

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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May 29, 2014
Start: 11:01 a.m.
Recess: 12:05 p.m.

HELD AT: Council Chambers
250 Broadway - Hearing Room,
14th Fl

B E F O R E: YDANIS A. RODRIGUEZ, Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
James Vacca
Margaret S. Chin
Stephen Levin
Deborah Rose
James G. Van Bramer
Mark S. Werpin
Costa G. Constantinides
Carlos Menchaca
David Greenfield
Antonio Reynoso
I. Daneek Miller

2 [Gavel]

3 UNIDENTIFIED MALE: Quiet please.

4 CHAIRPERSON RODRIGUEZ: Good morning

5 everyone, and welcome to today's hearing on the City

6 Council Transportation Committee. My name is Ydanis

7 Rodriguez and I am the Chair of the Committee. First

8 let me recognize my colleagues who are here with us.

9 Council Member Constantinides, sorry. Margaret Chin,

10 Jimmy Vacca, Levin, Jimmy Van Bramer, Dan Garodnick,

11 Mark Weprin and Council Member David Greenfield.

12 And Daneek Miller.

13 Today is a proud day for this committee.

14 After two hearings, 5 town hall meetings held across

15 the city and many conversations with the advocate,

16 industry and labor leaders. Family members of

17 victims of the traffic collisions in every day New

18 Yorkers, this committee will be voting on the package

19 of 11 bills and 6 resolutions related to Vision Zero.

20 I am confident that these pieces of legislation will

21 have an important impact on making our streets safer

22 for everyone. Collectively, the proposed bills will

23 require the city to study factors found to be related

24 to serious crashes. Imposing penalties to certain

25 dangerous driving behaviors such as failing to yield,

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2 regulate DOT's actions concerning work signs and
3 traffic signal replacements, require the installation
4 of neighborhood and school slow zones, mandate more
5 public available data regarding crashes involving TLC
6 licensed vehicles and strengthen TLCs ability to take
7 action against drivers involved in serious collisions
8 who exhibits dangerous driving behaviors. The
9 proposed resolutions call on Albany to take action in
10 a number of areas such as automatic enforcement and
11 strengthening certain driver violations where city
12 alone cannot act.

13 I'm also proud of this package because I
14 believe it strikes an important balance. From the
15 beginning of this process I have maintained on the
16 one hand, as a father of two daughters, I know how
17 vital it is for all of us to take real action to
18 contain the tide of traffic crashes in our city.
19 Crashes which all too often claim the lives of our
20 most innocent and vulnerable, New Yorkers. Part of
21 this action means comprehensive education and
22 awareness so that we can begin to change a culture
23 that sees traffic crashes as inevitable.

24 That includes a smart street sign and
25 traffic coming and it includes a step up enforcement

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2 that punish dangerous drivers and makes people think
3 twice about engaging in risky behavior behind the
4 wheel. At the same time, as a former livery driver
5 that I was, 112 and Cali Car Service and Baily Car
6 Service. I have been clear that we cannot scapegoat
7 any particular group simply because it is easy
8 legislatively. I work closely with administration to
9 see that this point resonates in the bills we bring
10 forward today. In particular, Intro 272 which
11 combines TLC and DMV points on TLC driver's license
12 was initially a bill with a broad scope that did not
13 specifically accomplish what our goal ultimately is,
14 safety. After several discussions, we insure that
15 drivers are not excessively targeted by this bill.
16 As we agree that only safety related violations
17 should warrant license points rather than
18 particularly that violation like a dirty back seat.
19 Also we drivers to be proactive about safety and are
20 therefore providing an incentive to encourage this.
21 If drivers take a defensive driver's course, they can
22 now have three points removed from their license
23 rather than the initial two. After negotiations such
24 as this, we think we have found a good balance in
25 this package.

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2 Moving forward from here the TLC has
3 assured us that they will be taking a comprehensive
4 look at the drivers point system in common rule
5 making and that we will be part of that conversation
6 along with industry leaders to insure a fair and
7 safety conscious approach is taken.

8 [00:06:40 to 00:07:21 Spoken in Spanish]

9 CHAIRPERSON RODRIGUEZ: I would like to
10 thank everyone who played a role in today's
11 accomplishments. My colleagues on the council,
12 especially Speaker Mark-Viverito and the sponsor of
13 the bills and resolutions. The administration,
14 especially DOT, TLC, NYPD and the Mayor's Office of
15 Legislative Affairs. And the staff here at the
16 council. I would also like to thank everyone who has
17 testified and offered their thoughts, comments and
18 suggestions on this package. Including all the
19 street safety advocates, industry labor leaders. But
20 I want to specifically highlight the bravery of the
21 organization, Families for Safer Streets, who have
22 had the courage to speak out and tell the heart
23 wrenching stories. The determination in the face of
24 their heart break has continually touched all of us
25 at this committee and at the council and inspired us

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2 to work as hard as possible to achieve something real
3 and meaningful that will make a positive impact on
4 the street safety in New York City. If we work
5 together we will be able to build a safe city for
6 everyone.

7 Lastly, I just want to point out that
8 this is not the end of Vision Zero. The council and
9 the committee will continue to consider further
10 measure related to street safety in the months and
11 years ahead. And of course we will also support the
12 goal of Vision Zero in other ways. Particularly, by
13 making sure that the education and awareness
14 components of the plan has all the support it needed
15 to succeed. We still have work to do. Especially in
16 Albany. As we much fight for more autonomy when it
17 comes to speed limits and camera. And I hope that
18 the focus remains strong on this issue moving
19 forward.

20 I will like to end by thanking city
21 council Deputy Lady Director Lara Popa [sp?] The
22 transportation committee staff counsel Liya Frank
23 [sp?], policy analyst Jona Tamasarano [sp?], Angafar
24 Solave [sp?], and my star Rosa Murphy [sp?] and
25 Joanie Arroho [sp?].

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2 With that would any of my colleagues like
3 to be heard before we vote?

4 First we're going to be taking a vote
5 because some council members have to leave. I would
6 like to..., I thank you..., and now I would like to call
7 a vote on the items of legislation before you and I
8 declare to please call the roll the chair recommends
9 a yes vote on all items.

10 COMMITTEE CLERK: William Martin,
11 Committee Clerk. Roll call vote on Committee on
12 Transportation. Council Member Rodriguez.

13 COUNCIL MEMBER RODRIGUEZ: Aye.

14 COMMITTEE CLERK: Van Bramer.

15 COUNCIL MEMBER VAN BRAMER: Aye on all.

16 COMMITTEE CLERK: Garodnick.

17 COUNCIL MEMBER GARDONICK: Permission to
18 explain my vote Mr. Chairman.

19 CHAIRPERSON RODRIGUEZ: Yes.

20 COUNCIL MEMBER GARODNICK: Thank you and
21 I want to thank you for your leadership in this
22 package of bills. I would say that the vast majority
23 are indisputably the right things to do and as some
24 may have noted, that there was considerable
25 conversation among members of the committee about

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2 Intro 171-A as we led into this meeting. I have some
3 concerns about the bill that I would like to raise
4 with your Mr. Chairman and our colleagues between now
5 and this afternoon. Specifically, the absence of
6 discretion or an additional hearing when determining
7 a revocation of a license and because I think that
8 there are enough questions here, that I think are
9 worth taking a further look at in the remaining
10 hours. I am going to abstain on 171-A. But I will
11 vote Aye on the rest. Thank you.

12 COMMITTEE CHAIR: Vacca.

13 COUNCIL MEMBER VACCA: Explain my vote.

14 I want to thank the Chair, my Chair. I want to thank
15 the staff and as my colleague, Council Member
16 Garodnick indicated, there were discussions today.
17 We are concerned because we want to do the right
18 thing. Based on our discussions, and the committee
19 deliberations I'm going to vote Aye on all. I truly
20 feel that we are in a fight to take back our streets.
21 Some of these measure don't beat around the bush but
22 they get to punitive actions. And I have to tell you
23 that at this point, that must be the case. We mean
24 business on this council. We mean business when it
25 comes to Vision Zero. We mean business when it comes

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2 to protecting our citizens and saving lives for
3 families throughout this city. The excuses for no
4 action have long gone on and on and on. The state
5 has got to allow us to do even more. To give us the
6 authority that we need. But I am going to vote yes
7 on all because I think as a package, the council
8 speaks today and the council speaks loudly. As
9 former chair of this committee I sat and listened to
10 testimony that was riveting from family members who
11 really have had their lives changed forever. I'm a
12 father and I never want anyone to go through what
13 some of the families have gone through. I know we
14 have to do something and I think that what we're
15 doing today is meaningful, is strong. And I thank my
16 chair and I thank the members, but I vote yes on all.

17 COMMITTEE CLERK: Chin.

18 COUNCIL MEMBER CHIN: Permission to
19 explain my vote. I just wanted to thank the Chair of
20 the committee for putting together this package of
21 legislation. Through all the hearings, I think we've
22 heard that public safety, pedestrian safety, is
23 utmost important. And we need to change people's
24 behavior. When you're driving a vehicle you have to
25 be safe. Human lives are valuable and we're glad

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that we can help push forth the Vision Zero and so I vote Aye on all.

COMMITTEE CLERK: Levin.

COUNCIL MEMBER LEVIN: Aye on all.

COMMITTEE CLERK: Weprin.

COUNCL MEMBER WEPRIN: Permission to explain my vote. Mr. Chair, I appreciate everything you are doing here today. I am a big supporter of the Vision Zero plan. I too do have some concerns about 171-A in particular. And the issue is that it does seem like a strict liability case, where if something was to happen, if someone was critically injured. Even if they were to end up being fine in the end, after a problem, but they were critically injured, automatically this person, this driver loses their livelihood and their ability to drive a taxi. I understand there should be a higher standard. There should be a fine. There should be a penalty. There should be everything. But there are different circumstances on each accident, and there needs to be some form of discretion in my mind for different situations. You don't know what's happening within that taxi at the time. Someone may have rolled to a stop at a stop sign, I mean I'm sure no one in this

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2 room has not at one point, not rolled through a stop
3 at a stop instead of stopping at a stop sign. And at
4 that very moment someone may run out in the street
5 the same time your passenger just spilt coffee all
6 over themselves. Who knows? And I'm not justifying
7 something bad happening. But this could..., this is
8 bad things that could happen to good actors for the
9 most part and to stand here, holier than thou, and
10 say that if something happens it's your fault, you
11 did it wrong. I am for that to some degree, but to
12 take away someone's livelihood and their ability to
13 support their families and punish their families for
14 something that may not have been..., what could have
15 been preventable if you knew but everyone, every taxi
16 driver might have done this, but this guy happened to
17 have been the one where a terrible tragedy happens.
18 And I am not looking to get them off scot free, but
19 to take away their livelihood makes me a little
20 concerned. So I'm inclined not to support the bill.
21 I will abstain for the moment. I'd like to try to
22 figure out a way to, at least, put some discretion in
23 where someone with a great traffic record might not
24 get the same punishment as someone who was speeding
25 at 80 mph. I think there is a difference there

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between those violations. So I'd like to see something looked at there. So with that in mind, I abstain on 171-A and I vote yes on all the others. Thank you.

COMMITTEE CLERK: Greenfield.

COUNCIL MEMBER GREENFIELD: May I explain my vote. Thank you Mr. Chairman. I appreciate it. First I want to speak on my bill which is Introduction 140-A and this would require the Department of Transportation to establish 7, 20 mph slow zones within our communities in New York City. Annually it would also require the DOT to establish 50 speed zones next to schools with limits of 15 to 20 mph annually. Really common sense legislation that would save lives and would slow down the speeding next to our schools where, of course, our children are so vulnerable as they're coming to and from school. I just want to acknowledge and you know, I think first of all, I think it's great, I've been here now going on five years. It's wonderful under the new council. How we have robust debates at our committee hearings and conversations and I certainly understand the concerns of my colleagues. I just will remind folks that a lot of the importance

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2 of this law has to do with a cabbie name Mohammad
3 Faysal Himon who sheared off the leg of a British
4 tourist in Rockefeller Center last August. And by
5 all accounts he did this because of road rage and he
6 told the press that he would never drive again. He
7 wants another job and guess what? He's back on the
8 streets, he's driving today with no consequence. And
9 I think that's something important to keep in mind
10 and for that reason I vote Aye on this bill and I
11 vote Aye on all other pieces of legislation as well.
12 Thank you.

13 COMMITTEE CLERK: Constantinides.

14 COUNCIL MEMBER CONSTANTINIDES: Aye on
15 all.

16 COMMITTEE CLERK: Menchaca.

17 COUNCIL MEMBER MENCHACA: Permission to
18 explain my vote Chair. Thank you and I just want to
19 also thank the chair and the committee and the staff
20 that have worked so hard to pull so many pieces of
21 legislation in the name of safer streets. Clearly
22 you've heard from colleagues on just some of the
23 language and what I want to point to is 174-A and
24 really it raises some concerns for me. I believe it
25 needs a little bit stronger language. There's a

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2 theme here and it really raises concern on due
3 process and so I'm hoping that we can think through
4 some of the language there. SO I will abstain from
5 174-A, and vote Aye on the rest. Thank you.

6 COMMITTEE CLERK: Miller.

7 COUNCIL MEMBER MILLER: Permission to
8 explain my vote please. There has been a lot of
9 conversation this morning on 171-A. I have been a
10 part of that and it has been robust for a little bit
11 of time and I do appreciate all the effort that was
12 put into it. I appreciate the dialogue amongst the
13 council members. Our objective is certainly to make
14 the streets of New York safe for our pedestrians and
15 all our citizens. On that note I'd like to send my
16 condolences to the Faison family who happens to be a
17 neighbor and a cyclist who was killed six blocks from
18 my home Friday morning by an unlicensed driver. The
19 fact of the matter is that she will receive nothing
20 more than a \$250 fine. That is something that should
21 be addressed. As was just mentioned, there are
22 serious concerns about oversight and jurisdictions
23 and other things that we would like to see happen. I
24 would like to see happen, with 171-A. But that being
25 said, I am certainly of the mindset and the first to

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2 say that professional drivers should be held to
3 higher standards and I will do all within my power to
4 work with those advocates on those sides in the TLC
5 and all other involved, all stakeholders, to insure
6 that they reach these high standards. I am not so
7 sure that this proposed, particular piece of
8 legislation accomplishes that. And for that reason,
9 I will be abstaining, but voting Aye on all, except
10 for 171-A.

11 COMMITTEE CLERK: Reynoso.

12 COUNCIL MEMBER REYNOSO: Permission to
13 explain my vote. Thank you Chair. I just want to
14 point out that especially in regards to 141, that
15 some of these crashes result in deaths. And in any
16 other situation, suspects or those being investigated
17 can be detained or arrested and only sometimes would
18 they have bail to get them out. Sometimes bail won't
19 even let them do that. And this is in no way a
20 presumption of guilt, or a verdict of guilt. But
21 that temporary time that they're spending in the cell
22 is a precautionary measure to insure that this type
23 of action not happen again until the investigation is
24 completed. And in these cases, when it comes to
25 crashes, the same day the driver can be back out in

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2 the street doing the job and possibly getting into
3 another accident. Even if it is an accident. And
4 sometimes getting into a crash. So I just do want to
5 say that detaining someone or temporarily suspending
6 their license in an effort to prevent another crash
7 or accident from happening, is appropriate in my
8 eyes. And it's because of that I support this law
9 but also support all the packages. So I vote Aye on
10 all. Thank you Chair.

11 COMMITTEE CLERK: By a vote of 12 in the
12 affirmative, zero in negative and no abstentions, all
13 items have been adopted with the exceptions of the
14 following. Introduction 171-A which is adopted by a
15 vote of 9 in the affirmative, zero in the negative
16 and three abstentions and Introduction 174-A which is
17 adopted by a vote of 11 in the affirmative, zero in
18 the negative and one abstention. Thank you.

19 CHAIRPERSON RODRIGUEZ: We will leave the
20 vote open and I would like to invite, if there's any
21 taxi drivers that would like to have any other
22 further questions or comments, I will be in that
23 room, so I invite those of you that would like to
24 come and have..., I will be spending a few minutes to
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answer any questions that you have. Okay. So with that we leave the vote open.

[Pause]

CHAIRPERSON RODRIGUEZ: [SPEAKING SPANISH].

[Pause]

COMMITTEE CLERK: Roll call continuation on Committee on Transportation. Council Member Rose.

COUNCL MEMBER ROSE: I vote Aye.

COMMITTEE CLERK: Final vote in Committee on Transportation is now all items have been adopted by a vote of 13 in the affirmative, zero in the negative and no abstentions. With the exception of the following, Introduction 171-A which is now adopted by a vote of 10 in the affirmative, zero in the negative and three abstentions. And Introduction 174-A is not adopted 12 in the affirmative, zero in the negative and one abstention. Thank you.

UNIDENTIFIED FEMALE: Oh I can gavel now?

[Gavel]

UNIDENTIFIED FEMALE: The meeting and vote of the Transportation Committee is now closed.

[Gavel]

C E R T I F I C A T E

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



Date May 31, 2014