

**NYC Department of Transportation Testimony Before the
City Council Committee on Transportation and Infrastructure
September 26, 2023**

Good morning Chair Brooks-Powers and members of the Committee on Transportation and Infrastructure. I am Margaret Forgione, First Deputy Commissioner of the Department of Transportation. With me today are Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management, and Rick Rodriguez, Assistant Commissioner for Intergovernmental and Community Affairs. Thank you for the opportunity to testify on behalf of Mayor Eric Adams and Commissioner Ydanis Rodriguez on hard infrastructure.

DOT is responsible for operating and maintaining 6,300 miles of streets and highways. This includes maintaining roadways, curbs, and pedestrian ramps, and jurisdiction over 12,000 miles of sidewalk. All New Yorkers use roadways and sidewalks to get around—whether by foot, bike, wheelchair, bus, car, or other mode. And all of our goods travel to their final destinations on our streets. Maintaining streets in a state of good repair is a central part of DOT's mission and essential to the quality of life and economic success of this city.

DOT resurfaces streets to address problems on the surface, including cracking, patching, and peeling, by replacing the top layer of asphalt pavement. This extends the street's lifespan and helps prevent potholes—the more we pave, the fewer potholes we need to fill.

DOT has over \$280 million in the Capital Budget to resurface 1,100 lane miles and up to 50 miles of protected bike lanes each year. We were pleased to have this amount baselined as this means we can plan accordingly to maximize our efficiency. The citywide lane mile target is distributed per borough and then allocated by Community Board. Streets within Community Boards are then resurfaced based on condition. This process ensures that every community board will receive a fair share of resurfacing every year.

To determine condition, DOT evaluates up to 90 percent of the city's streets each year. DOT Street Assessment inspectors rate streets based on the level of distress on each individual street—including cracking, patching, and surface peeling—and calculate a corresponding rating. We are also developing a way to automate these street ratings which will streamline our process even more.

DOT recently received \$36 million of new Capital funding to fully fund the replacement of the Harper Street Asphalt Plant. This plant and the Hamilton Asphalt plant are key pieces of DOT's operations, producing nearly 700,000 tons of material for our resurfacing crews.

DOT is a leader in asphalt innovation, testing new mixes and developing recycling technologies. Our asphalt plants maximize recycled content and currently produce material with up to 40 percent recycled asphalt pavement. We are testing methodologies to increase recycled content with our vendors.

In addition to our resurfacing work, DOT crews also fix potholes. So far this year, we have fixed nearly 140,000 potholes. We are committed to timely response to pothole complaints and respond within two days, unless there are underlying conditions that require a larger project.

Turning to sidewalks. DOT oversees and inspects 12,000 miles of sidewalk. DOT also repairs over one million square feet of defective sidewalk every year, primarily adjacent to 1-3 family homes and City-owned property.

In recent years, DOT has dramatically increased our annual investment to replace sidewalks at New York City Housing Authority developments, many of which had not had their sidewalks replaced since the buildings were first constructed in the middle of the 20th century. In the last five years, DOT has spent over \$44 million to repair over 2 million square feet of sidewalk adjacent to NYCHA developments, schools, and parks.

All property owners are responsible for the maintenance and repair of the sidewalk adjacent to their property, and DOT conducts inspections to ensure sidewalks are maintained. When conducting an inspection, DOT will review the entire block face and if we find defective sidewalk, we issue a non-monetary Notice of Violation to the adjacent property owner. The property owner then has 75 days to repair the sidewalk. After 75 days, the City may perform the repair and bill the property owner for the cost.

In 2019, DOT stopped issuing notices of violation to 1-3 family properties for sidewalk defects that are entirely due to tree roots. DOT will still repair the sidewalk at no cost to the property owner when mobilized at the location, but new defective sidewalk complaints that mention tree roots are routed directly to NYC Parks.

DOT will also be doing more for curb maintenance. We recently received an unprecedented nearly \$21 million over three years to replace approximately 150,000 feet of new curb citywide. An important note about curb maintenance: in order to repair the curb, DOT must also repair the first flag of the sidewalk.

We also continue to have our in-house crews and contractors out every day to install and upgrade pedestrian ramps across the city.

Legislation

Turning to the legislation before the Council today.

Introduction 481

First, Intro. 481 sponsored by Council Member Lee. This bill would require DOT, prior to issuing a notice of violation for a sidewalk defect, to determine if DOT or Parks already have plans to repair the same section of sidewalk. If so, DOT's notice of violation would need to notify the property owner of the planned work, and not issue a notice of violation if such work would begin within 90 days.

DOT coordinates closely with Parks and other agencies on sidewalk repairs. Prior to construction, DOT performs a conflict check comparing the sidewalk repair plan with DOT and Parks scheduled projects and coordinates with the appropriate staff if there are any overlapping projects. DOT and Parks also have quarterly coordination meetings. It is also important to note that a notice of violation for a sidewalk defect is a non-monetary lien and there is no fine associated with the notice. In addition, DOT does not issue notices of violations

for sidewalk defects caused solely by tree roots. Finally, in the last five construction seasons, less than one percent of sidewalk repairs by the City have been made within 90 days of issuing a notice of violation.

While DOT supports the bill's intent to avoid redundant work, we believe this bill may have the opposite effect from what is intended. This bill would create confusion about who is responsible for making sidewalk repairs, delay such repairs, and thus potentially undermine sidewalk safety. We would be happy to discuss our current coordination efforts and how they can be improved with the Council.

Introduction 596

Next, Intro. 596 sponsored by Council Member Schulman. This bill would require DOT to repair curbs that the department determines are safety hazards when resurfacing. DOT street resurfacing crews already notify DOT's Sidewalk Program of any curbs damaged during resurfacing or those that are defective. These locations are added to our list of curbs that need to be repaired and are prioritized. But curb repairs cannot happen as part of resurfacing as curb material is different from resurfacing material and requires a different method of construction.

DOT shares the Council's goal of maintaining curbs and we were pleased to recently receive an unprecedented amount of nearly \$21 million over three years to replace approximately 150,000 feet of new curb citywide. As always, we welcome your feedback on particular locations of concern.

Introduction 905

Next Intro. 905 sponsored by Council Member Brannan. This bill would require DOT to finish street resurfacing within two weeks, including milling work, completion of utility work, and paving. If additional time is needed beyond two weeks, DOT would need to notify the surrounding community about why more time is needed and provide an updated timeline.

While DOT works hard to mill and pave as quickly as possible, we do not support this bill as written. We must give utility companies, plumbers, and our sister agencies sufficient time to make repairs under the asphalt and are concerned that the outreach requirements would be burdensome. We coordinate extensively to ensure the time when a street is milled is well used. Without this necessary time for repairs, more cuts will need to be made to roadways in the future, which would make the whole process less efficient. We all want to avoid the situation where a newly resurfaced street needs to be cut into for a repair right after it is resurfaced.

To give a recent example of why this time is important, in April, we were resurfacing Union Street in Brooklyn when we discovered a water leak after milling the roadway. DEP secured an emergency work order, and DOT waited for the pipe repairs to be completed before paving. In all, it took 21 days from beginning of milling until the end of paving. Aged underground infrastructure creates a unique challenge that our resurfacing crews encounter regularly. We coordinate with relevant stakeholders and do our best to make sure a resurfaced street remains intact for as long as possible. The public may be inconvenienced with a milled roadway for longer than originally anticipated, but in return they will get a smooth road for years to

come.

Moreover, it is critical that we maximize our capacity to ensure we can reach our annual resurfacing targets. The pace of paving is faster than that of milling, so we must have enough areas milled in order to spend our resurfacing dollars well.

Introduction 1077

Finally, Intro. 1077 sponsored by Council Member Joseph. This bill would require the City to propose a capital project plan and implementation timeline for installing and maintaining public bathrooms at the sites identified in the Local Law 114 of 2022 report that is due at the end of this year. This Administration is committed to increasing access to public bathrooms. We look forward to discussing the specifics of this legislation with the Council after we release the report.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify before you today on our work to keep the city's roads and sidewalks in a state of good repair. We now welcome your questions.

VERIZON TESTIMONY

OVERSIGHT HEARING ON
“Hard Infrastructure”

HELD BY THE

COMMITTEE ON TRANSPORTATION AND

INFRASTRUCTURE

OF THE

COUNCIL OF THE CITY OF NEW YORK

ON

SEPTEMBER 26, 2023

Verizon appreciates the opportunity to submit testimony as the Council's Committee on Transportation and Infrastructure conducts an oversight hearing on Hard Infrastructure. Our comments below are focused on our opposition to council introduction 905, *A Local Law to amend the administrative code of the city of New York, in relation to the street resurfacing timeline*

Verizon has deep-rooted connections with New York City, and for over a hundred years has played a substantial role in the life of the City. With the help of the many thousands of New Yorkers who work for the company, we have built and maintained the best-in-class wireline and wireless networks that are the backbone of the 21st century economy. We work on an ongoing basis, day after day, to maintain and upgrade those networks in order to meet the ever-increasing communication needs of the City and its people and businesses. On such important aspect in the maintaining this critical network is the resurfacing of streets.

Verizon works closely with the City's Department of Transportation (DOT) and adheres to the permit stipulations prescribed to ensure the work is satisfactorily accomplished and that there is minimal impact to the residents on the city. This is a balancing act that the agency achieves, however to do so timeframes provided to complete the work and the nature of the work itself would not allow Introduction 905 to be a plausible or realistic alternative.

There are certain times when restoration of a cable failure or extensive manhole demolition and rebuilding simply cannot be accomplished within the proposed timeframe, and other emergencies may arise that may require work to be directed to the emergency resulting in another job's resurfacing to be delayed.

Additionally, at times, other agencies are involved and the coordination of work will exceed the introductions desired timeframe. This may occur when a builder's schedule delays an associated street cut or remediation of contaminated soil must be addressed.

Furthermore, certain times of the year restrict one's ability to make final paving, and when municipal jobs require test pitting it may result in the pits to remaining opened longer than two weeks.

Respectfully, we ask that the Council carefully consider any actions that will impact a providers' ability to maintain critical infrastructure

Thank you for the opportunity to share this information and we are more than happy to meet with you to discuss the importance of ensuring that New York City supports service providers ability to upgrade and maintain the networks depended on by the people of New York City.



TRANSPORTATION ALTERNATIVES

NYC Transportation and Infrastructure Committee Hearing Testimony of Transportation Alternatives

Sep 26, 2023

Good afternoon, and thank you to Chair Brooks-Powers and the members of the Transportation and Infrastructure committee. My name is Nina Guidice and I am the Policy Manager at Transportation Alternatives.

Transportation Alternatives believes that our streets belong to the people of New York City, and we work with New Yorkers in every borough to build a future that rises to the needs of our communities. Thank you for convening this oversight hearing on hard infrastructure and the bills under consideration for today.

Safer streets begin with infrastructure. These spaces should be well-maintained and adhere to the highest standards of safety and design.

When the City makes repairs, conducts maintenance, and builds other street improvements, these hard infrastructure projects should be done in alignment with other department projects to meet overlapping benchmarks and goals. For example, when DOT repairs and replaces sidewalk ramps, the department should at the same time apply daylighting treatments and other curb safety improvements, such as bulbouts.

Street resurfacing must be done promptly and include the timely repainting of pavement markings, and DOT should invest in projects that reduce the need to resurface so frequently, such as better materials, meeting the legal requirements of the Streets Plan, as well as greenways, Open Streets, and policies that address heavy trucks on our streets.

Additionally, the climate emergency is here, and how we build our City will be the baseline of how we adapt to a rapidly changing future and ensure a livable New York for all. To that end, we should assess our infrastructure for how well it will prevent, mitigate, and provide a defense against the effects of the climate crisis. For example, on

Atlantic Avenue, the lack of permeable surfaces led to 12+ inches of flooding reported [during Hurricane Ida](#).

As we've highlighted in our [Spatial Equity NYC project](#), asphalt and concrete are impermeable surfaces that make districts more prone to [stormwater flooding](#), risking the [spread of disease](#), wastewater, and pollution runoff [infiltrating waterways](#), and [death from drowning](#). **About 72 percent of New York City is impermeable.** For every one percent expansion of asphalt and concrete surfaces, annual flood risk increases over [three percent](#). Low-income, non-white, and disabled New Yorkers are more vulnerable to the effects of [extreme flooding](#).

DOT must invest in, source, and prioritize the use of permeable surfacing, cool pavement technologies, and green infrastructure to reduce the impact of flooding and the urban heat island effect.

Infrastructure matters, and the materials we use matters. If we are dedicated to meeting our climate goals, we need bold action now.



New York City Council Committee on Transportation and Infrastructure
September 26, 2023
Testimony of Eric McClure, Executive Director, StreetsPAC

[Int. 1077-2023](#) – Support

As with its predecessor, Int. 0258-A, which became [Local Law 114 of 2022](#), we support passage of Int. 1077.

Local Law 114 requires the city to produce, by the end of this year, a report identifying the number of operational public bathrooms across the city, and more importantly, to identify at least one location in each zip code area where it would be feasible and appropriate to install a public restroom. Int. 1077 takes the next step by requiring the administration to develop a report that proposes a project plan and timetable for the development and installation of these facilities.

As we stated in our testimony in support of Int. 0258-A, New York City lags well behind most peer cities in providing ready access to clean, safe public restrooms, and as access to bathrooms is an equity, public health, and sanitation issue, it's inexcusable that we haven't done at least what other major cities have in providing such facilities.

Int. 1077 builds on this effort by requiring development of a project scope and identification of estimated costs, possible funding sources, and appropriate maintenance schedules for such facilities. Public restrooms are important infrastructure, and we urge swift passage of this bill.

[Int. 0905-2023](#)

While the intent of Int. 0905 is laudable, we think that it may be overly prescriptive. Ensuring that street resurfacing projects are completed in a timely manner is important, but the bill's two-week timeframe seems too short, given the types of infrastructure issues that can crop up once a street has been milled, and we believe the more important issue with street work is ensuring to the greatest extent possible that newly paved streets aren't shortly torn up again, a situation that may be exacerbated by a shortened completion window. We also believe the notification requirement is potentially burdensome.

However, an area in the resurfacing process in which we'd like to see significant improvement is in the speed of remarking streets once new asphalt has been laid down. While there may be a curing period, far too often it takes weeks, if not months, for

streets to be restriped, and the failure to quickly redraw crosswalks, bike lanes, and even parking markings can create dangerous situations for pedestrians and cyclists. If anything, we'd prefer to see legislation requiring the expediting of remarking.

[Int. 0596-2022](#)

As with Int. 0905, we believe that while the legislation proposed by Int. 0596 is well intentioned, we're not convinced that it's necessary. We're fairly certain that NYC DOT's resurfacing team already coordinates with their sidewalks team when they encounter problems with curbs while milling and paving. Hazardous curb situations may not be fixed simultaneously with the street work, since materials are different, but are likely being addressed subsequent to the resurfacing work.

If we're not correct about the current situation, we would certainly welcome an effort to ensure that curbs are repaired or replaced, given the safety implications, and would support the bill, but our understanding is that Int. 0596 would legislate something that's already happening.

From Alexander Gregor alexdgregor@gmail.com

To: New York City Council Members and Mayor Adams

Re: Sidewalks and curbs

September 26, 2023

Thank you for the opportunity to speak today as a resident of Carroll Gardens, Brooklyn. It is my belief that the maintenance, including snow and ice removal on sidewalks in the city's right of way, should not be the responsibility of private property owners. And in fact, sidewalks are covered by The American with Disabilities Act, Title II. The maintenance of sidewalks is among the "services, programs, or activities" that public entities must make accessible. In 2019, Mayor de Blasio settled a decades long court battle with disability advocates regarding accessibility of street corners and agreed to overall the city's curb ramps to meet the required federal standards by 2034. In a case involving the City of San Juan a Statement of Interest of the United States of America says that a straightforward reading of the regulations reinforces the conclusion that all pedestrian walkways are covered. Making accessible only the walkways that serve as gateways would often be meaningless if those with disabilities could not get to them because their residential walkways are not accessible. For these reasons, I advocate for a change in New York's law and regulations.

Generally speaking, provision and maintenance of a system of sidewalks for pedestrians to move about for personal, commercial, or other reasons is a "service" that a city provides to its residents. Indeed, it is one of the most fundamental services provided by any municipality. The provision of that service is dependent on government "activities" ranging from the initial construction of the sidewalks to the maintenance of the sidewalks. In most cases, the provision of that service likely is undertaken as part of a city "program." When an individual with a disability is denied the use of a city sidewalk system because the sidewalks are inaccessible to individuals with disabilities, he or she is "excluded from" and "denied the benefits of" the 4 "services, programs, or activities of a public entity," and "subjected to discrimination by [that] entity." 42 U.S.C. § 12132.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Margaret Fagione

Address: _____

I represent: DOT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Leon Heyward

Address: _____

I represent: DOT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rick Rodriguez

Address: _____

I represent: DOT

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Grego

Address: Court St Brooklyn

I represent: me

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 9/26/2023

(PLEASE PRINT)

Name: Rawl Rivers

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 9/26/23

(PLEASE PRINT)

Name: Christopher Lion JOHN 109

Address: B OFFICIAL DIS B/CNY 11213

I represent: SELF

Address: _____