so  
23 we don't use the folks who are out on the street  
24 to do it seems very strange to me.

25 And the resistance to finding some

1  
2 smart ways of achieving a good goal here and  
3 whether we should indeed be prescribing the  
4 particular technology, I don't think anyone's  
5 saying you have to use this company's bar code  
6 scanner. But I guess I had thought that you might  
7 come and say here are the things that we're doing  
8 to use the infrastructure that we have in place to  
9 deal with placard fraud. And I have to say I  
10 haven't heard that at all. So I'll look forward  
11 to receiving--

12 MS. PETITO: [Interposing] Well  
13 like I said, we're happy to discuss it further or  
14 not to discuss the particular security measures in  
15 a public setting.

16 COUNCIL MEMBER LANDER: Well, I  
17 mean, you know, it's not how can someone specially  
18 trained in counterfeiting show me that they can  
19 tell the difference. I suspect that we could all,  
20 with a lot of work, tell that a lot of the  
21 fraudulent placards are fraudulent. You've got  
22 people out there every day who could do this and  
23 they're not doing it. And you haven't been able  
24 to provide us with any evidence they're doing it.  
25 You have evidence of a lot of things. So I just

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don't think it's getting done.

If you want to offer a different way that we could achieve the goal of eliminating all these fraudulent placards you could do it but so far you haven't done that. I think technology is a super smart way to do it because it would make it very easy for those agents to do it. But right now it seems like they're not doing it at all so--

MS. PETITO: [Interposing] And I'm testifying about a particular proposal, a particular bill that the Council has introduced. As I said in my testimony, we're happy to continue this discussion, you know, on the overall issue of placard abuse, absolutely.

CHAIRPERSON VACCA: Okay.

[Crosstalk]

COUNCIL MEMBER LANDER: So can I, I'm sorry, can I ask--

CHAIRPERSON VACCA: [Interposing] Can we conclude?

COUNCIL MEMBER LANDER: --a question about 44-A--

CHAIRPERSON VACCA: No. I'm going

1

2 to have to come back--

3 COUNCIL MEMBER LANDER:

4 [Interposing] So I have--

5 CHAIRPERSON VACCA: --to you. I

6 have other members who have; we have other--we

7 have to--

8 COUNCIL MEMBER LANDER:

9 [Interposing] Just one question on my--just I just  
10 ask one--

11 CHAIRPERSON VACCA: [Interposing]

12 Very quickly because--

13 COUNCIL MEMBER LANDER:

14 [Interposing] All right.

15 CHAIRPERSON VACCA: --because

16 that's it.

17 COUNCIL MEMBER LANDER: So Mr.

18 Woloch, I think and I have been talking to Council

19 Member Lappin as well and she'll ask some more

20 questions about it, what I was looking for in 44-A

21 and what I think is covered by the language in

22 this bill but if not we can clarify it is not

23 enabling people to park in existing No Parking

24 zones.

25 It is something more like what

1 happens with a block party or a film shoot. You  
2 would be able to apply to get a No Parking sign  
3 that you could put up in front of your house or  
4 your apartment building so that for a designated  
5 period of time, just like with a block party or a  
6 film shoot, for that day, you'd be able to post  
7 that sign and others would not, you know, would  
8 see that sign and not park there.

10 And then your permit, your  
11 temporary whatever you want to call it, would let  
12 you park in the location that you had in essence  
13 reserved in the way of a block party or a film  
14 shoot. So it wouldn't address or raise any of the  
15 issues that you talked about in your testimony.  
16 There would be other administrative issues to  
17 address but what you would get was a 1-day  
18 temporary ability to park in front of the building  
19 you were moving into or out of. And you'd put up  
20 a sign, No Parking Tuesday, just like you do for a  
21 block party or a film shoot with the specific date  
22 and time both on the thing on your card--

23 CHAIRPERSON VACCA: [Interposing]

24 Okay. All right.

25 COUNCIL MEMBER LANDER: --that let

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2 you park there--

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MR. WOLOCH: [Interposing] And I don't think that's what the bill, certainly not what the bill as written does. I mean what you're describing is a different bill.

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COUNCIL MEMBER LANDER: Okay. I mean I think that you can read that the bill would allow the DOT to establish a system of that type. Do you have, can you make any, have you given some thought to whether you would support or oppose an amendment to the bill or--

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MR. WOLOCH: [Interposing] I think we, again, I think it's a fundamentally different concept. I think you're right that it probably does more to get at what the actual need is here but I think poses a host of other problems in terms of creating a system that's really going to work. That the applicant is going to get some sort of, I guess, in addition to a permit we'd have to give them some sort of a sign to put up. And their neighbors, keeping their neighbors out of that, I think, again is something--

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COUNCIL MEMBER LANDER:  
[Interposing] Just like a block party--

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2 MR. WOLOCH: --conceptually, it's--

3 COUNCIL MEMBER LANDER:

4 [Interposing] Just like a block party.

5 MR. WOLOCH: --an interesting  
6 thought. I think it would be very difficult to  
7 work. I think we would have a host of thoughts  
8 and concerns about it.

9 COUNCIL MEMBER LANDER: I look  
10 forward to a conversation about that--

11 CHAIRPERSON VACCA: [Interposing]  
12 Okay--

13 COUNCIL MEMBER LANDER: --and I'll  
14 defer to Council Member--

15 CHAIRPERSON VACCA: --thank you.

16 COUNCIL MEMBER LANDER: --for the  
17 other questions on 44-A as--

18 CHAIRPERSON VACCA: [Interposing]  
19 Thank you. Council Member Koo.

20 COUNCIL MEMBER KOO: Thank you Mr.  
21 Chair. Commissioner. I have two quick questions  
22 here. You mentioned the traffic agents, they  
23 don't have the tools to identify the fake permits  
24 or not. So if a driver parks illegally using a  
25 fake permit and so they just walk by and check the

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permit and just go away without issuing a ticket?

MS. PETITO: They will look at the permit. And if it looks legitimate they will not issue the ticket unless it's in a place where a permit does not allow you to park, for example, at a fire hydrant.

COUNCIL MEMBER KOO: If it looks legitimate, it won't get a ticket.

MS. PETITO: And if it otherwise would give the appropriate ability to park in that location then they will not issue a summons--

COUNCIL MEMBER KOO: [Interposing]  
But if it doesn't look legitimate, what do they do? They don't do anything?

MS. PETITO: They will issue the parking violation--

COUNCIL MEMBER KOO: [Interposing]  
Uh-huh.

MS. PETITO: --if it looks like a fraudulent placard, then, again, I can't give you numbers but they will notify the Internal Affairs Bureau for further investigation of that placard. But if it's a--most placards are used for the purposes of parking in places where other vehicles



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would not be able to park.

So there are a couple of different kinds of violations involved in this. Anybody with a placard cannot park in a fire hydrant. The placard does not give you the right to park in the fire hydrant. So even if it's a legitimate placard, they will still issue the summons for parking at the fire hydrant.

But if the placard is one that looks legitimate and enables you to park in a particular location, then the agent will not give them a summons if another type of vehicle would not have been able to park there.

COUNCIL MEMBER KOO: So whenever you see the fake or illegal permit, they don't have any penalty. The most they'll get is just a parking violation ticket, right--?

MS. PETITO: [Interposing] Well they'll get a parking ticket and they could be towed. That's a significant penalty. But if upon further investigation it can be established that it's a phony placard then there are criminal penalties associated with that like forgery, criminal possession of a forged instrument or

1  
2 display, in the Administrative Code, display of a  
3 phony police card.

4 COUNCIL MEMBER KOO: Well how often  
5 does that happen because you have to wait for the  
6 driver to come back and to take the placard?

7 MS. PETITO: Well I have the  
8 activity just for this Internal Affairs Bureau's  
9 unit that I gave but if there are other situations  
10 in which that kind of arrest or summons was  
11 issued, I don't have that with me, I'd have to get  
12 back to you on that. But if it was done by a  
13 patrol force or somebody else I would have to get  
14 back to you on that.

15 COUNCIL MEMBER KOO: And you  
16 mentioned we have a total of 118,000 permits just  
17 issued by the City.

18 MS. PETITO: By, yes, by the City,  
19 by--

20 COUNCIL MEMBER KOO: Right? So you  
21 could have--

22 MS. PETITO: --the Police  
23 Department and the Department of Transportation.

24 COUNCIL MEMBER KOO: --additional  
25 ones by the State agencies--

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MS. PETITO: [Interposing] Right.

COUNCIL MEMBER KOO: By the Federal agencies. There must be, we may have double this amount of permits in the City.

MS. PETITO: There could be thousands and thousands more, yes.

COUNCIL MEMBER KOO: So is there any way that we can limit them?

MR. WOLOCH: Well the number was larger a few years ago so we've actually reduced the number of placards that we issue and we've consolidated the number of agencies that issue them. So there used to be other City agencies that issued permits, placards that no longer do.

COUNCIL MEMBER KOO: So the City has to honor all these difference agencies from upstate New York, when they park here, do we honor them?

MS. PETITO: Well it depends. As a matter of courtesy to other law enforcement agencies, for example, if a State police placard is used in a vehicle where a vehicle is parked by a courthouse or, you know, another location, yes, they are typically honored.

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2 COUNCIL MEMBER KOO: So this is a  
3 big problem. I would suggest, Mr. Chairman, we  
4 have to not only enforce the local City the issue  
5 of permits whether they are authentic, we have to  
6 find a way to make sure the other State agencies,  
7 they can copy FBI or upstate Department of  
8 Transportation, the State permits and put them on  
9 the windshield and we would have no way to know  
10 that or identify whether they are real or not.

11 CHAIRPERSON VACCA: I thank you  
12 Councilman. And I agree with you. I think the  
13 issue, you know, we cannot legislate over State  
14 permits but I do think that that's something that  
15 we should--

16 COUNCIL MEMBER KOO: [Interposing]  
17 We should--

18 CHAIRPERSON VACCA: --ask the State  
19 to look into. But our, legislatively, we cannot  
20 legislate over State.

21 COUNCIL MEMBER KOO: And I have one  
22 more question for Ms. Gotsopoulos--

23 CHAIRPERSON VACCA: [Interposing]  
24 Please, because we have to be out of here by 1:00  
25 o'clock--

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COUNCIL MEMBER KOO: [Interposing]

Okay, real quick--

CHAIRPERSON VACCA: --so I need

help.

COUNCIL MEMBER KOO: Real quick. A

lot of times people get tickets, not because they don't want to get tickets because we have too many overzealous traffic agents. Before you go to the booth to buy a ticket, when you go to the booth sometimes the credit card machine is broken or it takes time for, you know, you have to go to another booth. By the time you come back, you bought the ticket, you already got a ticket. So what do you do in this kind of situation?

MS. GOTSPOULIS: They can come in

for a hearing; can submit for a hearing by mail, via the web. And the judge would take that testimony and evidence into consideration both the receipt, the muni meter receipt that they purchased, and the testimony that they give saying that they were walking back to their vehicle. So that's sort of adjudicated on a case by case basis. And it's something that the judge would take into consideration--

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COUNCIL MEMBER KOO: [Interposing]

So it's easy for you to say just come in the hearing. And for the person they have to take a day off--

MS. GOTSPOULIS: [Interposing]

Correct but that's why--

COUNCIL MEMBER KOO: --and they've got to pay, spend money parking--

MS. GOTSPOULIS: [Interposing]

Right. And that's why we made it available for hearings by web and we recently, we're also able to allow people to submit their evidence. So now what they can do is actually scan their muni meter receipt and do it via the web. I mean they can do it via the mail. But it's very easy as people are so on their computers all the time that they can do it via the web--

COUNCIL MEMBER KOO: [Interposing]

So I would say it's much easier if you pass this Intro 301 to have it on the vote, so they can be sure that if they have a receipt--

MS. GOTSPOULIS: [Interposing]

Well they would still have to submit the receipt.

COUNCIL MEMBER KOO: --they don't

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have to pay for the penalty.

MS. GOTSPOULIS: Well they'd still have to submit that receipt. And what we're saying is that it's not necessary because we take that into consideration now. The law on this is sort of two-pronged, not only that it's a valid muni meter receipt that the law requires that is properly displayed. And in the example that you gave it's definitely something that the judge would take into consideration when making their determination because the person is testifying that they were actually walking back to their vehicle.

In that case they would do the same via the web. They don't have to take a day off anymore. And they don't have to submit it by mail. They can actually do it via the web.

COUNCIL MEMBER KOO: So they don't have to mail that actual ticket to you to prove--

MS. GOTSPOULIS: [Interposing] But even with the change in the law, if it were to be made an affirmative defense, they would still have to submit that muni meter receipt.

COUNCIL MEMBER KOO: So it's

1  
2 something that we have to work on then. All right  
3 thank you.

4 CHAIRPERSON VACCA: Yes. Thank you  
5 Council Member Koo. Council Member Greenfield.

6 COUNCIL MEMBER GREENFIELD: Thank  
7 you Mr. Chairman--

8 CHAIRPERSON VACCA: [Interposing]  
9 One second, I'm sorry; we're joined by Council  
10 Member Rodriguez. I'm sorry, Council Member--

11 COUNCIL MEMBER GREENFIELD:  
12 [Interposing] Thank you Mr. Chairman. And I want  
13 to thank the Commissioners and the Judge for  
14 coming out and testifying today. I know that  
15 while we may agree to disagree, all of us here  
16 agree that you are outstanding public servants who  
17 definitely care about the City. And we're just  
18 trying to hash out how we can work it out best.

19 Let me ask you a question  
20 specifically about the parking permits. I think  
21 the concern that the Council has is that it just  
22 seems like New York City has become the Wild West  
23 of parking permits. Right? Between the City, the  
24 State, the Federal and the illegal permits there  
25 are hundreds of thousands of permits sort of



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floating around.

And so I guess my first question and it's not specifically related to this bill 'cause I was just thinking about this and I'll get to the bill in a moment is why shouldn't one agency be in charge of parking permits? And why shouldn't anyone who wants to have a courtesy, say the Department of Environmental Protection from some upstate county who's coming down to New York City, why shouldn't they be required as well to get that courtesy permit from whichever department it is, either DOT or NYPD? It just seems like right now there are just so many permits out there, it's just tough to keep track of them all.

MR. WOLOCH: Yeah, I mean I think for better or worse we just don't have jurisdiction over State and Federal agencies. I think in--

COUNCIL MEMBER GREENFIELD:

[Interposing] Well we have--

MR. WOLOCH: --the spirit of that we did what we could a few years ago and consolidated all the City issuance within these two agencies. There used to be more. And we--

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COUNCIL MEMBER GREENFIELD:

[Interposing] I want to be--

MR. WOLOCH: --reduced the number of placards that we issued.

COUNCIL MEMBER GREENFIELD: I want to be clear. It's not a criticism. It's just a brainstorming question.

MR. WOLOCH: Sure.

COUNCIL MEMBER GREENFIELD: And that is do we not have a jurisdiction over our City streets? These are our streets. They don't belong to the Federal government, to the State, right? I mean the City has jurisdiction. We can make our own rules and our own regulations. And if that is the case, why shouldn't we be able to tell someone, listen, you want to come in from Texas with your Federal department, God bless you, but first visit David Woloch at the DOT or his assistant 'cause obviously it could get a little bit cumbersome for you, right, and make sure that you get the courtesy permit, right. Because what's happening right now is we've got these permits.

And in many cases as Susan points

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2 out, you know, the parking agents don't even know,  
3 right, is it a right permit, is it not a good  
4 permit. There are so many variations. And it  
5 just seems like we have a system, while I commend  
6 you on consolidating it in the City, what would  
7 you think of the idea of consolidating it even  
8 further? That if someone wants to come into New  
9 York City and they want to park on our streets,  
10 right, it doesn't belong to the FBI agent from  
11 Texas, right, they should have to get a courtesy  
12 permit from the DOT.

13 MR. WOLOCH: It's an interesting  
14 suggestion. I'm not an attorney. I think there  
15 are City lawyers that would have the answer about  
16 the jurisdiction tension related to this--

17 COUNCIL MEMBER GREENFIELD:

18 [Interposing] Well I'd like you to take back to at  
19 least consider it.

20 Susan, I want to thank you actually  
21 because you've inspired me to introduce, later  
22 today, a new piece of legislation and that is to  
23 make it a parking violation to have an illegal  
24 parking permit. Right? Because right now, as you  
25 mentioned, I think the City has limited resources,

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2 right, in terms of towing. obviously we can't  
3 smash the window out and steal the illegal permit.  
4 What would be your thoughts on creating a  
5 violation for having an illegal permit?

6 And that way they'd have to  
7 actually come back with a defense which would be,  
8 no, in fact I have a legitimate permit which it  
9 would be very easy for them to defend if that was  
10 the case and if it's not then in fact we're going  
11 to penalize people for having these illegal  
12 permits. What do you think of that Susan?

13 MS. PETITO: I think it's a very  
14 interesting idea. I mean I can't--I'd have to  
15 think more about it and we'd have to talk about  
16 what it would say but I think that's a very  
17 interesting idea.

18 COUNCIL MEMBER GREENFIELD: All  
19 right, I appreciate it. I just have one final  
20 question on the pilot program that would take  
21 photos. And I'm just trying to understand this.  
22 Right now, it's my understanding, that a very  
23 large percentage of tickets that are challenges,  
24 obviously not all tickets are challenged, but a  
25 very large percentage of those tickets that are

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challenged are dismissed, is that correct?

MS. PETITO: I think Judge Gotsopoulos said it's about 50% over all.

COUNCIL MEMBER GREENFIELD: That's a pretty large percentage. Is it possible that maybe the photos would actually help you? Right? I mean in the sense that you'd actually be able to have a more compelling argument because 50% is a very large percentage; it's basically a coin toss in terms of whether or not you're going to get your ticket dismissed. Is it possible that maybe photos could actually be helpful to NYPD? That you can actually come in and say, look, you see, this person actually is not being truthful, in fact this person is wrong?

MS. PETITO: In some cases it would certainly help. But I think in other cases the fact that we weren't able to take a photo would be an automatic dismissal. So I don't know where that balance would be--

COUNCIL MEMBER GREENFIELD:  
[Interposing] Okay.

MS. PETITO: --it might be a wash.

COUNCIL MEMBER GREENFIELD: So it's

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2 fair, so potentially, right, if we could work out  
3 the issues, right, I mean the automatic dismissal  
4 issue and I think there are legitimate points  
5 obviously if you can't take a photo, it's a night,  
6 no flash, etcetera. But potentially if there  
7 could be some sort of middle ground, right, that  
8 perhaps it could be taken into evidence as opposed  
9 to necessarily being an automatic dismissal. That  
10 might be something that could be beneficial to the  
11 NYPD and could also be potentially beneficial to  
12 drivers as well. Is that fair?

13 MS. PETITO: Well I think that we  
14 have the underlying problem which is our real  
15 objection to it rather than all of the  
16 technological and the evidentiary problems is that  
17 it then casts doubt on tickets that do not have  
18 photos. The sworn statement of the agent needs to  
19 be enough in order to establish a prima facia case  
20 and now if we're injecting another element of  
21 proof required in some violations but not others  
22 there is an inconsistency there and a different  
23 expectation about what a motorist is entitled to  
24 when they get a ticket.

25 COUNCIL MEMBER GREENFIELD: No, I

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understand but my--

CHAIRPERSON VACCA: [Interposing]

Excuse me. Can I say this?

COUNCIL MEMBER GREENFIELD: Yes.

CHAIRPERSON VACCA: So you're saying basically that the motorist is guilty until found innocent. This is what you're saying. The motorist--

MS. PETITO: [Interposing] Well what we're saying--

CHAIRPERSON VACCA: --is guilty until found innocent that is not--

MS. PETITO: [Interposing] What we're saying--

CHAIRPERSON VACCA: --the American justice system--

MS. PETITO: [Interposing] Well--

CHAIRPERSON VACCA: --I am sorry.

MS. PETITO: What we're saying is that the ticket on its own, based on the sworn statement of the agent, makes out a prima facia case. And then the individual can come in and present their defenses and then the administrative law judge makes the determination.

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2 CHAIRPERSON VACCA: I am sorry to  
3 interrupt my colleague. But let me say this. At  
4 the end of the day, we will save significant money  
5 with the camera program because, and no offense to  
6 you, we will need less administrative judges. And  
7 we will save the taxpayers money if we had a  
8 picture of the offense.

9 Now in Provo, Utah; Utah; they take  
10 pictures of offenses. And in Provo, Utah appeals  
11 have decreased to less than 10% of all issued  
12 tickets. Provo dismisses less than 1%. So. I  
13 submit to you that if we have the will there is a  
14 way but that this could be, indeed, a savings to  
15 the taxpayer.

16 Council Member Greenfield would you  
17 please conclude?

18 COUNCIL MEMBER GREENFIELD: I will  
19 conclude--

20 CHAIRPERSON VACCA: [Interposing] I  
21 apologize for that.

22 COUNCIL MEMBER GREENFIELD: --I  
23 will just note Mr. Chairman that regardless of how  
24 many administrative law judges, we'll always need  
25 a Chief Judge so not to worry, we've got that



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under control.

I would just like to encourage you and I understand the arguments back and forth, I just think there might be a middle way. And I understand the need to create, of course, you know, the create the prima facia case, but there might be a middle way where it can be taken in as evidence but it doesn't necessarily mean if you're missing the photo, right, see what I'm saying, it doesn't mean that if you're missing the photo then it automatically gets dismissed.

But there should be a photo and that could be taken and I imagine that, right, correct me if I'm wrong, Judge, but if you had another piece of evidence that may actually be helpful to you in terms of determining not that that evidence is dispositive, right, but that that extra piece of evidence may be helpful to determining the innocence and the guilt of a particular party.

So I would just like to encourage you to potentially look at the middle road rather than the objections now which I think there definitely are concerns but I think they could be

1  
2 resolved and potentially I think there could be an  
3 upside for the City as well in less tickets being  
4 dismissed. Thank you very much.

5 CHAIRPERSON VACCA: Thank you. I'd  
6 like to mention we are joined by Council Member  
7 Debbie Rose. Our next member is Council Member  
8 Lappin.

9 COUNCIL MEMBER LAPPIN: Thank you  
10 Mr. Chair. You can't mention Provo without making  
11 me think of Fletch, for lunch I'd like a steak  
12 sandwich and a steak sandwich. Anyway.

13 Moving is often considered more  
14 stressful than death. And all we're trying to do  
15 here is make life a little bit less stressful for  
16 New Yorkers. And I'm hearing more and more from  
17 constituents who are being harassed continually  
18 and you are guaranteed to get a ticket if you are  
19 trying to move with the number of agents that we  
20 have out there on the street.

21 You know, look if you're moving  
22 out, maybe I care a little bit less, but if you're  
23 moving into the City or around the City, you know,  
24 we want to make sure that you can do that and not  
25 be harassed. So, you know, this is, we think, a

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2 very commonsense way to do that. I'm not even  
3 going to ask too many questions because I'm not  
4 sure what the point is. I will say this. One, I  
5 think we need to give New Yorkers a little bit  
6 more credit. We're not going to create a program  
7 and have everybody try to cheat the system. I  
8 think most New Yorkers are honest people.

9           Two, it seems that whenever we come  
10 up with sort of innovative ideas, your first  
11 response is no and then you go and do it. You  
12 know, we've been trying forever to do residential  
13 parking permits and continually told that we can't  
14 but now you're doing a pilot. You know, I  
15 suggested many years ago reducing the number of  
16 alternate side of the street days in my district.  
17 The answer was no. But now you're touting that.

18           You know, certainly LED lighting is  
19 something we have discussed that you guys shot  
20 down but now you're doing that. So, you know, I  
21 think we could do this if you wanted to do it. I  
22 think we could come up with a way that would work,  
23 that would make it just a little bit easier for  
24 people to live here. And that's really the goal.  
25 So I guess my only question is are you even open

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to discussing how we do that or are you just saying no.

MR. WOLOCH: I think we are often willing to discuss the issues that you raise and the suggestions that you make on this Committee and this particular suggestion is no different. AS I talked about in my testimony and referenced earlier we have a lot of concerns about this bill and I think there may be a difference of understanding about what the bill actually does. I don't want to diminish--

COUNCIL MEMBER LAPPIN:

[Interposing] Did you guys ask staff before you did your testimony today what the bill does? Or did you just?

MR. WOLOCH: I think there were some discussions to try to clarify it. But we're happy to talk further about this. And I think generally there have been a lot of issues where bills have been suggested and we've raised concerns about the specifics of the bill but agreed that the issue is important to try to work through. And I think we've had a number of successes over the past few years. So--

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COUNCIL MEMBER LAPPIN:

[Interposing] Maybe my ideas are just so outside of the box, I don't have the same successes. But I don't think this is like a crazy idea. I think it's a very workable idea that, you know, we should be able to do. And if the bill isn't clear or if there are ways to improve upon it and I know Council Member Lander has some suggestions for his community, you know, we can do that. I just, I want a little more can-do attitude.

MR. WOLOCH: We're happy to discuss the bill.

COUNCIL MEMBER LAPPIN: Okay.

Thanks.

CHAIRPERSON VACCA: Thank you Council Member Lappin. Next we have Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Thank you. First of all I don't want to be in the shoes of any traffic law enforcement these days. That's a tough job. I was picking my daughter around the West Side area like three months ago and I met this guy, he came to me, and said, oh, Ydanis, long time no see. I didn't recognize him at the

1  
2 beginning. He said we went to school together at  
3 City College. And we talked a little bit about  
4 his job.

5 And he said that he is mandated to  
6 give 35 tickets every day. Is that true?

7 MS. PETITO: I don't know what he  
8 said. I think that the issue of quotas is  
9 something we've discussed before in this Council.  
10 We don't have quotas. People are not required in  
11 order to keep their jobs or not have discipline to  
12 issue a certain number of tickets within a certain  
13 amount of time. But there are certainly  
14 productivity measures that we use to make sure the  
15 traffic enforcement agents and other enforcement  
16 personnel are doing their jobs.

17 COUNCIL MEMBER RODRIGUEZ: Yeah,  
18 but doing the job doesn't mean like people who pay  
19 for the meter then they get a ticket or even  
20 people like me that I've been getting tickets  
21 using my official permit plaque. It's my parking  
22 with the law where the law allows me to park. But  
23 I'm not allowed to park where it says No Parking.  
24 I'm not allowed to park where it says No Parking,  
25 No Standing except commercial vehicles.

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2           No Standing is like two or three  
3 categories. And under my job responsibilities I  
4 have parked in places and I have been getting my  
5 ticket, not only my ticket but a sticker in the  
6 window. And everything that's happened is because  
7 of the whole pressure. The traffic law  
8 enforcement they have today to provide the number  
9 of tickets in order for them to keep their jobs.

10           So how can we work together to make  
11 change, to make the job so the traffic law  
12 enforcement is more easy.

13           MS. PETITO: Well I think the job  
14 is inherently difficult because traffic  
15 enforcement agents have to do a job that nobody  
16 likes them to do. No matter where they are, they  
17 don't want to get a ticket. But I think that  
18 traffic enforcement agents have received the  
19 message that they are to extend courtesy to ask  
20 someone to move the vehicle if they're parked  
21 illegally before they issue the ticket. And then  
22 they issue the ticket if the person refuses to  
23 comply.

24           I think that certainly the number  
25 of complaints against traffic agents has decreased

1  
2 dramatically this year, the first five months of  
3 this year; complaints are down 50% because of the  
4 fact that traffic agents have been instructed that  
5 they can ask people to cure the violation before  
6 giving the ticket. But I hope that if you felt  
7 that you parked, you received a ticket  
8 unnecessarily, that you contested it.

9 COUNCIL MEMBER RODRIGUEZ: Well  
10 that, again, like I'm not speaking because of my  
11 case because as soon as a ticket, any Council  
12 Member gets a ticket for parking in an area that  
13 they are not allowed to park, we don't have an  
14 issue with that. This is Council work and it's  
15 not a favor or whatever but it's because we are  
16 parking in an illegal place.

17 But what about the other people  
18 that they don't have that--what about people that  
19 they go and take their children to a music program  
20 and they put the money in the meter and on the way  
21 of coming back because they don't have the receipt  
22 yet they had a ticket on their car?

23 MS. PETITO: Well we had a full  
24 discussion of that issue earlier and as Judge  
25 Gotsopoulos said, that would be taken into



1  
2 consideration when they submit to the Parking  
3 Violation's Bureau a copy of that muni meter  
4 receipt, the administrative law judge would take  
5 that into consideration.

6 COUNCIL MEMBER RODRIGUEZ: But with  
7 all respect, Miss, like, Commissioner, that's not  
8 a solution. We need to work together on a bill  
9 because some people cannot afford to take a day  
10 off and fight the ticket--

11 MS. PETITO: [Interposing] Well and  
12 as we discussed--

13 COUNCIL MEMBER RODRIGUEZ: --some  
14 people--

15 MS. PETITO: --it's not necessary  
16 to take a day off--

17 COUNCIL MEMBER RODRIGUEZ: --some  
18 people will know how to do it on the online, other  
19 people they don't. And for those people that they  
20 don't know how to do it online, for those people,  
21 they cannot afford to take a day off--

22 MS. PETITO: [Interposing] They can  
23 always send it in by mail.

24 COUNCIL MEMBER RODRIGUEZ:  
25 [Interposing] Great. It is not--

1  
2 MS. PETITO: [Interposing] Easy,  
3 simple.

4 COUNCIL MEMBER RODRIGUEZ: it's not  
5 the same. It's not the same for you. It would be  
6 subject to the interpretation of whoever is  
7 looking at that versus whoever can go and speak  
8 face to face. And most New Yorkers they cannot  
9 afford to take a day off to go and fight for the  
10 ticket because they will be losing more by taking  
11 a day off than whatever is going to be paying for  
12 that ticket. And I think that it is our  
13 responsibility to work together as a team. We  
14 have to take care of the safety.

15 We have to take care of getting  
16 revenue for the City. And the traffic law,  
17 traffic enforcement, they've been used just to do  
18 that. In a probably that--I don't know when they  
19 are going to be looking at that reality. I think  
20 it's a matter of time when some New Yorker some  
21 place in the City, they will be so mad and so  
22 angry, that thing will be out of control.

23 And I think that we should not wait  
24 for any--that's an area to happen in order to  
25 address that our traffic law enforcement, they've

1  
2 been working with too much pressure because it's  
3 not a job. They've been asked. They are asked to  
4 give 35 tickets every day in order for them to  
5 keep the job. We don't want to admit it. We  
6 don't want to put it in papers. But that's where  
7 we are. And at the end of the day it will create  
8 a scenario, a case, that then we will have to be  
9 dealing on another situation. Thank you.

10 CHAIRPERSON VACCA: Thank you.

11 Just quickly, Council Member Rodriguez spoke to  
12 this issue and Ms. Petito I do appreciate your  
13 response. You indicated that there were  
14 productivity measures that were in place, not  
15 quotas. But you used the word, the term,  
16 productivity measures. Judge, are there  
17 productivity measures in place for your  
18 administrative law judges also?

19 MS. GOTSPOULIS: We don't have  
20 specific productivity measures. I mean our  
21 business centers are on a walk-in basis. And we  
22 have to make sure that we see everyone that comes  
23 into that center on a daily basis--

24 CHAIRPERSON VACCA: [Interposing]

25 But your--

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MS. GOTSPOULIS: --so we need to--  
there is no specific number but we need to make  
sure that we're able to see everyone that comes  
into the centers--

CHAIRPERSON VACCA: [Interposing]  
No, I understand.

MS. GOTSPOULIS: --that people  
that submit via the mail, you know, I'm happy to  
say right now that we do it, you know, you'll get  
your decision back in less than a month--

CHAIRPERSON VACCA: [Interposing]  
No, no, no. I'm not--

MS. GOTSPOULIS: --when I first  
took the office--

CHAIRPERSON VACCA: [Interposing]  
Judge.

MS. GOTSPOULIS: --it was eight  
months--

CHAIRPERSON VACCA: [Interposing]  
Judge, judge--

MS. GOTSPOULIS: --we don't want  
people to have to wait.

CHAIRPERSON VACCA: No, no, no,  
Judge.

1  
2 MS. GOTSPOULIS: So there's no  
3 specific number--

4 CHAIRPERSON VACCA: [Interposing]  
5 No, I am not speaking to your attentiveness to  
6 constituents in so much as acting on their appeal.  
7 I was speaking to whether or not there are  
8 productivity measures in so much as what  
9 administrative judges are expected to find  
10 percentage wise in guilty results.

11 MS. GOTSPOULIS: Yeah, I don't  
12 even, as I indicated earlier, I don't follow the  
13 guilty versus not guilty. And we did look at  
14 that, now. As an administrative law judge that's  
15 not my job. My job is to make sure that the laws  
16 are being followed, that the traffic rules are  
17 being followed, that the VLT--

18 CHAIRPERSON VACCA: [Interposing]  
19 But--

20 MS. GOTSPOULIS: --are being  
21 followed. And that everyone is given a fair and  
22 consistent forum to have a hearing. Okay. So the  
23 guilty versus not guilty rate is not an issue with  
24 me and it's not important. We did, because, you  
25 know, it was something that I thought may come up

1  
2 here today and we did ask them to run those  
3 numbers through STARS. That's not something that  
4 I follow. In terms of productivity, if I have  
5 centers that are not finishing on time or that I  
6 get complaints from the public saying that they  
7 may have been waiting for two hours which should  
8 not be happening--

9 CHAIRPERSON VACCA: [Interposing] I  
10 understand that--

11 MS. GOTSOPoulos: --on this day,  
12 then yes, I may look on that date to see what the  
13 judges were doing. And if somebody was sitting  
14 there and for the whole day did ten hearings I may  
15 have a discussion with them because if they're  
16 doing that it's not fair to the--

17 CHAIRPERSON VACCA: [Interposing]  
18 No, I--

19 MS. GOTSOPoulos: --to the person  
20 who may have to take that day off and come in--

21 CHAIRPERSON VACCA: [Interposing] I  
22 understand that. And that's the topic you  
23 discussed before. But my questioning is  
24 pertaining to who, and I don't want a name, but  
25 are there people in your agency that keep track of

1  
2 the number of guilty findings administrative  
3 judges make respectively for their section of  
4 court.

5 MS. GOTSPOULIS: I don't.

6 CHAIRPERSON VACCA: You don't.

7 MS. GOTSPOULIS: I can only ask--

8 CHAIRPERSON VACCA: [Interposing]

9 No, I know you don't but you are the Chief  
10 Administrative Judge. So you can answer the  
11 question if you'd like. But you are the Chief  
12 Administrative Judge for this division. So you  
13 would know whether or not there are individuals  
14 who maintain records relative to the percentage of  
15 guilty pleas found by the judges and the  
16 percentage of not guilty pleas found by the  
17 judges.

18 MS. GOTSPOULIS: I don't know  
19 that, if there is. I'm sure they track revenue  
20 from parking summonses because I do work for the  
21 Department of Finance and that's what the  
22 Department of Finance does. We don't, I don't  
23 track revenue of summonses--

24 CHAIRPERSON VACCA: [Interposing] I  
25 know you don't.

1  
2 MS. GOTSPOULIS: --and I don't  
3 track the guilty versus not guilty rates because--

4 CHAIRPERSON VACCA: [Interposing] I  
5 know you don't.

6 MS. GOTSPOULIS: --that's not my  
7 job. So in terms of--

8 CHAIRPERSON VACCA: [Interposing]  
9 But you cannot tell me whether or not you--you  
10 cannot tell me whether or not there is anyone in  
11 your agency who tracks it. And you are the Chief  
12 Administrative Judge--

13 MS. GOTSPOULIS: [Interposing] No,  
14 they track--

15 CHAIRPERSON VACCA: --sorry.

16 MS. GOTSPOULIS: --they do track  
17 revenue, Sir, I'm not saying that--

18 CHAIRPERSON VACCA: [Interposing]  
19 No. I'm asking--no, my question was do they track  
20 the number of pleas and the result. Do they track  
21 the number of--the percentage of cases each judge  
22 rules are guilty and not guilty? That was my  
23 question.

24 MS. GOTSPOULIS: By judge? Not  
25 that I know of. No.



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CHAIRPERSON VACCA: By judge, not that you know of.

MS. GOTSPOULIS: I did indicate earlier that there is a 50/50 dismissal rate versus not dismissal rate--

CHAIRPERSON VACCA: [Interposing] We heard that before, all right so--

MS. GOTSPOULIS: --right, I mean that's tracked, yes.

CHAIRPERSON VACCA: With all due respect--

MS. GOTSPOULIS: [Interposing] Not by me.

CHAIRPERSON VACCA: --I do not feel that you are going to answer my question. Let me ask you something. Administrative judges, they work on a day to day per diem basis?

MS. GOTSPOULIS: Correct.

CHAIRPERSON VACCA: So they are paid per day.

MS. GOTSPOULIS: Yes.

CHAIRPERSON VACCA: So some judges work two days a week, some judges work three days a week or some work four.

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MS. GOTSPOULIS: Correct.

CHAIRPERSON VACCA: Okay. Does the amount of days an administrative judge works have to do with an assessment of productivity that someone in your office makes?

MS. GOTSPOULIS: Each administrative law judge works in specific Boroughs. The managing judges for those Boroughs would make the assignments for those Boroughs. They may want to work in one Borough and there may not be an assignment there. So it's a little bit more difficult. I'm not going to say that productivity is not taken into consideration by the manager. If they have somebody that they believe is very good and also very fast and that's going to get the public out, you know, of the business center very quickly and that they're going to be good at what they do then they may be apt to giving that judge more assignments than somebody else who is very slow and may not be, you know, considerate in terms of getting the people out.

I mean there are a lot of different aspects that come into consideration when giving

1  
2 assignments to the administrative law judges. And  
3 somebody may only want to work in one Borough and  
4 we may not be able to give them all the  
5 assignments in one Borough. So it is not  
6 determined by a guilty versus not guilty rate.

7 CHAIRPERSON VACCA: I understand  
8 what you're saying but I think you also understand  
9 what I'm saying. I'm not talking about how many  
10 cases each judge handles. That's a productivity  
11 issue from your perspective. The productivity  
12 question I am raising relates to guilty versus not  
13 guilty pleas--

14 MS. GOTSPOULIS: [Interposing] No  
15 that's not taken into consideration when  
16 assignments are issued.

17 CHAIRPERSON VACCA: Not when  
18 assignments are issued. But is that a criteria in  
19 who is an administrative judge and--

20 MS. GOTSPOULIS: [Interposing] No.

21 CHAIRPERSON VACCA: --how much work  
22 they get--

23 MS. GOTSPOULIS: [Interposing]  
24 Absolutely not.

25 CHAIRPERSON VACCA: --how many days

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they get. Because they are City employees.

MS. GOTSPOULIS: They're not City employees.

CHAIRPERSON VACCA: Who employs them?

MS. GOTSPOULIS: Well they're paid by the City of New York but they're independent contractors. The VTL basically states specifically that they cannot be employees of the City of New York.

CHAIRPERSON VACCA: But they get paid by the City of New York.

MS. GOTSPOULIS: Correct.

CHAIRPERSON VACCA: As independent--  
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MS. GOTSPOULIS: [Interposing] The guilty, I assure you that the guilty--

CHAIRPERSON VACCA: [Interposing] They get paid by the City.

MS. GOTSPOULIS: Okay.  
Productivity may come into consideration when issuing assignments but the guilty versus not guilty rate is not something that is considered--

CHAIRPERSON VACCA: [Interposing]

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Okay.

MS. GOTSPOULIS: --when issuing assignments.

CHAIRPERSON VACCA: And describe to me how they're not City employees, if they get paid by the City.

MS. GOTSPOULIS: They are considered independent contractors.

CHAIRPERSON VACCA: I think it's a legal nuance, isn't it?

MS. GOTSPOULIS: It's--

CHAIRPERSON VACCA: [Interposing]  
It's a legal nuance--

MS. GOTSPOULIS: --no--

CHAIRPERSON VACCA: --because--

MS. GOTSPOULIS: --I can't address that. My understanding is that they're independent contractors. They're not employees of the City of New York, for the parking violations, I can't answer for administrative law judges across the City.

CHAIRPERSON VACCA: Okay. Council Member Levin has one quick follow-up question.

COUNCIL MEMBER LEVIN: Thank you

1  
2 Chairman. So I noticed when we spoke before about  
3 the film permits bill, when I mentioned a tape  
4 measure so the production companies could measure  
5 out what 200 feet looks like, I noticed that your  
6 eyes rolled. And I realize that that's a  
7 hopelessly old fashioned.

8 So I got out my Blackberry and I  
9 got on Google maps. And there's a distance key on  
10 the bottom of Google maps that measures out 200  
11 feet. And I'm looking right now at my  
12 neighborhood on my Google maps on my Blackberry.  
13 It is very, very clear what is 200 feet on this  
14 map. Anybody that has access through the internet  
15 and knows how to use Google maps could determine  
16 it in probably less than 3 or 4 minutes what  
17 blocks are within 200 feet of the block.

18 If they're a production company of  
19 the block where they got the permit. An ALJ could  
20 look at it. Any individual who has access to a  
21 computer and maybe a printer could bring that in  
22 and show the ALJ. So nobody has to bring a tape  
23 measure. I'm assuming production companies have  
24 access to the internet and know how to use Google  
25 maps. Again, very, very clear with the distance

1  
2 key on the bottom. It's clear in the language of  
3 the bill. So with that being said, how could, you  
4 know, what's the dispute?

5 MR. WOLOCH: Again, the challenge  
6 is taking that information and very, very quickly  
7 communicating that to all the different people  
8 that are part of the process starting with the  
9 residents in the neighborhood, where that boundary  
10 begins and ends. So it's going to be 200 feet,  
11 right, which may, depending on how big the shoot  
12 is, it's going to take you perhaps to the middle  
13 of a block, right.

14 One block may be--the first half of  
15 the block alternate side may be suspended, the  
16 next part of the block, it wouldn't. And signage  
17 is going to have to be put up. It's going to have  
18 to be put up in the right place. And it's going  
19 to have to communicate to people where they can  
20 park and where they can't park. And this is not  
21 being planned out in advance 'cause these things  
22 are all happening very quickly.

23 Then the police that do the  
24 enforcement are going to have to have an  
25 understanding of in all directions, where that 200

1  
2 feet, where that 200 feet ends. And it's going  
3 to, again, it's going to have to be signed. It's  
4 going to have to be signed properly.

5 The folks from the precinct, the  
6 traffic enforcement personnel are going to have to  
7 know where it begins, where it ends. Sanitation  
8 is going to have to know because they're now going  
9 to have portions of streets that they were  
10 scheduled to clean and at the last minute they're  
11 going to be told that they can't.

12 Conceptually, taking a step back,  
13 it's an interesting idea. Making it work is much  
14 harder than I think the way this bill has been  
15 written, gives credit to. This would be very,  
16 very difficult to work in a way that's not going  
17 to be confusing to residents, that's not going to  
18 be confusing to law enforcement, that's not going  
19 to be confusing to the folks that do the  
20 adjudication.

21 COUNCIL MEMBER LEVIN: Okay. I  
22 just wanted to make it clear that there are ways,  
23 very easy ways, with technology today to measure  
24 what 200 feet looks like on a map. I have it  
25 right here on Google maps. Thank you Mr.



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Chairman. Oh, he's gone.

COUNCIL MEMBER ROSE: Thank you  
Council Member Levin.

COUNCIL MEMBER LEVIN: Thank you  
Madam Chairman. Thank you Commissioner.

COUNCIL MEMBER ROSE: Thank you  
Council Member Levin. And thank you Commissioner.  
Thank you all for your testimony. And we will now  
convene the next panel.

The next panel will be Paul Steely  
White, Peter Crashes, Jonathan Kalkin, and Ken  
Derricks. And before you testify, please identify  
who you are. And testimony will be kept to two  
minutes. Thank you.

[Pause]

[Witnesses getting settled]

COUNCIL MEMBER ROSE: Okay. You  
can begin. Please identify yourself.

MR. JUAN MARTINEZ: Hi there. My  
name is Juan Martinez. I'm here with  
Transportation Alternatives. Just wanted to thank  
the Transportation Committee for hosting this  
hearing and Council Member Garodnick for  
introducing 465. The bill is a proactive, no

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cost, commonsense solution to a problem that has exploded out of control.

We've worked with community members and shop owners who grapple with this problem on a daily basis. We surveyed your district, Councilwoman, and found what we found all over the City, that the problem with bogus placards is killing commerce, degrading quality of life, and creating safety problems.

And I want to be clear that this is not the fault at all of the enforcement officers. It is the fault of a broken placard system. When you have something that's as valuable as free parking which is probably the most valuable commodity in this City and you defend it with a piece of paper that's laminated, you're inviting abuse. You're inviting fraud.

And that's what we found. We found in neighborhoods across the City, about 25% of placards are fake. With over 100,000 placards out there it's clear that we need a new approach. Councilman Garodnick's bill is very good. It's going to fix the problem. We recommend that the bill make sure that the bar code corresponds with

1  
2 the vehicle. And we also recommend that the,  
3 excuse me, that the City start tracking who is  
4 getting placards and for which reasons.

5 Right now the reasons that DOT or  
6 PD gives a placard to any individual is opaque.  
7 That's a problem. We don't know what those  
8 numbers are. Actually today we learned there are  
9 118,000 placards. That's much higher than the  
10 last testimony we got. And thank you very much  
11 for considering the bill.

12 COUNCIL MEMBER ROSE: Thank you  
13 very much. Speaker?

14 MR. PETER CRASHES: Me? Thank you.  
15 Thank you to the Committee on Transportation. My  
16 name is Peter Crashes [phonetic]. I'm here on  
17 behalf of the 60<sup>th</sup> [phonetic] Street Block  
18 Association in Brooklyn. We cover 3 City blocks  
19 near facilities for 3 different City agencies: the  
20 78<sup>th</sup> Precinct, the Fire Department Ladder Company  
21 105, and the Brooklyn Headquarters of HPD.

22 Our community is truly burdened by  
23 the illegal parking of the employees from these  
24 three facilities, as well as the copycats they  
25 inspire. Illegal parking that radiates out for

1  
2 several blocks from the 78<sup>th</sup> Precinct infringes on  
3 roughly 4.5 blocks of curbside space and several  
4 blocks of sidewalks. Many of our sidewalks are  
5 not walkable. Many of our streets are not  
6 cleanable. Many neighbors are angry over the  
7 sacrifices they have to make because of the  
8 selective enforcement of parking regulation law.

9           Several weeks ago, working with  
10 Transportation Alternatives, our block association  
11 surveyed the area where the problems in our  
12 community exist. The results show that compliance  
13 is nearly nonexistent. Of 87 cars we observed  
14 outside the authorized zone immediately adjacent  
15 to the precinct, all but 4 were parked illegally.  
16 Only 4 cars used placards in a legal fashion. Of  
17 the other 83, 12 had some form of construction  
18 gear, a hard hat, goggles, a vest, etcetera, on  
19 the dashboard; 11 or so had a phony placard; and  
20 around 35 had nothing at all. No excuse, no  
21 defense. They were just illegally parked. The  
22 remainder had legal placards but were parked  
23 illegally with 2 or 4 wheels on the sidewalk, in  
24 fire zones, in front of hydrants, in a church  
25 zone, etcetera.

1  
2 The 78<sup>th</sup> Precinct is unusual for 2  
3 reasons. First its location is carved out of  
4 another police precinct and is at the intersection  
5 of 3 police precincts. Most of its illegal  
6 parking is actually in other precincts. Second it  
7 is virtually across the street, as is our fire  
8 house, from the upcoming Barclay's Center in  
9 Brooklyn. The sidewalks the employees of the 78<sup>th</sup>  
10 Precinct park on are the same ones arena  
11 pedestrians would surge through in 18 months.

12 The effects on our community are  
13 numerous. First the obvious no enforcement zone  
14 around the precinct sends a message that the law  
15 is selectively enforced. The failure to enforce  
16 the law has inspired the construction workers at  
17 the Barclay's Center to park on sidewalks and in  
18 No Standing zones as well. As a result many of  
19 the cars parked illegally on our sidewalks and in  
20 our streets are simply out of towners taking  
21 advantage of convenient, free parking at the cost  
22 of our community life.

23 Second there is virtually no street  
24 cleaning because our, excuse me, because our  
25 regular alternative side street cleaning is not

1  
2 possible. We believe this is one of the  
3 contributing factors to a serious rodent  
4 infestation currently underway in the vicinity of  
5 the 78<sup>th</sup> Precinct.

6 Finally as our City grows and  
7 develops, look at the consequences to our  
8 community of this illegal parking. Should the  
9 public truly be forced to balance the desire of  
10 employees of City facilities to have more parking  
11 than they are entitled to against the safety of  
12 the arena pedestrians and our community's ability  
13 to have a meaningful and safe street life? Thank  
14 you very much.

15 MR. KEN DERRICKS: Okay. My name  
16 is Ken Derricks [phonetic], Founder of New York On  
17 Shore, a technology service provider for public  
18 sector. Thank you Council Members. I've been  
19 asked to comment on the use of technology to  
20 prevent the possible counterfeiting of parking  
21 placards.

22 Firstly, assuming a placard is  
23 designated to be used with only one car, the  
24 simplest solution is to create a database of valid  
25 placard to car combinations. In this scenario a

1 placard could be given a unique identifier.  
2 Enforcement officers would use a mobile app to  
3 look up the placard number and its associated  
4 license plate. If the placard identifier isn't  
5 found or if the license plate that's returned  
6 doesn't match the license plate on the car a  
7 violation would be issued.

8  
9 The elements necessary for a  
10 solution like this, number one, the database which  
11 could be created very inexpensively in any number  
12 of database tools that the City already owns from  
13 vendors like Microsoft or Oracle. Number two, a  
14 process where the enforcing agency actually  
15 creates the identifiers for the placards and the  
16 associations with the license plates. And  
17 thirdly, a mobile app which can be built  
18 inexpensively for any one of the smart phones,  
19 Apple, Droid or Blackberry.

20 We've talked a bit about bar codes.  
21 The only comment I want to add on those is that  
22 bar code translation and printing software, you  
23 can print stickers, put them on the placards, is  
24 prevalent and relatively inexpensive to do that.  
25 And also bar code reading apps, so if you want an

1  
2 enforcement officer to read the bar code and still  
3 associate it with a license plate, an app like  
4 that could be built easily, again on all smart  
5 phone platforms.

6           One last technology worth  
7 mentioning is RFID tags. This is the same  
8 technology used in, you know, tap to enter  
9 building access cards like this. These tags can  
10 be created in the form of stickers and affixed to  
11 placards. They're very difficult to counterfeit.  
12 RFID tag readers are a well established  
13 technology. The advantage of this solution is in  
14 situations where the placard can be used with  
15 multiple vehicles. You can be confident that only  
16 one copy of the placard is in circulation. Thank  
17 you.

18           MR. JONATHAN KALKIN: The gentleman  
19 before me just made my job a lot easier because I  
20 was just about to state a lot of those things. I  
21 just want to talk about--Jonathan Kalkin; I've  
22 worked as a Director of the Roosevelt Island  
23 Operating Corporation for the State of New York.

24           We've done a number of smart  
25 parking pilots. And currently I agree with the



1  
2 person that spoke with me. A lot of these  
3 solutions and a lot of the problems that you were  
4 discussing today can be solved with a mobile  
5 application. But I would say let's take it a step  
6 further even beyond RFID.

7 I would allow the people--because  
8 the problem at this point is even if the permit  
9 exists and it's a valid permit it could be being  
10 used either in the wrong location or during the  
11 wrong time. And I would follow the Department of  
12 Building's lead on this. What they've done is on  
13 every single Department of Building permit they  
14 put a QR code, which then citizens can then scan  
15 and then find information about that and make a  
16 complaint.

17 And then secondly I would say make  
18 it able for citizens to either scan, get that  
19 information and upload it as either like a  
20 complaint to 311 through their mobile application  
21 which is currently being implemented in advance.  
22 And that would allow citizens, if they see someone  
23 parking on their street, in the meat packing  
24 district and it's a certain agency and it's 12:30  
25 at night and it seems suspicious, they'll be able

1  
2 to walk up to it, make a complaint upload the  
3 picture or upload the QR code to the system. And  
4 then it would be able to get checked on the  
5 database as the gentleman discussed before.

6 And that would allow the citizens  
7 to be able to crowd source this information. It  
8 would stop abuse. It would stop police officers  
9 from worrying about protecting their own or not  
10 giving some kind of ticket or not enforcing the  
11 rules on hand. And I welcome the Committee; we're  
12 currently working on several smart parking and  
13 enforcement with mobile applications currently on  
14 Roosevelt Island, so we're willing to share that  
15 information with you going forward. Thank you.

16 CHAIRPERSON VACCA: I thank you  
17 very much. And this is an opportunity for you to  
18 share that information. During the summer months  
19 we'll be working on this bill. And I am  
20 supportive of Council Member Garodnick's bill. So  
21 I'd like to move it. But we want to make it the  
22 best possible--

23 MR. KALKIN: [Interposing] Just--

24 CHAIRPERSON VACCA: --so any input  
25 you want to give, I would accept.

1  
2 MR. KALKIN: One more point on your  
3 bill specifically, the people that were speaking  
4 before stated that it would be difficult to take a  
5 photo and then tell the location without sort of  
6 taking too much of a picture, it would become a  
7 problem. Every single photo now on a mobile  
8 application can be geo-tagged, which means it can  
9 actually give the location with the photo. It's  
10 in the metadata information.

11 So the officer could essentially  
12 with the mobile application, the same enforcement  
13 application, take a picture. It will be geo-  
14 tagged, the location and the time, it will be  
15 time-stamped as well. So that solves the initial  
16 problem of not taking enough photos in the case of  
17 your law.

18 CHAIRPERSON VACCA: I have to  
19 believe that people in the agencies that testified  
20 today are aware of these things as well. And that  
21 goes to my point of won't do rather than can't do.

22 MR. KALKIN: I would confer with  
23 DOITT and also the Chief Digital Officer Rachel  
24 Sterne. She's been working on a numerous amount  
25 of advancements to 311 and other enforcement

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systems.

CHAIRPERSON VACCA: Thank you.

Thank you very much. Our next panel: Ken Thorpe, Sheepshead Bay, New York Trucking and Delivery Association; Rolf Carl, representing himself; Judy Stanton, Brooklyn Heights Association; Gina Argento, Broadway Stages.

SERGEANT AT ARMS: Ladies and gentlemen if you have any copies of your statement, just bring them up with you.

CHAIRPERSON VACCA: Okay. This goes into our transcript for the record. So if you have testimony to submit and you want to summarize, we will have your testimony.

[Witnesses getting settled]

CHAIRPERSON VACCA: Why don't we start with Judy Stanton?

MS. JUDY STANTON: Thank you.

CHAIRPERSON VACCA: Thank you Ms. Stanton.

MS. STANTON: My name is Judy Stanton. I'm here speaking on behalf of the Brooklyn Heights Association. I'm going to limit my testimony to two of the bills, 465 and 372.

1  
2 The Brooklyn Heights Association  
3 strongly supports Intro 465 for all of the reasons  
4 which were outlined in previous testimony. Our  
5 experience with permit parking abuse is extensive.  
6 Enforcement has always been a problem. This is  
7 the parking abuse of placard bearers is a  
8 pervasive problem all over downtown Brooklyn. It  
9 creeps into the adjoining streets of Brooklyn  
10 Heights. And this is despite the fact that our  
11 area was designated some years ago as a No  
12 Authorized Permit Parking Zone, something we  
13 considered one of our greatest accomplishments but  
14 you wouldn't necessarily know it when you come to  
15 downtown Brooklyn.

16 With respect to Intro 372-A, there  
17 is much to be in favor of with this legislation.  
18 It can provide relief to neighborhoods where the  
19 alternate side parking regulations predominate and  
20 where filming occurs with regularity. The APS  
21 regulation is intended to provide windows of time  
22 in which the City's Sanitation Department can  
23 clean the streets. And we're pleased to see that  
24 this legislation has a limit of 7 days so that  
25 streets don't become filthy as a consequence of

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relaxing the regulation during film shoots.

In Brooklyn Heights nothing angers residents more than being forced to circle the neighborhood for an hour or more in search of street parking with everywhere they turn they find a movie shoot, either in production or pending arrival.

But this bill will not address the film parking takeovers in the Brooklyn Heights historic district because most of our streets are not regulated by the ASP rules to which this legislation applies. Instead our streets, which are extremely narrow, are and must continue to be regulated by the No Parking from 8:00 A.M. to 6:00 P.M. rules. The No Parking from 8:00 A.M. to 6:00 P.M. rule is a safety regulation which permits parking only on one side of the street at a time. Emergency vehicle access must come first before a parking space.

So our concern about this proposed Intro 372 is that it could have the unintended consequence of adding to confusing that already exists in the minds of both drivers and enforcement personnel as well as film production

1  
2 employees who do not know the difference between  
3 an ASP regulation and the No Parking from 8:00  
4 A.M. to 6:00 P.M. regulation. And we're using  
5 this platform to draw attention and emphasize the  
6 hazards created when cars are parked on both sides  
7 of our very narrow streets.

8           We're rightfully concerned that if  
9 this bill, if not understood by the film personnel  
10 and others responsible for its enforcement, could  
11 cause a problem by impeding emergency access when  
12 drivers park on both sides of the street and then  
13 someone double parks only for a few moments. It  
14 makes us uncomfortable that it will be film  
15 personnel who are responsible for posting the  
16 signs that open up parking where it would  
17 otherwise not be permitted.

18           So while it may be outside this  
19 bill's purview to provide for it, license plate  
20 scanning of film vehicles would be a welcome  
21 provision to prevent parking of personal vehicles  
22 by production people.

23           In closing we therefore urge this  
24 bill's sponsors and most especially the Mayor's  
25 Film Office to ensure that film personnel

1  
2 understand and abide by No Parking from 8:00 A.M.  
3 to 6:00 P.M. regulations wherever they exist in  
4 order for our streets to remain open and safe in  
5 Brooklyn Heights. Thank you.

6 CHAIRPERSON VACCA: Okay. Sir,  
7 identify yourself?

8 MR. ROLF CARL: Yes. Hello. My  
9 name is Rolf Carl [phonetic]. I'm a longtime  
10 resident of Greenpoint, Brooklyn. I've had  
11 several businesses there over the years. And I'm  
12 here today in support of Intro 372-A. I think it  
13 would relieve residents and businesses alike as to  
14 the parking difficulties when a production company  
15 comes into a neighborhood.

16 I did sit here and listen to the  
17 DOT, Mr. Woloch. I hope he's still here or a  
18 representative because I take offense when he says  
19 that the residents will be confused by, you know,  
20 by this situation, by this legislation that's  
21 being brought up. To say that the residents will  
22 be confused is--he should see when a production  
23 company comes to our street to begin with. We're  
24 very apt to know where to park, when to park  
25 there, when not to park there.



1  
2 As Councilman Levin said earlier  
3 it's as simple as--I would say it is as simple as  
4 putting a map on each corner of each block that  
5 indicates where or where you cannot park. We are  
6 not stupid. We will be able to understand it.  
7 And if the City officials can't, well, you know,  
8 maybe they should be educated a little better. So  
9 I've got 38 seconds left and I say thank you for  
10 having these hearings. And... good afternoon.

11 MR. KEN THORPE: [Off mic] Good  
12 afternoon. My name is Ken Thorpe and I'm Chairman  
13 of the New York Trucking and Delivery Association,  
14 representing over 450 delivery truck and service  
15 companies. [Off mic comment] [On mic] Thank you.  
16 Again my name is Ken Thorpe and I'm the Chairman  
17 of the New York Trucking and Delivery Association  
18 representing over 450 trucking and service  
19 companies that operate in the City of New York.

20 These are the people who bring us  
21 everything which our lives, businesses and even  
22 this local government depend on. Together our  
23 members represent tens of thousands of workers and  
24 vehicles that bring us goods and services our  
25 economy depend on.

1  
2 I want to thank the Council for the  
3 invitation to attend and testify at this hearing.  
4 Rather briefly: first let me start by stating I  
5 support the legislation proposed here that are on  
6 the table today. My members alone have received  
7 about a half a million parking tickets in the last  
8 few years despite our rigorous best parking  
9 practice seminars and training. So I know a  
10 little something about this.

11 I want to briefly go over each  
12 proposal and bill with you for the record and  
13 where I have comments, suggestions I'll state  
14 those briefly. Quickly I want to recognize the  
15 members of the Council for the efforts they are  
16 making to bring back a semblance of fair play and  
17 accountability on parking ticket issuance and the  
18 policies that surround them and that is no small  
19 thing. Finance cannot drive process, legal  
20 process or its outcomes, ever.

21 Okay. Let's start with the  
22 Introduction 231 requiring photographs. Simply  
23 put I agree with the bill with the following being  
24 added to the existing legislation. Even though it  
25 was said I didn't notice it in the bill but the

1  
2 use of the cameras for the alleged violations  
3 always must be in addition to the either  
4 handwritten or PTD summons, not like the bike  
5 lanes whereas they take a photograph and that  
6 becomes the evidence, it's mailed to you, whether  
7 it's mailed or handed, it should never be in lieu  
8 of the testimony of the officer which is written.  
9 That aside I think because photographic evidence  
10 does not until itself constitute a violation.

11 I'll end that there because there's  
12 something I want to get in, in my two minutes.  
13 Something I've spoken to Chair Vacca previously  
14 about. Within this bill's proposal I respectfully  
15 request and ask the drafters of this bill to  
16 consider the following amendments to this bill: a  
17 local law to abolish the special midtown rule  
18 under Traffic Rules Title 34, Chapter 4, Section  
19 408(i), midtown double parking. This rule would  
20 abolish section 408(i) from the regulations and  
21 allow double parking rules 408(f)(1) stand in its  
22 place and thus the latter would be enforced in  
23 midtown as in all areas of the City of New York.

24 It's understood that midtown is  
25 crowded. But many other areas of Manhattan and

1  
2 other Boroughs have similar problems. Deliveries  
3 must be made including in midtown. The midtown  
4 double parking rule is effectively a forced  
5 penalty for businesses serving the needs of the  
6 community in an antiquated and unfair practice  
7 that impedes commerce. New York City needs to  
8 support income and job-creating businesses so as  
9 to depend less on fines as revenue.

10 I know my time is basically up.

11 CHAIRPERSON VACCA: Yes.

12 MR. THORPE: Basically I've agreed  
13 on all of the other laws. Regarding the parking  
14 placards I fully support them. The one-day  
15 parking permits, the same. Alternative side of  
16 the road rules for filming I agree with.

17 The last thing that I want to  
18 comment on and I think is important 'cause I  
19 obviously agree on the late fees on parking fines.  
20 You have an introduction here who is proposed by  
21 the Department of Finance relative to their  
22 electronic adjudication system. Without this no  
23 electronic system can be utilized. They have to  
24 have this law passed. That being said I can't  
25 comment a lot on it because this is a matter that

1  
2 with our company is going to be heard by another  
3 body fairly soon. Thank you very much for your  
4 time.

5 CHAIRPERSON VACCA: Thank you.

6 Please state your name.

7 MS. GINA ARGENTO: Hi. My name is  
8 Gina Argento. I'm here from Broadway Stages which  
9 is one of the New York City's fastest growing film  
10 service and television and music video production  
11 facilities comprising of over 16 sound stages and  
12 support spaces. The majority of the stages are  
13 located in Greenpoint, Brooklyn with additional  
14 facilities on Long Island City, Queens.

15 As of now Broadway Stages is host  
16 to the following television productions: The Good  
17 Wife, Blue Bloods which is on CBS; Royal Pains on  
18 USA Networks; Smash and Pants both on NBC Network.  
19 As of summer 2011, Broadway Stages has over 1,250  
20 people working on its stages on each television  
21 production, employs over 250 people, all skilled  
22 union labor, who are earning prevailing wages.

23 The following is a list of skilled  
24 labor that a film and television production  
25 employs: actors, directors, set designers, grips,

1  
2 electricians, location scouts, drivers,  
3 carpenters, hair and makeup artists, wardrobe,  
4 stylists, post-production, digital artists,  
5 casting directors, accountants, art directors,  
6 production assistants, stage managers, caterers,  
7 camera operators, sound mixers, prop masters,  
8 costume designers, tailors, set directors,  
9 photographers, truck drivers, and so on. Broadway  
10 States is keeping with their mission of creating  
11 job opportunities and particularly at this time  
12 when economic growth for New York City is at a  
13 critical point.

14           The parking limitation jeopardizes  
15 the flow of millions of dollars into New York  
16 City. As one of the premier sound stage  
17 facilities, Broadway Stages and our clients have  
18 to content with the parking limitation issue on a  
19 weekly if not daily basis. These parking  
20 limitations are having an adverse impact on our  
21 production clients who are pouring substantial  
22 amounts of money into the local Brooklyn economy.

23           Not being able to accommodate these  
24 paying clients is tantamount to turning their  
25 million dollar business away and allowing other

1  
2 areas to capitalize on the opportunity of working  
3 with the film and television productions.

4           Currently each and every production  
5 that Broadway Stages is affected by the parking  
6 limitations and these restrictions have a far  
7 reaching impact on the local economy. At last  
8 count Broadway Stages supports over 110 local  
9 Brooklyn businesses. And that is not counting the  
10 dozens of vendors in Manhattan, Queens, the Bronx  
11 that we do business with on a daily basis.

12           Approximately \$10 million per year  
13 is circulated by Broadway Stages and its clients  
14 just in support of the local small business  
15 communities of Greenpoint and Williamsburg.  
16 Ancillary services include lumber, hardware,  
17 steel, scaffolding, restaurants and cafes, car  
18 service, dry cleaning, hardware, office supplies,  
19 groceries and fuel and many more businesses.

20           Our neighbors also rent their  
21 homes, garages, yards to many location companies  
22 to be used for filming.

23           We support having the alternate  
24 side parking limitations removed while television  
25 shows or movies are being filmed. By allowing

1  
2 alternate side parking regulations to be dismissed  
3 during a film shoot it would create a lot more  
4 parking spots for the neighbors to park in. We  
5 fully support this solution since it would be good  
6 for the film industry and the neighborhoods as  
7 well.

8 More film productions should--

9 CHAIRPERSON VACCA: [Interposing]

10 Please conclude.

11 MS. ARGENTO: More film production  
12 shooting in New York City means more jobs being  
13 created and more money flowing into the  
14 neighborhoods. I thank you.

15 CHAIRPERSON VACCA: Thank you.

16 Thank you all. Our next panel is James Huntley,  
17 David Bachman, Mark Motler, and Negus Schworn  
18 Clark, Community Board 9.

19 SERGEANT AT ARMS: If you have any  
20 copies of your statements I'll take them now.  
21 Take a seat, identify yourself for the record and  
22 begin with your statements.

23 [Witnesses getting settled]

24 CHAIRPERSON VACCA: Mr. Huntley,  
25 would you proceed first?



1  
2 MR. JAMES HUNTLEY: Yes, Sir. Just  
3 give me a moment please here. Good afternoon. It  
4 was a long morning, you know? Good morning ladies  
5 and gentlemen. My name is James Huntley. And I  
6 represent Communications Workers of America, CWA  
7 Local 1182 who represent traffic and sanitation  
8 enforcement agents in New York City.

9 And I thank you for giving me the  
10 opportunity today to participate in this Council  
11 meeting. I would particularly like to recognize  
12 the Chair of the Committee, Council Member Vacca  
13 and the rest of the elected officials and thank  
14 them for being here to show their support for New  
15 York City enforcement agents.

16 Now my purpose here is today to  
17 express my opposition to Intro 231-A. Our members  
18 both traffic and sanitation enforcement agents are  
19 law enforcement professionals who belong to the  
20 City's elite uniformed forces. We enforce the  
21 law, work closely with police officers and other  
22 emergency service personnel and generate hundreds  
23 of millions of dollars in revenue each year for  
24 the City.

25 But for too long our members were

1  
2 underappreciated. And the perils, risks and  
3 challenges facing our jobs were ignored. Each  
4 year too many traffic enforcement agents are  
5 brutalized and assaulted simply for doing their  
6 jobs. Fortunately with the support of the Council  
7 and the State we now have laws that help protect  
8 these dedicated public servants from on-the-job  
9 assaults.

10 But our victory is incomplete. We  
11 must recognize that this hardworking group of law  
12 enforcement professionals is still fighting for  
13 respect in the City. TEAs, Traffic Enforcement  
14 Agents, are hopefully underpaid. TEAs starting  
15 salaries presently is \$29,217 and a maximum salary  
16 is \$38,159.

17 My members find it extremely  
18 difficult to mean their financial responsibilities  
19 and my members put their lives on the line every  
20 day to protect New Yorkers. Yet when they go home  
21 it is difficult to provide for their families  
22 rather than make an investment in this workforce.

23 Now the City is proposing to invest  
24 potentially millions of dollars in this photo  
25 pilot program, Intro 231-A. It is an example of

1  
2 misaligned priorities. We believe it's critical  
3 that the Committee vote against this Intro 231-A  
4 for the betterment of the City and all involved.

5 We feel that this contraction will  
6 eliminate my members from their jobs. And if we  
7 eliminate our members from our jobs, you eliminate  
8 one person who affects the whole person of a  
9 family, to make sure that they go to school, that  
10 bills are being paid. These machines are operated  
11 by companies, contracted out, papers, etcetera.

12 So we ask you please to vote  
13 against this and reconsider passing this bill.  
14 Thank you once again to all of you and most  
15 importantly thank you to the men and women who  
16 serve as the traffic and sanitation enforcement  
17 agents for the job you do each and every day.  
18 Thank you and I will take comments if you have  
19 any. Thank you, Sir.

20 CHAIRPERSON VACCA: Thank you, Sir,  
21 for your testimony, as always. Sir, would you  
22 introduce yourself?

23 MR. MARK A. MOTLER: Sure. I am  
24 Mark Motler. I am the Executive Director of the  
25 New York State Movers and Warehousemen's

1  
2 Association. We represent movers throughout the  
3 State of New York and many of them are here within  
4 the City of New York. There are 575 movers that  
5 are certified in the State and approximately 60%  
6 are from Westchester County to Long Island. And  
7 within the City probably a quarter of them are  
8 just within the 5 Boroughs.

9           We are here in support of 44-A. It  
10 is not a secret that moving is probably either if  
11 not 2, 3 on the list of the most stressful things  
12 a person could adhere to. And by having the  
13 ability of getting a truck close to a residence in  
14 the City of New York that is being moved would  
15 alleviate a good amount of that stress. And even  
16 if the residents are doing it themselves, to have  
17 the capability of knowing that they could get  
18 their truck near their residence would alleviate  
19 the stress of having to--not having the experience  
20 of how to do the move, let alone load the truck,  
21 but having to move their furniture blocks away to  
22 get it within the truck and secure the truck.

23           So that's one issue of alleviating  
24 some stress. In the side of the professional  
25 mover to your residence by being able to park the

1  
2 truck closer to the residence it would reduce the  
3 cost to your consumers in that movers now, a  
4 moving company in the City of New York probably  
5 pays on an average of \$50,000 a year in parking  
6 tickets. And hopefully this would alleviate some  
7 of those tickets and will alleviate that expense  
8 to them as well as most of the moves in the City  
9 of New York are based on an hourly base. And if  
10 those moves, if the moves would be quicker, if  
11 they can get the truck closer.

12 Finally there is a safety issue.  
13 In the City over the past five years there have  
14 been five movers that have been hit by cars  
15 causing injuries to these movers because they've  
16 had to cross streets because they had to park the  
17 truck on the opposite side of the street or blocks  
18 away.

19 So therefore we're here in support  
20 of 44-A. I know it's a long way away. There's a  
21 lot of work that will need to be done. I  
22 understand from the Department of Transportation,  
23 it's how it's going to be done. But I think this  
24 is just a start of the dialog and I think it's  
25 something there are many cities, many large cities

1  
2 from Chicago to Boston that have a permit system  
3 for movers and moving companies and residents that  
4 are moving. So it can be done. It just needs to  
5 be worked on and put together. Thank you.

6 COUNCIL MEMBER LEVIN: So we'll  
7 call--thank you very much. So we'll call up the  
8 next panel. It's John Tarko from Moving Ahead  
9 Moving and Storage.

10 MR. MOTLER: John's not here.

11 COUNCIL MEMBER LEVIN: John's not  
12 here. Okay. Alan Golan from Shlepper's Moving  
13 and Storage. Shlepper's, sorry. Got it.

14 [Off mic comment]

15 COUNCIL MEMBER LEVIN: Robert  
16 Cansow, Jr. from Universal Moving and Storage.

17 MR. MOTLER: Robert is not here.

18 COUNCIL MEMBER LEVIN: Okay. And  
19 Dan Missui [phonetic]? From U... U. Santini,  
20 Incorporated.

21 [Off mic comment]

22 COUNCIL MEMBER LEVIN: Okay. So  
23 we'll call Thomas Hillgardner from the New York  
24 City Parking Justice League. Jeffrey Frediani  
25 from AAA New York and James Canning representing

1  
2 himself and others at his address on 2<sup>nd</sup> Avenue.

3 [Off mic comment, witnesses getting  
4 settled]

5 COUNCIL MEMBER LEVIN: Go ahead.

6 MR. JEFFREY FREDIANI: My name is  
7 Jeffrey Frediani. I'm a Legislative Analyst with  
8 AAA New York and I know we're very short on time  
9 so I'm just here to say that we support Intros  
10 301, 465, 372, 610 and 231 because since drivers  
11 are, you know, continue to be a top revenue source  
12 for the City every year. You know, we feel that,  
13 you know, just implementing these small  
14 commonsense measures to make parking just a little  
15 bit easier for drivers in the City is something  
16 that the City, you know, should be able to enact.  
17 And that's why we support those bills.

18 MR. THOMAS HILLGARDNER: Thank you.  
19 My name is Thomas Hillgardner [phonetic], I'm the  
20 Executive Director of the New York City Parking  
21 Justice League. We're a 15-year old membership  
22 civic organization. I've testified before this  
23 panel before but it's been some time.

24 I've given you, handed up some  
25 written testimony which addresses our position on

1  
2 all the specific legislation. And given the short  
3 amount of time I'm not going to really address any  
4 of them. We think some of them, on the whole  
5 they're good, but we think that, excuse me, we  
6 believe that to some extent these are the small  
7 issues.

8                   The big issue with parking in New  
9 York City has to do with the Parking Violations  
10 Bureau. And the fact that the Department of  
11 Finance drives the uniform adjudication guidelines  
12 that are used by the administrative law judges to  
13 decide the cases. They do not follow court  
14 precedent. They do not follow court rules. They  
15 completely disregard and do what they want. And  
16 when a court makes a decision saying here's how  
17 you decide a parking ticket, this is the burden of  
18 proof.

19                   If the testimony of a motorist is  
20 not patently credible and the City doesn't come  
21 forward with the agent or more testimony the  
22 summons must be dismissed. But no. They're  
23 taught that the motorist has to persuade the trier  
24 of fact that the agent made a mistake. Now that's  
25 not the law. But that's how they're all trained



1  
2 to decide. Now that's the most critical thing  
3 that there is, the burden of proof.

4 If that's going to be fixed by the  
5 City and that's basically what you've got, you've  
6 got fixed hearings at the Parking Violations  
7 Bureau.

8 The other issue: the vehicle and  
9 traffic law does not have the words Chief  
10 Administrative Law Judge in it. The Appeals Board  
11 is supposed to be running the agency. But the  
12 City's Department of Finance has decided that it's  
13 easier to manipulate one person that they put in  
14 charge and give \$150,000 salary to than it is to  
15 manipulate 12 people who might actually act  
16 independently.

17 So that's the problem, that you  
18 don't have independent adjudication over at the  
19 Parking Violations Bureau. And my testimony, my  
20 written testimony goes in depth on a lot of these  
21 points and cites the cases that are just patently  
22 ignored by the agency.

23 So I look forward, I understand  
24 that this is Transportation, and maybe some day  
25 you're going to hold a joint hearing with Finance

1  
2 and get to the bottom. I'm glad to see that Mary  
3 Gotsopoulos was here. If you need an interpreter  
4 for her, for what she has to say, I can tell you a  
5 lot of what she means when she says something.

6 COUNCIL MEMBER LEVIN: Thank you  
7 Mr. Hillgardner.

8 MR. HILLGARDNER: Thank you for  
9 your time. And thank you for hearing me today.

10 COUNCIL MEMBER LEVIN: You got it.

11 MR. ALAN GOLAN: My name is Alan  
12 Golan. I'm the COO of Shlepper's Moving and  
13 Storage. I'm going to be very brief. My main  
14 concern is safety. Not being able to park  
15 legally, having to double park, there was a  
16 concern by the police representative that taking  
17 pictures might risk the officers. What about  
18 carrying couches, dressers, pushing dollies across  
19 the streets, sometimes 200 or 300 feet away from  
20 the actual location of the truck where it's  
21 parked? So there's a lot more risk by illegal  
22 parking or double parking than taking pictures of  
23 illegally parked vehicles.

24 My second concern is the waste of  
25 tickets and summons that we are getting. So I

1  
2 have some exact numbers even though the first  
3 panels could not really give us a lot of good  
4 numbers. Last year we, Shlepper's, got about  
5 1,500 summonses of which the total value of those  
6 summons was \$158,000 of which we dismissed 1,200  
7 of so we only paid for approximately 300 summonses  
8 for a total of \$28,186. So talk about the waste  
9 of all the judges that have been dealing with  
10 1,200 summonses that made no sense I guess to them  
11 but made sense to those who actually wrote them.  
12 That's it.

13 COUNCIL MEMBER LEVIN: Thank you  
14 Mr. Golan.

15 MR. JAMES CANNINGS: Good morning.  
16 Good afternoon. My name is James Cannings  
17 [phonetic]. And I'm an official appointee of East  
18 Midtown Plaza where I live at 400 2<sup>nd</sup> Avenue  
19 between 23<sup>rd</sup> and 24<sup>th</sup> Street. We have a bike lane  
20 [coughing], that takes away, I guess the cold is  
21 getting to me, that takes away... that takes away,  
22 thank you... thank you. That takes away the--that  
23 worked. That takes away curbside, period. And I  
24 think all persons in the City that have this  
25 problem is experiencing what I am experiencing.

1  
2 We do not have a way of moving in and out of our  
3 place. We are locked in. Okay. The permit idea  
4 is great but I don't know how you solve it in  
5 relationship to residents who have this curbside  
6 bike lane.

7 I would like to say that I do  
8 support three of the bills, all of them actually,  
9 but in specific relationship to the moving, I  
10 would like to say that we have that problem. And  
11 I'm asking if there could be someone from the  
12 Council appointed to come and inspect that  
13 neighborhood, that area, as an example because I  
14 see it on 9<sup>th</sup> Avenue, I see it all over the City  
15 where the green lane is on the curb.

16 I had to fight under the ADA to get  
17 access to the curb for the disabled and the  
18 elderly in our building because it was a  
19 violation. Now it's okay for the access, you  
20 know, the transportation is provided for the  
21 elderly too, to access there. But we still have  
22 the problem of moving. Now I'm an entertainer.  
23 And I have to move my equipment every day. And  
24 every day I'm illegal in order to get my equipment  
25 in and out of my car. So it affects my livelihood

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personally but I'm sure it affects many others.

The photo evidence situation I do agree with it but the burden of us, the drivers, is equal. We are asked to photograph the whole street, inconvenience ourselves and be subject to the same problems that the Police Department was describing they would be exposed to, to prove that we are not guilty. So putting it on the burden of them I think is due process and that's what's being denied in the City here as far as the Department of Finance. Due process is denied the drivers.

I'd like to say also the number 372 allows for citizens to leave, I'm asking, that it also includes that citizens be allowed to leave their cars after the street is clear of passes because it takes an hour after, for instance on 24<sup>th</sup> Street I'm in the car for an hour after that is passed which is counterproductive. So if you could include that in the bill I'd appreciate it.

COUNCIL MEMBER LEVIN: I believe that legislation has been introduced to address that very issue by Council Member Rodriguez.

MR. CANNINGS: Okay. Thank you.

1  
2 COUNCIL MEMBER LEVIN: Thank you  
3 very much Mr. Cannings. Thank you very much to  
4 the panel.

5 MR. HILLGARDNER: Thank you.

6 COUNCIL MEMBER LEVIN: Is there  
7 anyone else that wishes to testify at this hearing  
8 this afternoon? Seeing none, on behalf of  
9 Chairman Vacca, I hereby adjourn this meeting.

10 [Gavel banging]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature     Laura L. Springate    

Date     July 17, 2011