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New York City Council Transportation Committee Hearing
Testimony by Maximo M. Javier
Grand Street Business Improvement District
East Williamsburg, Brooklyn

October 25, 2010

Good Afternoon Chair Vacca and members of the Transportation Committee. I am Maximo M. Javier, Executive Director of the Grand Street Business Improvement District in East Williamsburg, Brooklyn. I manage the BID's programs (sidewalk/street sweeping, graffiti removal, promotions/advertising, holiday lighting, and advocacy for property/business owners) within the six-blocks along Grand Street between Bushwick and Union Avenues. I want to bring to your attention some of the concerns our membership has expressed since the fall of 2008 when Fred Moehring our Chairperson noticed an ATM blitz on Grand Street and the surrounding area.

Some argue that the sidewalk ATMs provide a lower fee option and easy cash access compared to those inside banks and commercial locations. For the sake of public safety we oppose the installation of the ATMs on sidewalks as they will increase vandalism (graffiti, damage to machines, etc...) and provide criminals with easy victims. Similar to the litter increase created by sidewalk newspaper boxes, the prevalence of sidewalk ATMs will create a significant negative aesthetic impact to the streetscape of our City. One study by Manhattan Borough President Scott Stringer found 242 unregulated sidewalk ATMs with a majority filled with graffiti. The bottom line, safety is more important than saving an extra \$1!

We are grateful to City Council Member Diana Reyna for her responsiveness and action on removing unsafe ATMs from our sidewalks. We support the spirit of the proposed law to protect the public from the raised safety concerns. To be clear, our membership emphatically opposes sidewalk ATMs! We recommend to amend the language of Int. 257-A so that it expressly prohibits any company or entity from placing them on sidewalks.

We would like clarification on who will the proposal penalize. For example, will maintaining security measures increase the cost to our small business owners? If consent for installation is given to ATM companies we urge that machines are recessed to the commercial building (see Valley National picture). We strongly urge to require a written request for the approval of the property owner for the installation of the ATM. Again, we are opposed to sidewalk ATMs!

One last item that you should consider revolves around the sidewalk ATM companies. How well do we know these companies? I can envision the abandonment of many of these machines as some may be shell companies that will later disappear. We also see the increase of credit and debit card scamming with outdoor ATMs. With commercial turnover property owners may have added obstacles in leasing the space. Unanswered questions, public safety concerns, and aesthetic disruption lead us to strongly oppose sidewalk ATMs.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

TESTIMONY OF MANHATTAN BOROUGH PRESIDENT
SCOTT M. STRINGER

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON TRANSPORTATION

Hearing on legislation to regulate sidewalk ATMs

Monday, October 25, 2010

Thank You Chairman Vacca and members of the New York City Council Transportation Committee for the opportunity to comment on this legislation and for holding a hearing on the important issue of regulating sidewalk automated teller machines.

The problem of sidewalk ATM machines is an epidemic in neighborhoods throughout Manhattan and much of New York City. This is an issue I have been working on since July of 2009 when my office released a report called "Sidewalks under Siege," in which I demanded a halt to the growing number of ATMs on city sidewalks and offered recommendations for new legislation. My office surveyed all 12 Manhattan community board districts and found hundreds of sidewalk ATMs. Ninety-nine were found in the East Village, with 70 between 1st Avenue and Avenue B alone. In the West Village 45 outdoor ATMs were found. At one corner on 181st Street in Washington Heights seven outdoor ATMs were found and in Chelsea at West 23rd Street four were clustered around one intersection at 8th Avenue. Of all the machines surveyed, a total of 25.5 percent of ATMs were stationed on the sidewalk.

Unlike ATM machines inside bank buildings, sidewalk ATMs are not regulated by state law or city statute. Bank ATMs are required to have surveillance cameras, mirrors, and lighting, but there are no such safety regulations for street ATMs: our study found that more than 85 percent of the street machines surveyed lacked visible surveillance cameras and only 3.5 percent had a reflective mirror on the machine to prevent crime.

Street ATMs can also be a blight to the neighborhood. These machines often prove to diminish the visible aesthetic of the community and are more costly to residents: more than 40 percent had been vandalized with graffiti, and the average charge for withdrawing funds was nearly 8 percent higher than indoor ATMs surveyed at that time.

While we do want residents and tourists to have easy access to ATM machines, we need to ensure that the ATMs are safe and secure. Intro 257-A, sponsored by Council Member Diana Reyna addresses the safety concerns associated with sidewalk ATMs. I commend Council Member Reyna for introducing this legislation. It goes a long way in addressing some of these serious safety concerns associated with sidewalk ATMs. I urge the entire Council to vote for its passage and I hope we can continue to work towards making our neighborhoods safer and more secure as a result of regulating these dangerous sidewalk ATMs.

Manhattan Community Board 4's Testimony at City Council 's Transportation Hearing's on Intro 257-A – Regulation of ATMs

Monday, October 25, 2010

My name is Christine Berthet, I am the Co-Chair of Manhattan Community Board 4 Transportation committee.

Manhattan CB4 applauds the committee's undertaking to improve security for all ATMs and to regulate ATMs on sidewalks. The proliferation of so called amenities on the sidewalk has made walking very difficult in our neighborhood, just when the mayor is encouraging the citizens to walk more.

CB4 opposes the installation of ATMs on the sidewalk. Bank branches are ubiquitous and numerous ATMs are installed inside stores. One wonders what portion of the public needs to withdraw cash every 25 ft when even taxicabs accept credit cards for payment.

The ATMs are only 3 ft deep, but when a person withdraws cash, 4.5 ft of sidewalk is obstructed; some are located right at the corner of very crowded intersections like 42nd Street and 9th Avenue; finally as with phone booths, ATMs are a convenient place to dump garbage.

However should the committee feel compelled to permit private ATMs to be installed on the public right of way, we recommend that the following be taken in consideration:

Placement:

A Sidewalk ATM should be located no less than 300 ft from a bank or another ATM (located inside or outside). As an example, in Hell's Kitchen, on a 200 ft stretch we have two bank branches, two sidewalk ATMs and one indoor ATM.

A sidewalk ATM should be located at least 10 ft away from the corner of two buildings at an intersection, preferably not in front of a building where the first floor is residential.

A sidewalk ATM should allow for 9.5 ft of walking path clearance similar to the newsstands clearance rules.

Licensing Fees:

ATMs should be subject to a licensing fee comparable to what a sidewalk café pays today: ATMs are competing with sidewalk cafes and newsstands for the use of public space. Based on a 3x3 ft footprint, an ATM license would cost \$300 or more per year.

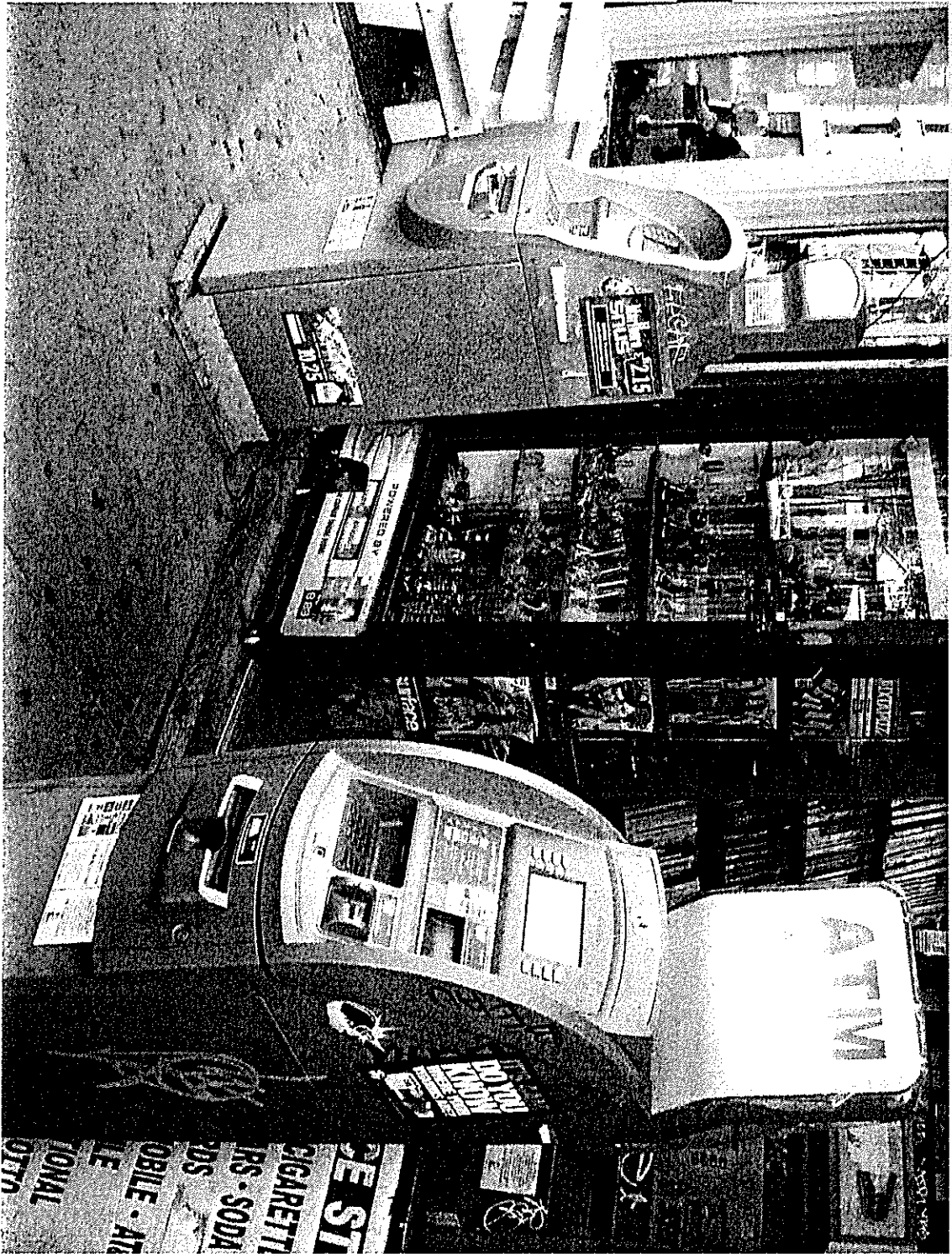
Appearance and Footprint:

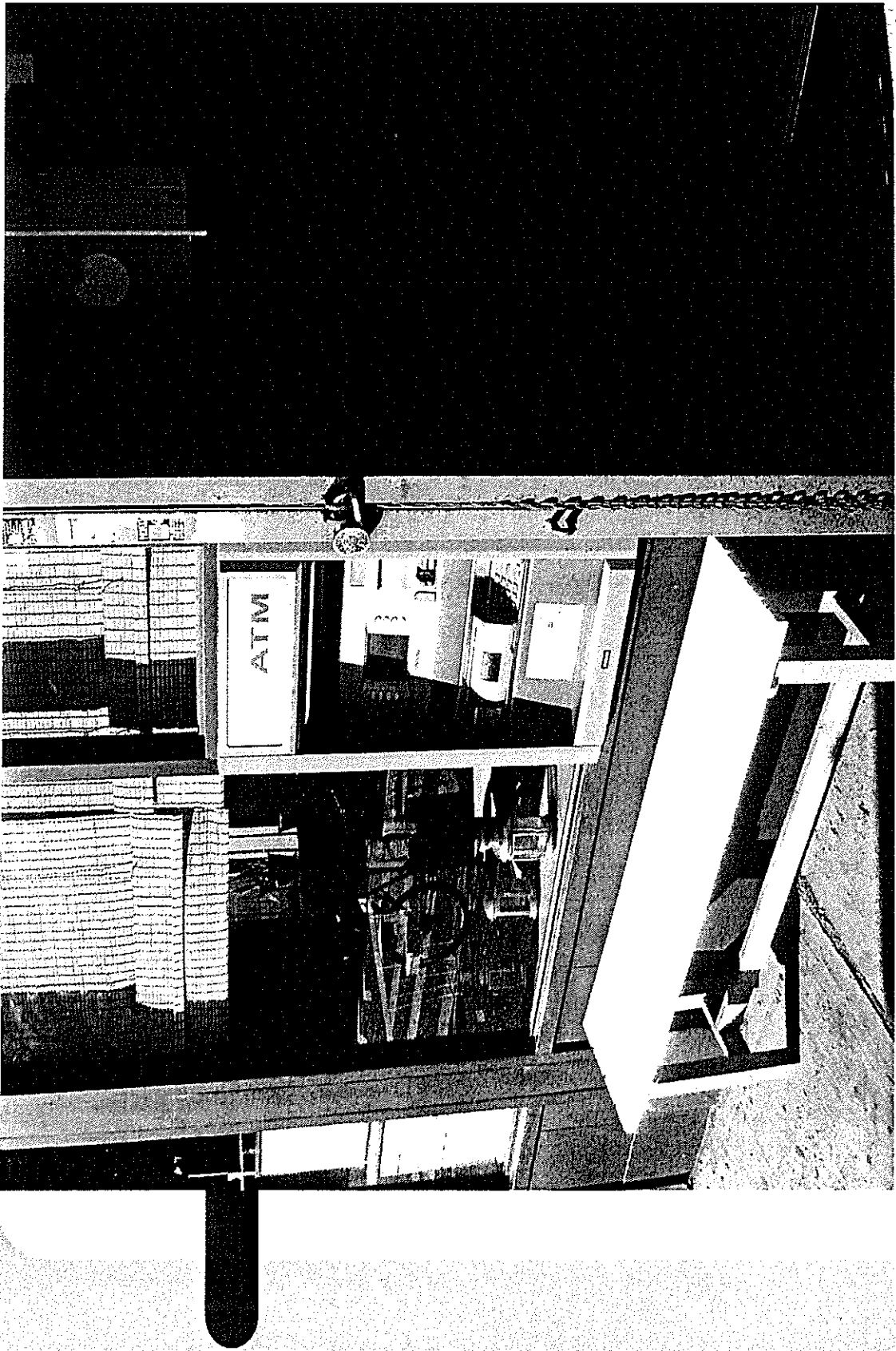
Each ATM's size should be strictly limited to the 3x3x4 and posting of advertisement should not be allowed on them. This will prevent a repeat of

the regrettable phone booth initiative, where exceedingly large installations proliferated for the purpose of generating advertisement revenue. Down lighting should be directed at the keyboard and not shine in pedestrians' or neighbors' eyes. Similarly to phone booths and sidewalk cafés, a complaint number should be prominently posted on ATMs.

Although all of these measures will limit the negative impact, allowing ATMs - a for-profit enterprise with NO public benefit - to use our public space, would set an unfortunate precedent. These ATMs encroach on the already crowded sidewalk space and limit the placement of newsstands and cafes, which generate jobs or bike racks and bus shelters and trees, which provide valuable service to the public. Consequently CB4 opposes the installation of ATMs on the sidewalks.








Who Are These Guys???

TRY ANY CARD!

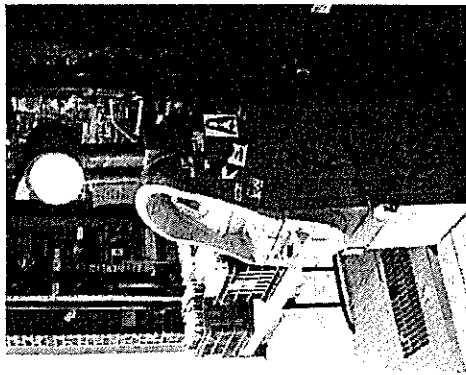
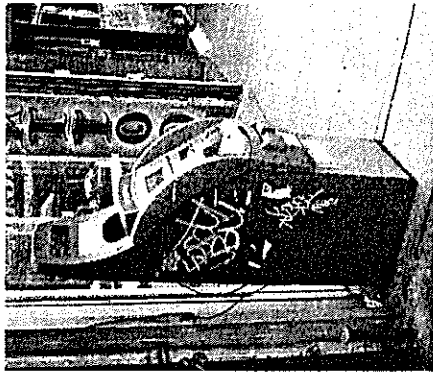
Operational Problems or Suspicious Activity
This terminal is Operated by Metabank and is Serviced by
ATLAS ATM CORP.
In compliance with all regulatory and network rules, in the event of operational problems, we will report suspicious activity to the FBI. This terminal, please call customer service at
1-718-729-7793

FREE NOTICE
Metabank may charge a \$5 fee for overdrafts for each cash withdrawal. This fee is added to the amount of your withdrawal and is in addition to fees that may be charged by your Financial Institution.
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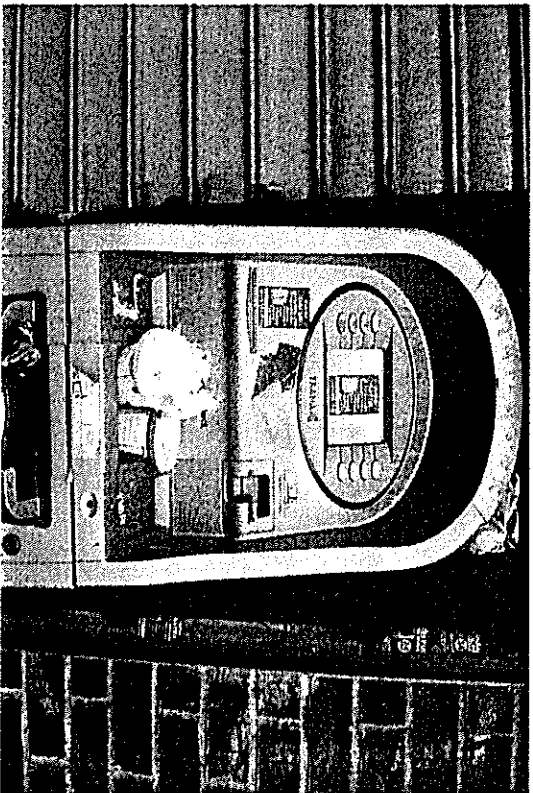
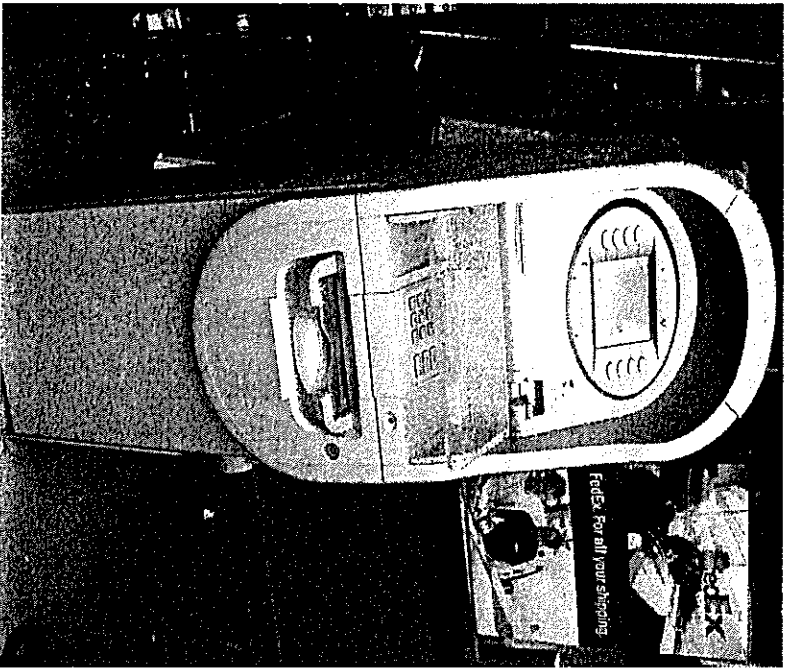


Need an ATM Card? Visit www.atm.com to see the only line of ATM Cards.

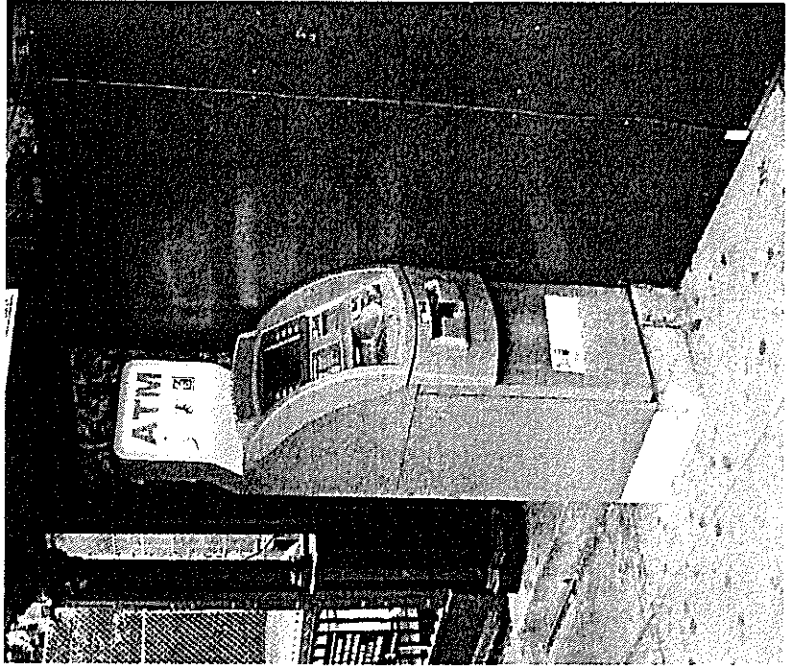
Neighborhood Eyesore



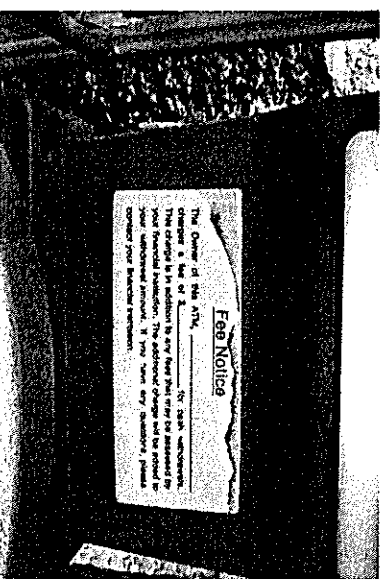
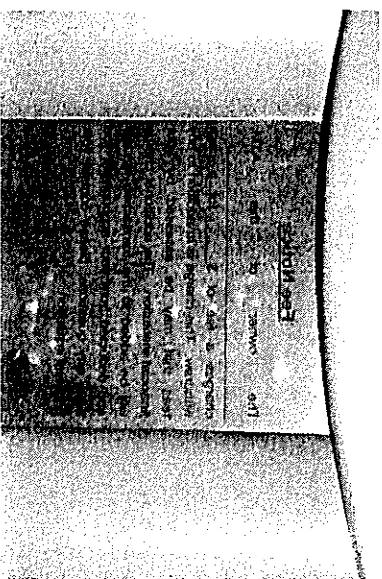
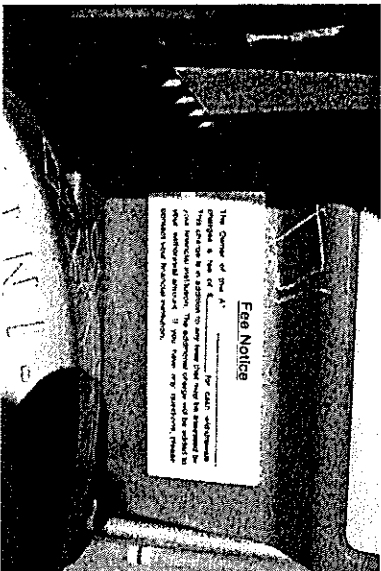
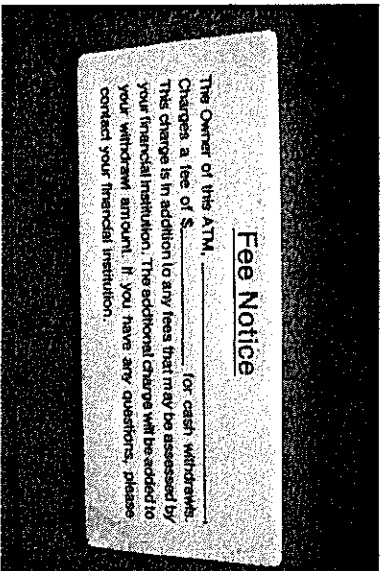
Abandoned ATM's



Obstructing Public Thoroughfare



Lack of Fee Notification



Potentially Hazardous



Transportation Committee Hearing
October 25, 2010

- Prop. Int. No. 257 – A, in relation to the regulation of sidewalk and outside ATM's
- Currently New York City does not regulate the placement or security features of these machines
- This legislation would give authority to the Department of Transportation (DOT) and the Department of Consumer Affairs (DCA) to regulate sidewalk and outside ATM's

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 257-A Res. No. _____

in favor in opposition

Date: 10/25/2010

(PLEASE PRINT)

Name: Maximo Javier

Address: 246 Graham Ave. Bklyn NY 11206

I represent: Grand Street BID

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 257A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BENITHE /

Address: 347 W 37th St

I represent: Manhattan CR4

Address: 420 W 42nd St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 257 Res. No. _____

in favor in opposition

Date: 10-25-2010

(PLEASE PRINT)

Name: Marc Brumer

Address: _____

I represent: Borough President Scott Stringer

Address: P Centre Street

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