

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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September 26, 2023  
Start: 9:15 A.M.  
Recess: 11:11 A.M.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16<sup>TH</sup>  
FLOOR

B E F O R E: Selvena N. Brooks-Powers,  
Chairperson

COUNCIL MEMBERS:

Joann Ariola  
David M. Carr  
Amanda Farias  
Ari Kagan  
Linda Lee  
Farah N. Louis  
Mercedes Narcisse  
Lincoln Restler  
Carlina Rivera  
Nantasha M. Williams  
Julie Won  
Kalman Yeger

## A P P E A R A N C E S

Margaret Forgione  
First Deputy Commissioner at the Department of  
Transportation

Leon Heyward  
Deputy Commissioner for Sidewalk and Inspection  
Management

Rick Rodriguez  
Assistant Commissioner for Intergovernmental and  
Community Affairs

Alex Gregor  
Self

Christopher Leon Johnson  
Self

Eric McClure  
Executive Director of Streets PAC

Fay Hill  
District Leader for Assembly District 31B

Glen Bolofsky  
Self

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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1  
2 SERGEANT AT ARMS: Mic check, mic check, mic  
3 check. Today's hearing Committee on Transportation  
4 and Infrastructure in the 16<sup>th</sup> Floor hearing room,  
5 recorded by Walter Louis. Today's date is September  
6 26, 2023.

7 SERGEANT AT ARMS: Mic check, mic check, sound  
8 check on today's hearing on Transportation and  
9 Infrastructure. Recorded on the 16<sup>th</sup> Floor Committee  
10 Room, recorded by Walter Louis. Today's date is  
11 September 26, 2023.

12 SERGEANT AT ARMS: Good morning and welcome to  
13 the New York City Council Hearing of the Committee on  
14 Transportation and Infrastructure. At this time, can  
15 everybody please silence your cell phones. If you  
16 wish to testify, please come up to the Sergeants desk  
17 to fill out a testimony slip. Written testimony can  
18 be emailed to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Again, that  
19 [is testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

20 At this time and going forward, no one is to  
21 approach the dais. I repeat, no one is to approach  
22 the dais. Thank you for your cooperation. Chair, we  
23 are ready to begin.

24 CHAIRPERSON BROOKS-POWERS: [GAVEL] Good morning  
25 and thank you for joining today's hearing of the

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

4

2 Committee on Transportation and Infrastructure.

3 Today's hearing will focus on hard infrastructure  
4 within the city. From the nitty gritty of street and  
5 sidewalk repairs to bigger picture questions about  
6 how budget cuts may impact our infrastructure. As we  
7 have covered in previous hearings, DOT plays a  
8 critical role in ensuring the safe, sufficient and  
9 environmentally responsible movement of people and  
10 goods in New York City.

11 The upkeep of our hard infrastructure is critical  
12 to that mission. Crumbling roads and sidewalks not  
13 only undermine the economic vitality of this city but  
14 they pose risks to our many road users. It is worth  
15 reciting some numbers as context for today's  
16 discussion.

17 DOT currently oversees 6,300 miles of streets and  
18 highways, over 12,000 miles of sidewalks and  
19 approximately 800 bridges and tunnels throughout the  
20 city. In addition, DOT installs and maintains nearly  
21 one million street signs. 13,250 signalized  
22 intersections, over 315,000 street lights, over 350  
23 million linear feet of markings and 2,600 automated  
24 enforcement cameras.

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1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

5

3 Needless to say, managing this infrastructure is  
4 no small task and as the recent Mayor's Management  
5 report revealed, there is still much room for DOT's  
6 improvement. I want to point out some key data  
7 points from that report issued earlier in September.

8 According to the MMR, 77 percent of streets in  
9 New York City received a pavement rating of good.  
10 While on pace with fiscal year 2022's rating, I want  
11 to understand how we can move this number upward.

12 DOT repaired a total of 176,853 potholes, a decrease  
13 from fiscal year 2022. I want to know what accounted  
14 for this decrease. DOT inspectors completed 781,916  
15 inspections, initial and post-audit of permitted  
16 street work, a 16 percent decrease from fiscal year  
17 2022. I want to know what accounted for this  
18 decrease and how staffing shortages maybe contributed  
19 to this decline and inspections.

20 DOT issued 27,441 summons related to permitted  
21 street work. 17 percent fewer than last year. What  
22 accounted for this decline? Finally, the average  
23 response time to high priority traffic signal defects  
24 increased by 26 minutes to two hours and seven  
25 minutes. Missing the target of two hours, due to  
winter Storm Elliot in December 2022 and heavy rains

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

6

3 in April 2023. How will even more extreme weather  
4 events hamper DOT's ability to respond to high  
5 priority repairs and what is DOT doing to improve our  
6 resiliency in this respect?

7 Of course, I do want to give DOT credit where  
8 work has improved. For example, DOT resurfaced 1,201  
9 lane miles in house. The highest single year total  
10 since fiscal year 2019. Additionally, average time  
11 for DOT to repair street lights improved to 3.4  
12 calendar days. But I want to put these improvements  
13 in context and make sure that we are dedicating  
14 enough resources to improve on all fronts.

15 I also hope to hear more about a few initiatives  
16 that I know have been central to DOT's hard  
17 infrastructure work in recent years. I'm very  
18 interested in learning more about the implementation  
19 of sustainable practices in street resurfacing. I  
20 know DOT has prioritized the use of recycle asphalt  
21 pavement and I would like to understand what other  
22 material improvements it is considering with the  
23 sustainability in mind. I am also interested in the  
24 state of repair of our many bridges, tunnels and  
25 highways. Particularly of interest is the work that  
DOT is doing to fix the Brooklyn Queens Expressway,

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

7

3 including recent announced closure for emergency  
4 repairs. I know DOT has engaged in a long process to  
5 develop a vision for the future of BQE.

6 I want to understand where that process is and  
7 what more can be done to protect this critical piece  
8 of infrastructure and the many New Yorkers who use  
9 it.

10 Finally, as always, I am interested in how Vision  
11 Zero informs DOT's hard infrastructure work. Does it  
12 prioritize repairs in corridors known to be  
13 dangerous? Does it do any special monitoring of such  
14 corridors? These questions must be front and center  
15 as streets are less safe when our infrastructure is  
16 in a poor state of repair.

17 In addition to the oversight portion of today's  
18 hearing, we have a number of bills on the docket.  
19 Some of which are directly related to hard  
20 infrastructure. Intro. Number 481 would streamline  
21 sidewalk repairs while also intern redundant work is  
22 not performed by property owners and DOT.

23 Intro. Number 596 would ensure that DOT fix curbs  
24 that pose a safety hazard as part of its resurfacing  
25 projects. Intro. Number 905, which streamline and  
improve notifications to community members about DOT

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

8

3 street resurface and work. Finally, Intro. Number  
4 1077 would build upon a bill we passed last year  
5 regarding public bathroom facilities by requiring  
6 that a report be developed for the installation of  
7 public bathroom facilities at locations required to  
8 be identified by Local Law 114 for the year 2022.

9 I look forward to hearing from DOT, advocates and  
10 members of the public regarding the oversight and  
11 legislation at this hearing. I thank my staff and  
12 Committee Staff for their hard work, Samuel Breidbart  
13 Counsel to the Committee, Mark Chen Counsel to the  
14 Committee, Kevin Kotowski Senior Policy Analyst, John  
15 Basile Senior Policy Analyst, Jack Seigenthaler my  
16 Policy and Budget Director and Renee Taylor my Chief  
17 of Staff.

18 I'd like to acknowledge that we have also been  
19 joined by Council Members Lee, Restler, Carr, Kagan  
20 and Joseph. We will now turn to Council Member  
21 Joseph for remarks on her bill.

22 COUNCIL MEMBER JOSEPH: Thank you and good  
23 morning. Good morning Chairperson Council Member  
24 Brooks-Powers and honorable colleagues of the  
25 Council. Today I am pleased that you esteemed  
members of the Committee on Transportation and



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

9

1  
2 Infrastructure are hearing my bill Intro. 1077, which  
3 was introduced in collaboration with Mark Levine,  
4 Manhattan Borough President.

5 Intro. 1077 was just part of my bathroom build  
6 initiative package. It's a local law in relations to  
7 capital plan and timeline for installing public  
8 bathrooms in New York City. This bill would require  
9 that the Mayor designate an agency or office in  
10 coordination with Department of Parks and Recreation  
11 and Department of Transportation to develop a report  
12 that propose a capital project plan, implementation  
13 timeline for the installation of maintenance, of  
14 public bathroom facilities. Each site would be  
15 identified pursuant to an Introduction of Number  
16 258A, a Local Law that reports on suitable locations  
17 for installing public bathrooms. This bill was  
18 passed and adopted last year. The report would  
19 further propose a scope of project estimated cost  
20 potential funding sources and appropriate maintenance  
21 schedule for each facility.

22 The bill would require that the lead agency  
23 office to consider relevant population data and  
24 social equity indicators to consult with qualified  
25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

10

3 city entities, regarding foreseeable challenges to  
4 the facilities installation and maintenance.

5 As the Borough President Mark Levine said before  
6 and I repeated here, the trouble of deficit public  
7 restroom is more than an inconvenience. It's a  
8 matter of equity, public health, sanitation and basic  
9 human rights. In hearing this bill and getting it  
10 passed, we are showing New Yorkers that we've been  
11 listening to their requests on this issue and are  
12 demonstrating our commitment to their wellbeing.  
13 Furthermore, we're telling visitors and tourists that  
14 we really welcome them to our great city. I'm  
15 looking forward to hearing some testimony from the  
16 city agencies different groups about the bill.

17 Again, thank you for the collaboration and hard work  
18 on behalf of all New Yorkers. Thank you Chair.

19 CHAIRPERSON BROOKS-POWERS: Thank you. Next,  
20 we'll hear from Council Member Lee.

21 COUNCIL MEMBER LEE: Thank you so much Chair and  
22 thank you so much from Department of Transportation  
23 for being here with us today and uhm, thank you so  
24 much for taking the opportunity to hear out this bill  
25 that's being proposed. And this is an issue that's  
very prevalent in my district because we have a lot

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

11

1  
2 of trees, which I'm grateful for. A lot of which  
3 were planted back in the day and didn't really take  
4 into consideration how big the roots would be  
5 growing. So, it's causing a lot of issues both with  
6 the sewage pipes as well as the sidewalk repairs and  
7 I know that parks has their you know the program to  
8 help out with the trees and the sidewalks but you  
9 know this is a bill that we're proposing which will  
10 hopefully facilitate more interagency communication  
11 and work through the pavement repairs because I've  
12 heard this multiple times from people I know both  
13 personally as well as in the district who you know  
14 because of the roots, they do fix the sidewalks but  
15 then because they're not allowed to touch the tree  
16 itself, they have to get the city to come in and do  
17 that and then they repave it, but then what ends up  
18 happening is the roots then grow again and then they  
19 have to fix the sidewalk again, not too long after  
20 they've already spent thousands of dollars repairing  
21 the sidewalks in front of their homes.

22 So, uhm, you know we're hoping that this bill  
23 will help to at least address some of those issues  
24 and really improve the interagency communication and  
25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

12

3 I just thank you for hearing out the bill and I look  
4 forward to hearing your response. Thank you.

5 CHAIRPERSON BROOKS-POWERS: Thank you. Next,  
6 I'll pass it to Committee Counsel to swear in the  
7 witnesses.

8 COMMITTEE COUNSEL: Thank you Chair. I'm Sam  
9 Breidbart, Counsel to the Transportation and  
10 Infrastructure Committee of the New York City  
11 Council. Our first witnesses will be from the  
12 Department of Transportation Margaret Forgione First  
13 Deputy Commissioner, Leon Heyward Deputy Commissioner  
14 for Sidewalks and Inspection Management and Rick  
15 Rodriguez Assistant Commissioner for  
16 Intergovernmental and Community Affairs. I will now  
17 administer the oath. Please raise your right hands.

18 Do you affirm to tell the truth, the whole truth  
19 and nothing but the truth before this Committee and  
20 to respond honestly to Council Member questions?

21 Thank you. You may begin when ready.

22 MARGARET FORGIONE: Good morning Chair Brooks-  
23 Powers and members of the Committee on Transportation  
24 and Infrastructure. I am Margaret Forgione, First  
25 Deputy Commissioner at the Department of  
Transportation. With me today are Leon Heyward,

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

13

3 Deputy Commissioner for Sidewalk and Inspection  
4 Management and Rick Rodriguez, Assistant Commissioner  
5 for Intergovernmental and Community Affairs. Thank  
6 you for the opportunity to testify on behalf of Mayor  
7 Adams and Commissioner Rodriguez on hard  
8 infrastructure.

9 DOT is responsible for operating and maintaining  
10 6,300 miles of streets and highways. This includes  
11 maintaining roadways, curbs and pedestrian ramps, and  
12 jurisdiction over 12,000 miles of sidewalk. All New  
13 Yorkers use roadways and sidewalks to get around,  
14 whether by foot, bike, wheelchair, bus, car, or other  
15 mode. And all of our goods travel to their final  
16 destinations on our streets. Maintaining streets in  
17 a state of good repair is an essential part of DOT's  
18 mission and essential to the quality of life and  
19 economic success of the city.

20 DOT resurfaces streets to address problems on the  
21 surface, including cracking, peeling and patching,  
22 and replaces the top layer of asphalt pavement. This  
23 extends the streets lifespan and helps prevent  
24 potholes. The more we pave, the fewer potholes we  
25 need to fill.

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

14

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

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

21 DOT recently received \$36 million of new capital  
22 funding for the replacement of our Harper Asphalt  
23 Plant. This plant and the Hamilton Avenue Asphalt  
24 plant are key pieces of DOT's operations, producing  
25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

15

1 nearly 700,000 tons of materials for our resurfacing  
2 crews.  
3

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

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

17 Turning to sidewalks, DOT oversees and inspects  
18 12,000 miles of sidewalk. DOT also repairs over one  
19 million square feet of defective sidewalk every year,  
20 primarily adjacent to one to three family homes and  
21 city-owned property.

22 In recent years, DOT has dramatically increased  
23 our annual investment to replace sidewalks at New  
24 York City Housing Authority developments, many of  
25 which had not had their sidewalks replaced since the

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

16

1 buildings were first constructed in the middle of the  
2 20<sup>th</sup> Century. In the last five years, DOT has spent  
3 over \$44 million to repair over two million square  
4 feet of sidewalk adjacent to NYCHA developments,  
5 schools, and parks.  
6

7 All property owners are responsible for the  
8 maintenance and repair of sidewalk adjacent to their  
9 property and DOT conducts inspections to ensure  
10 sidewalks are maintained. When conducting an  
11 inspection, DOT will review the entire block face and  
12 if we find defective sidewalk, we issue non-monetary  
13 notice of violation to the adjacent property owner.  
14 The property owner then has 75 days to repair the  
15 sidewalk. After 75 days, the city may perform the  
16 repair and bill the property owner for the cost.

17 In 2019, DOT stopped issuing notices of violation  
18 to one to three family properties for sidewalk  
19 defects that are entirely due to tree roots. DOT  
20 will still repair the sidewalk at no cost to the  
21 property owner when mobilized at the location, but  
22 new defective sidewalk complaints that mention tree  
23 roots are routed directly to New York City Parks.

24 DOT will also be doing more for curb maintenance.  
25 We recently received an unprecedented nearly \$21



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

17

1 million over three years to replace approximately  
2 150,000 feet of new curb citywide. An important note  
3 about curb maintenance. In order to repair the curb,  
4 DOT must also repair the first flag of the sidewalk.  
5 We also continue to have our in-house crews and  
6 contractors out every day to install and upgrade  
7 pedestrian ramps across the city.  
8

9 Turning to the legislation before the Council  
10 today.

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

19 DOT coordinates closely with Parks and other  
20 agencies on sidewalk repairs. Prior to construction,  
21 DOT performs a conflict check comparing the sidewalk  
22 repair plan with DOT and Parks scheduled projects and  
23 coordinates with the appropriate staff if there are  
24 overlapping projects. DOT and Parks also have  
25 quarterly coordination meetings. It is important to

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

18

1 note that a notice of violation for a sidewalk defect  
2 is a non-monetary lien and there is no fine  
3 associated with the notice.  
4

5 In addition, DOT does not issue notices of  
6 violations for sidewalk defects caused solely by tree  
7 roots. Finally, in the last five construction  
8 seasons, less than one percent of sidewalk repairs by  
9 the city have been made within 90 days of issuing a  
10 notice of violation. While DOT supports the bill's  
11 intent to avoid redundant work, we believe this bill  
12 may have the opposite effect from what is intended.  
13 This bill would create confusion about who is  
14 responsible for making sidewalk repairs, delay such  
15 repairs, and thus potentially undermine sidewalk  
16 safety. We would be happy to discuss our current  
17 coordination efforts and how they can be improved  
18 with the Council.

19 Next, Intro. 596 sponsored by Council Member  
20 Schulman. This bill would require DOT to repair  
21 curbs that the department determines are safety  
22 hazards when resurfacing. DOT street resurfacing  
23 crews already notify DOT's Sidewalk Program of any  
24 curbs damaged during resurfacing or those that are  
25 defective. These locations are added to our list of

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

19

1 curbs that need to be repaired and are prioritized.

2 But curb repairs cannot happen as part of resurfacing  
3 as curb material is different from resurfacing  
4 material and requires a different method of  
5 construction.  
6

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

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

21 While DOT works hard to mill and pave as quickly  
22 as possible, we do not support this bill as written.  
23 We must give utility companies, plumbers and our  
24 sister agencies sufficient time to make repairs under  
25 the asphalt and are concerned that the outreach

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

20

1 requirements would be burdensome. We coordinate  
2 extensively to ensure the time when a street is  
3 milled is well used. Without this necessary time for  
4 repairs, more cuts would need to be made to roadways  
5 in the future, which would make the whole process  
6 less efficient. We all want to avoid the situation  
7 where a newly resurfaced street needs to be cut into  
8 for a repair right after it is resurfaced.  
9

10 To give a recent example of why this is  
11 important, in April, we were resurfacing Union Street  
12 in Brooklyn when we discovered a water leak after  
13 milling the roadway. DEP secured an emergency work  
14 order, and DOT waited for the pipe repairs to be  
15 completed before paving. In all, it took 21 days  
16 from beginning of milling until the end of paving.  
17 Aged underground infrastructure creates a unique  
18 challenge that our resurfacing crews encounter  
19 regularly. We coordinate with relevant stakeholders  
20 and do our best to make sure a resurfaced street  
21 remains intact for as long as possible. The public  
22 may be inconvenienced with a milled roadway for  
23 longer than originally anticipated, but in return  
24 they will get a smooth road for years to come.  
25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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1  
2 Moreover, it is critical that we maximize our  
3 capacity to ensure we can reach our annual  
4 resurfacing targets. The pace of paving is faster  
5 than that of milling, so we must have enough areas  
6 milled in order to spend our resurfacing dollars  
7 well.

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

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

22 CHAIRPERSON BROOKS-POWERS: Thank you. I just  
23 want to add that we've been joined by Council Member  
24 Louis who we wish a happy belated birthday.

25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

22

1  
2 I want to start with my questions centering  
3 around equity of course, because you know how I feel  
4 about that but it's good to see you all and thank you  
5 for being here. So, many of the neighborhoods with  
6 crumbling infrastructure, potholes, cracked sidewalks  
7 and failing streets are predominantly minority  
8 neighborhoods and poor neighborhoods, particularly  
9 those in outer boroughs. This is especially  
10 concerning because these public spaces are the way  
11 the people in the city stay connected with each  
12 other.

13 Does DOT keep track of metrics such as time to  
14 fix potholes, resurface streets and fix traffic  
15 signal effects, disaggregated at the community and  
16 neighborhood level? And if so, can you share that  
17 information?

18 MARGARET FORGIONE: Okay, uhm, I can tell you  
19 that overall our citywide response rate for pothole  
20 repairs currently is two days. So, as we get you  
21 know complaints either from the public or from our  
22 own workforce, from multiple place on average right  
23 now, we're able to repair potholes within two days.  
24 That's across the city. I don't have with me  
25 statistics on specific neighborhoods but we're very

1  
2 consistent from neighborhood to neighborhood on  
3 pothole repair.

4       On resurfacing, the amount of resurfacing lane  
5 miles is allocated by borough based directly on the  
6 number of lane miles within that borough. So, for  
7 many decades, that's the way DOT has allocated our  
8 resurfacing target directly based on lane miles  
9 within the borough. Then we break it down at the  
10 community board level also based on number of lane  
11 miles within that community board. And then based on  
12 the streets assessments that I was referring to  
13 earlier, we determine which streets are most in need  
14 of resurfacing.

15       We have approached resurfacing that way for  
16 decades. So, we have consistent streets across the  
17 borough. It's not correct that one neighborhood  
18 bears the brunt of more problematic streets than  
19 another neighborhood but we're happy to get into any  
20 of that data after the hearing and share that with  
21 you.

22       CHAIPREPERSON BROOKS-POWERS: So, if there's no  
23 aggregated data around for example potholes, how does  
24 DOT know if it's consistent?

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

24

3 MARGARET FORGIONE: Well, we do have that data  
4 and I can see if we can break it down by Community  
5 Board or by neighborhood but I can tell you that  
6 across the board, consistently from neighborhood to  
7 neighborhood, the response time is two days. It  
8 doesn't vary widely from neighborhood to  
9 neighborhood.

10 CHAIRPERSON BROOKS-POWERS: It would be good to  
11 just have that information. And does DOT take into  
12 account its priority investment areas which it  
13 implements as part of the streets plan when sending  
14 out repair crews for regular street maintenance?

15 MARGARET FORGIONE: We send out repair crews in  
16 every location that is needed and we have examined  
17 our work across the priority investment areas to  
18 confirm that we're delivering service in an equitable  
19 manner and across the board for different metrics.  
20 We have confirmed that that is the case.

21 CHAIRPERSON BROOKS-POWERS: So, I'm just - just  
22 so I'm clear because I don't think I fully  
23 understood, is DOT taking into consideration the  
24 priority investment areas when sending it out?  
25 Considering that that's a part of the streets plan  
and that's a priority in itself with DOT but then you



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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1  
2 have regular street maintenance. Like does one  
3 impact the other or are you looking at them like in  
4 two different lenses? Like how yeah.

5 MARGARET FORGIONE: Uh, huh. So, for regular  
6 repairs, some of the ones that you indicated, pothole  
7 repair, resurfacing, signal signage repairs. We  
8 repair – we send out crews across the board. We're  
9 as responsive as we can be. When we're doing our  
10 critical safety work, we're very much also paying  
11 attention to the priority investment areas to make  
12 sure that we are properly addressing the needs in  
13 those neighborhoods.

14 CHAIRPERSON BROOKS-POWERS: Street resurfacing  
15 cost increases. The average cost per lane mile to  
16 resurface streets has increased 21 percent over the  
17 last five years from \$158,620 in fiscal year 2019 to  
18 \$191,855 in fiscal year 2023. While the average in-  
19 house costs of asphalt per ton has remained  
20 relatively the same, the average vendor cost of  
21 asphalt has increased by over ten percent. Why has  
22 the average vendor cost of asphalt increased while  
23 the average in-house cost has remained the same?

24 MARGARET FORGIONE: Okay, in general, the cost of  
25 asphalt fluctuates depending on the cost of

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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1  
2 petroleum-based products right? It has, it's an oil-  
3 based product, so that is usually what you see with  
4 the fluctuations. I do know that our in-house  
5 asphalt material itself has gone up as the vendor  
6 asphalt has as well. If the overall cost of the  
7 numbers that you're looking at, the overall cost has  
8 gone down, man power and other factors have probably  
9 contributed to the in-house cost staying lower.

10 CHAIRPERSON BROOKS-POWERS: And of the 1,201 lane  
11 miles resurface in fiscal 2023, how many lane miles  
12 use in-house asphalt and how many use vendor supplied  
13 asphalt?

14 MARGARET FORGIONE: Uhm, I have that breakdown  
15 for you. It's roughly 50/50. I can get that in a  
16 moment.

17 CHAIRPERSON BROOKS-POWERS: As you're looking for  
18 that, I'm going to just throw in one question. How  
19 much did DOT spend on in-house asphalt cost in fiscal  
20 2023 compared to vendor supplied asphalt.

21 MARGARET FORGIONE: Right, oh I'm sorry Chair,  
22 can you repeat that question?

23 CHAIRPERSON BROOKS-POWERS: How much did DOT  
24 spend on in-house asphalt costs in fiscal 2023  
25 compared to vendor supplied asphalt?

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

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2 MARGARET FORGIONE: Okay, I don't have that  
3 number with me right now but we will follow up and  
4 get that for you. And then in terms of the amount of  
5 asphalt produced in-house versus purchased, uhm, it's  
6 roughly 50/50 but we will get the exact breakdown for  
7 you.

8 CHAIRPERSON BROOKS-POWERS: And DOT previously  
9 had a goal to repave 1,300 lane miles annually, which  
10 was reduced to 1,100 lane miles per year in fiscal  
11 2020 and fiscal 2021. Last year, in fiscal 2023  
12 budget response, the Council urged the Admin to  
13 increase baseline funding for street resurfacing by  
14 \$45.1 million to allow DOT to repave 1,300 annually.  
15 This funding was not added at adoption. The fiscal  
16 2024 adopted budget maintains the repaving goal of  
17 1,100 lane miles.

18 Given that the budget only provided funding to  
19 repave 1,100 lane miles, is this resurfacing of 1,100  
20 lane miles adequate to meet the city's needs?

21 MARGARET FORGIONE: Uhm we believe 1,100 lane  
22 miles is a very good target for us to have. We're  
23 very happy with that and as I mentioned in my  
24 testimony, that figure has now been baselined.  
25 Meaning we can predict that we're going to keep doing

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

28

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2 it year after year with previously the amount  
3 fluctuated, it could go above, as you indicated  
4 1,300. It could go way below, which all of a sudden  
5 left us in a position we didn't want to be in. So,  
6 we feel like the consistent 1,100 is a very, very  
7 good balance and will keep our streets in a state of  
8 good repair going forward.

9 CHAIRPERSON BROOKS-POWERS: And although last  
10 year we had a mild winter, what will happen to our  
11 streets if we have a more typical winter season?  
12 Does the department have the staff capacity to repave  
13 additional lane miles beyond 1,100 in fiscal year  
14 2024 if roads fall into disrepair?

15 MARGARET FORGIONE: Well, if we do have a worse  
16 winter, uhm, we would look at obviously repairing  
17 more potholes, doing more maintenance type repairs,  
18 which can be uhm, sometimes we refer to those as  
19 strip paving, which are larger patched areas.

20 We would not be able to greatly increase our lane  
21 mile target. Often we go a little bit over, so we'd  
22 probably be able to do that but even if we had a  
23 harder winter, we would be able to manage the  
24 resurfacing that we would need to.

25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

29

3 CHAIRPERSON BROOKS-POWERS: And so you said that  
4 the agency has the adequate staff capacity for that,  
5 in the event of a -

6 MARGARET FORGIONE: Well, the staffing that we  
7 have in our roadway division for resurfacing is to  
8 handle of the 1,150 lane miles a year. Like I said,  
9 we usually do go over that a little bit. We can also  
10 do some more extensive repair work if we need to with  
11 that staff. So, we feel that would take care of the  
12 issue.

13 CHAIRPERSON BROOKS-POWERS: In active performing  
14 and in-house resurfacing, what is the average length  
15 of time before DOT repaints street markings and if  
16 there's a delay, why? Because I've seen where we've  
17 seen roads melt but then, there's no lines for quite  
18 some time after.

19 MARGARET FORGIONE: Right, so we have uhm, the  
20 roadway markings are done mainly by contract forces.  
21 Uhm, we have contracts in every borough. As we  
22 complete resurfacing, we give the orders to our  
23 contractors to do but what we do is, we prioritize  
24 large roads, two-way traffic, complex street  
25 geometries, where you really need the markings down  
as soon as possible.

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

30

3 So, we seek to get them out to those roads as  
4 quickly as possible.

5 CHAIRPERSON BROOKS-POWERS: Are those two  
6 separate like contracts? Like, is one doing the  
7 milling, then the separate contract doing road  
8 markings?

9 MARGARET FORGIONE: Yes.

10 CHAIRPERSON BROOKS-POWERS: And does DOT work to  
11 make sure that they coincide because even with parks  
12 I notice, when they prune the trees, you'll have the  
13 shrubs in the street for weeks but then I was told  
14 there's a different contract, and so they have to  
15 wait for that next contract. The next contractor is  
16 going to do that phase of it. So, like is there  
17 coordination?

18 MARGARET FORIONE: Yeah, we're very much  
19 orchestrating the whole thing, so we do some of the  
20 milling ourselves. We do some by contract. We then  
21 do the paving ourselves and then we give the markings  
22 to a different contractor but we are overseeing that  
23 road every moment of the operation. We're making  
24 sure after its milled, if it needs to be swept and  
25 kept clean, to keep the dust down that we're doing  
that. We're watching what the utilities are doing,

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

31

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2 which I know we're going to discuss in further detail  
3 to make sure that work moves ahead and then we're  
4 very much making sure that the moment the road is  
5 done, we are giving it to a contractor.

6       Sometimes we have a lot of roads to mark and  
7 that's why we will always seek to prioritize the ones  
8 that need to get done ASAP. But if any of you ever  
9 see roadways that you're finding are not marked in a  
10 timely fashion or you're concerned about if you can  
11 let us know we would always appreciate that.

12       CHAIRPERSON BROOKS-POWERS: Thank you. I'm going  
13 to yield to my colleagues. I'm going to come back  
14 with questions. So, first, we'll hear from Carr and  
15 then Restler.

16       COUNCIL MEMBER CARR: Thank you Chair.  
17 Appreciate you having this important hearing on these  
18 really critical issues. Deputy Commissioner, always  
19 great to see you and your team. I want to talk a  
20 little bit about Council Member Brannan's bill but  
21 I'll just start by saying, you know I agree with the  
22 Chair's call for additional lane miles. I think  
23 1,100 is great, particularly when you think of the  
24 Bloomberg Administration where I think there was  
25 under 800 lane miles a year, resurfaced at certain

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

32

1 stages, so this is a vast improvement but as we  
2 approach the pandemic, DOT was set to surface more  
3 than 1,100 based on commitments of the previous  
4 administration that had to be set aside in order to  
5 make up for those we'll call them deficit years. And  
6 I think it's important that maybe in the next fiscal  
7 year, we try to do 1,200 or 1,300 at least once, so  
8 that we can make good on that commitment from a few  
9 years ago. But I want to talk a little bit about the  
10 time between milling and resurfacing. If you're  
11 partners in the utilities and other companies were  
12 not a factor, what would you say would be the goal of  
13 the agency between milling and resurfacing? The  
14 ideal length of time?

16 MARGARET FORGIONE: I would say it would be about  
17 two weeks.

18 COUNCIL MEMBER CARR: So, two weeks is what you'd  
19 like to do if there was no complicating factors from  
20 an external force?

21 MARGARET FORGIONE: Roughly about two weeks.

22 COUNCIL MEMBER CARR: So, given that's what the  
23 goal of Intro. 905 is and that it's in no way  
24 requiring the agency to actually do the work. We  
25 require you to either do the work or inform the



1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

33

3 community stakeholders that there's going to be a  
4 delay. I guess I'm wondering like what the real  
5 issue is, especially when I don't think the agency  
6 would ever just resurface a street so they wouldn't  
7 have to send out a notification. So, this issue of  
8 oh, well it may end up with a more emergency street  
9 cuts, which I hate when they cut into our protected  
10 roads. That doesn't seem to be a likelihood. Can  
11 you comment on that?

12 MARGARET FORGIONE: Of course and thank you. We  
13 totally agree with where you're going. We understand  
14 why this is important. Anyone who lives on a block  
15 and the roadway has been milled for days on end is  
16 very frustrated and we understand that and we don't  
17 want that. But the thing we most don't want is to  
18 not have that important work done.

19 So, maybe we should talk for a moment about all  
20 the work that does take place during that time  
21 period. So, we have the utilities whenever we - we  
22 coordinate with them very carefully so they  
23 understand when milling is taking place. They assess  
24 once the street is open if there's anything that  
25 needs to be done. Sometimes as I mentioned, we find  
a water leak. Sometimes there is a minor gas leak,

1  
2 which is actually an excellent time to find that  
3 because that work can be done before the road is  
4 quickly repaired and that problem potentially grows  
5 worse and could present a safety issue further down  
6 the line, months and even years ahead.

7       So, the utilities do need to come in during that  
8 time and I'd much rather have them take a few extra  
9 days and really repair the street right for safety  
10 reasons. And then also as you indicated, to not come  
11 back in six months, a year, two years and then dig up  
12 that fresh road again that we're not coming back for  
13 years and years to come.

14       So, I would much rather ask the public for  
15 patience on the milled roadway than have them in a  
16 few years get back lousier street that has a street  
17 cut to keep that intact street and to your question,  
18 is like what is the harm of the bill. The bill would  
19 require that we would have to have staff. My  
20 understanding the way I'm looking at that bill is  
21 actually post information on the site.

22       So, that would require tremendous staffing in a  
23 time where obviously staffing is a problem for us to  
24 go out and post individual tailored notices to that  
25 neighborhood and potentially do that many times over.

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

35

3 So, to touch on some of the current timeframes, about  
4 a quarter of milling and paving work is done within  
5 14 days. And then about 37 percent is done on top of  
6 the next category, is between two weeks and three  
7 weeks. So, most of it has been done in that next  
8 one-week period. And then we have 25 percent that is  
9 done between 22 and 28 days and then we have a small  
10 percent that is done above that.

11 So, quite a bit – the bulk of our work is not  
12 done within the 14 days. So, what that means is that  
13 we're going to be working hard to explain in terms  
14 that people can understand what the work is and when  
15 we anticipate it will be done. We'll be running  
16 around posting that. It will be very burdensome to  
17 us.

18 COUNCIL MEMBER CARR: Yeah, well I think just if  
19 I could briefly Chair and I'll close, finish up.  
20 The, the, I think the issue we have is you're asking  
21 the public for patience and I think they would be  
22 understanding based on a lot of the circumstances  
23 that you've highlighted in your testimony and that  
24 we've all experienced in our offices dealing with the  
25 agency. But they're operating in the dark right and

1  
2 that's the whole purpose of the notification  
3 component.

4       So, I understand there's a certain level of  
5 burden placed on the agency to effectuate that but  
6 how can you ask them for patience is you're not  
7 communicating with them the why and that could be a  
8 very good why, as to why the project is delayed.  
9 Particularly in those circumstances where you even go  
10 beyond the third week.

11       MARGARET FORGIONE: Right, maybe we can talk with  
12 you more about this bill and figure out if there's a  
13 way we can do better at communicating. We're very  
14 much open to that. We could always do better at  
15 that.

16       COUNCIL MEMBER CARR: Thank you.

17       CHAIRPERSON BROOKS-POWERS: Thank you Council  
18 Member Carr and you know to the point that I believe  
19 Council Member Carr was making, the bill allows for  
20 exceptions, as long as it's you know posted online.  
21 So, I'm not sure if you know a matter of the public  
22 being patient, anything like, all of that is kind of  
23 factored into the way like I take into account this  
24 legislation. But next we will hear from Council  
25 Member Restler followed by Joseph.

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

37

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2 COUNCIL MEMBER RESTLER: I think it's your  
3 birthday.

4 MARGARET FORGIONE: Yes.

5 COUNCIL MEMBER RESTLER: Happy birthday Margaret.

6 MARGARET FORGIONE: Thank you.

7 CHAIRPERSON BROOKS-POWERS: Oh, happy birthday.

8 COUNCIL MEMBER RESTLER: I don't know what kind  
9 of Commissioner would send you here on your birthday.

10 MARGARET FORGIONE: I didn't tell them.

11 COUNCIL MEMBER RESTLER: You know, you know I  
12 know how eager you are to see our Chair and the fine  
13 members of this Committee but like, geez it's your  
14 birthday. I mean Oey but Margaret, you are like a  
15 tremendous public servant. We're fortunate to have  
16 you in city government and I hope you do get to enjoy  
17 some portion of your birthday outside of these few  
18 hours.

19 Uhm, that was my nice part. No, I'll say one  
20 other nice thing. Uhm, I like truly appreciate the  
21 working relationship we've developed especially with  
22 the Brooklyn Office and the intergovernmental team.  
23 We meet with Commissioner Bray every month. We go  
24 through 50 or more issues within follow up in writing  
25 on each of them and him and his team are incredibly

1 responsive and I, on the kind of meat and potatoes,  
2 on the day-to-day work of the agency, it is a  
3 tremendously positive experience working with your  
4 team for me and my office.  
5

6 And this morning, I'm very happy to report that  
7 what I would describe as the street that's in the  
8 worst condition in all of District 33 is being  
9 repaved on Pacific between third and fourth. So,  
10 there are going to be a lot of very, very happy  
11 people in Boerum Hill this morning.

12 MARGARET FORGIONE: Great to hear.

13 COUNCIL MEMBER RESTLER: It is. Uhm, it took  
14 some work because there's a school constructure  
15 authority project that has been going on forever on  
16 that block but DOT agreed to repave around it, which  
17 we appreciate. So, thank you.

18 The MMR found 23 percent reduction in protective  
19 bike lanes, 40 percent in bus lanes, 60 percent  
20 reduction in LPI's, Leading Pedestrian Intervals year  
21 over year and attributed the primary cause to our  
22 declines and substantial and frankly jarring declines  
23 in these critical areas to be around a lack of  
24 staffing.  
25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

39

3 I think the data, the most recent data I saw was  
4 750 vacancies, 13 percent vacancy rate. Please tell  
5 me if you have more up to date figures. But deeply  
6 concerned that the hiring freeze is going to further  
7 undermine DOT's ability to catch up on this work.  
8 And since I'm out of time, I just want to ask two  
9 other questions for you to respond to briefly.

10 Firstly, there have been huge delays in signals.  
11 You know we have street lights approved or you know  
12 in front of schools that are huge safety priorities  
13 and it will take nine or twelve months to get them  
14 installed and I hear that there are a lot of internal  
15 delays. You guys don't even want to share publicly  
16 that new street lights are coming of of the severity  
17 of the delays because you don't have to have  
18 mismatched expectations. We're trying to understand  
19 what's going on there. How do we fix it?

20 And then thirdly, this is just one that I'm  
21 excited about, repaving, have we thought about  
22 climate impacts of this work and are there in places  
23 like Phoenix that started to white and grey paint and  
24 other things, they can have huge reductions in the  
25 urban heat island effect. As high as ten to thirteen  
degrees. Have we thought about pursuing alternative

1  
2 colors or doing different things, more permeable  
3 materials that could be beneficial for the climate  
4 realities that we're now facing?

5 So, that was a lot but if you could – if you  
6 wouldn't mind, I'd be interested in your responses.

7 MARGARET FORGIONE: Okay, thank you for those  
8 questions. Currently DOT's vacancy rate is at about  
9 ten to eleven percent. That is actually pre-COVID  
10 rate. We have been working very hard over the last  
11 year or two to staff up, to ramp up. So, as we enter  
12 this new difficult time, we feel that we are actually  
13 in a very good place.

14 COUNCIL MEMBER RESTLER: Okay.

15 MARGARET FORGIONE: For a lot of the work that  
16 we're talking about here today, those are crews that  
17 will not be effected. So, for example, our  
18 resurfacing crew, Commissioner Heyward's concrete  
19 crews, those are crews that are charged the capital  
20 budget and we generally keep them outside of hiring  
21 freezes for that reason. So, the infrastructure work  
22 that we're doing will be able to continue throughout.  
23 So, we're feeling confident about that.

24 Uhm, delays in signal new installations, yes,  
25 that is correct. We have a backlog in our contracts.



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

41

1  
2 Uhm, we have a number of contracts that we are  
3 bringing online and I can get you more details. I  
4 don't have that information with me today but we do  
5 recognize that that should be moving more quickly and  
6 we're anxious as well to make sure those  
7 installations -

8 COUNCIL MEMBER RESTLER: Do you think with the  
9 new contracts you'll be able to significantly speed  
10 up the timelines?

11 MARGARET FORGIONE: That is the goal. That is  
12 the goal, so we can follow up with you after a little  
13 bit more details on that. And then in terms of the  
14 climate impacts of paving, Commissioner Heyward in a  
15 moment can talk a little bit about some of our work  
16 we're doing with porous pavement, his crews but we're  
17 also experimenting with new types of binders for  
18 asphalt. We're looking at synthetic binders, which  
19 you know it's a little bit of a misnomer but it's  
20 like uhm, people call it like recycled asphalt  
21 because it can potentially use some recycled  
22 materials, plastic to bind together the asphalt.

23 The reason why we're very interested in that is  
24 because we can use colors. We can use red for bus  
25 lanes. We can use green for bike lanes. So, we've

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

42

1  
2 experimented with that a little bit. Right now that  
3 technology is extremely expensive. A lot of the  
4 material actually comes from Europe because they're  
5 the one's working with that now, so we need to  
6 generate like a market within the United States and  
7 what better you know city to start that than New York  
8 City. So, we're very interested in doing that and we  
9 can share more details of those pilots that we've  
10 done. But maybe Commissioner Heyward can talk a  
11 little bit about porous pavement.

12 LEON HEYWARD: Yeah, so a few years ago, we've  
13 been experimenting with the porous slabs in the  
14 gutter of locations where we've had some ponding  
15 concerns and we were using this in order to help  
16 alleviate those concerns, even when we couldn't  
17 really place another catch basin to try to address  
18 it.

19 So, that has been very promising to us. We've  
20 also had two projects over the past last construction  
21 season. One actually on Bristol off of Picken and  
22 the other on uhm, I believe it's Rimson near Glenwood  
23 or something like that. Both of those projects are  
24 next to schools. In fact, we put those in the ground  
25 not this season but the previous season and those are

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

43

1  
2 proving to be very successful in terms of getting the  
3 water to drain into the soil, rather running into the  
4 sewer system and you know actually kind of there.

5 We have another project that we're interested in  
6 doing and that one is on I believe it's east New York  
7 in front of the pool. There's a housing complex  
8 there. There's a swimming pool there. Right now,  
9 there's major sewer work that's going on there but we  
10 do plan on doing the sidewalk and porous material in  
11 front of that pool to again, expand the type of  
12 projects that we've been experimenting with and  
13 seeing where we can go with them further.

14 Now, also DDC working on our behalf has been  
15 doing a lot of porous work in the curb on projects  
16 that they've been doing. We can get a list of those  
17 projects that they have been doing and you know, so  
18 the projects that we've been doing in-house, you know  
19 they're small. What DDC is doing, they're doing  
20 entire blocks. They're doing a whole curb lane or  
21 entire blocks to put in porous concrete, so that you  
22 know the water can drain into the soil, rather than  
23 drain into the sewer. And that's the whole goal of  
24 using the porous concrete but we can again, we can  
25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

44

3 work on getting a list of projects that DDC has that  
4 where they're doing that.

5 COUNCIL MEMBER LOUIS: Alright, thank you for the  
6 response to those questions and now we have Council  
7 Member Joseph.

8 COUNCIL MEMBER JOSEPH: Thank you Council Member  
9 Louis. I have quite a few questions. I wanted to  
10 find out any updates on Intro. 258? DOT was supposed  
11 to provide a report since the bill was passed last  
12 year. We haven't received anything.

13 Installing bathroom, a report on to where to  
14 install bathrooms in the five zip codes.

15 MARGARET FORGIONE: Okay, my understanding is  
16 that report is due at the end of the year. Yes, so  
17 we are currently working on that report. The report  
18 will identify a location within each zip code. It  
19 will also lay out the criteria that we are taking  
20 into account as we try to site those bathrooms. We  
21 very much agree with the bill. We are on board to  
22 get as many bathrooms up and operational. Knowing  
23 it's a challenge in New York City but we are working  
24 hard on that report right now.

25 COUNCIL MEMBER JOSEPH: Thank you very much. So,  
my following questions are, DOT has a target to

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

45

1  
2 install 250 speed reducers annually. In Fiscal 2023,  
3 DOT installed 231 speed reducers, a 12 percent  
4 decrease from fiscal 2022 and a 20 percent decrease  
5 from fiscal 2019. Why did DOT miss its targets of  
6 250 speed reducers in 2023? Can you please provide  
7 the Council with a breakdown where these speed  
8 reducers were installed by borough? How is DOT  
9 ensuring that speed reducers are installed equitably  
10 throughout the city? And why does it take ten years  
11 to install speed bumps?

12 I've been getting a lot of calls from my  
13 constituents about them on a particular street,  
14 particular streets. I don't know, maybe we can talk  
15 offline about that as well, but I'd like to hear your  
16 thoughts.

17 MARGARET FORGIONE: Okay, thank you for asking  
18 that question. We care very much about speed humps  
19 too. It's a very good way for us to address  
20 conditions specific to a certain street, a certain  
21 neighborhood. Currently, we have two speed hump  
22 crews. Last year in fiscal '23 they installed 549  
23 speed humps. The challenge with speed humps and  
24 probably stating the obvious is that every time you  
25 mill and pave a road, you have to put them back. So,

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

46

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2 not only are we doing the new ones that are newly  
3 qualified, we're also reinstalling the ones that we  
4 took out for milling and paving.

5       So, we're doing double work, which is good, we  
6 want to be able to do that but it slows us down. So,  
7 last year, we did about 197 new installations, 321  
8 reinstalls. We also did 20 raised crosswalks and 11  
9 speed cushions, which are basically speed humps for a  
10 route that has buses on it.

11       We, just this month, in order to address this  
12 concern, which we've heard from you and a lot of your  
13 colleagues, we have actually begun training  
14 additional staff within the agency to install speed  
15 humps. So, what we're doing is instead of these two  
16 crews doing all of the work and seeing how much we  
17 can pull out of those two crews, we want to spread  
18 the wealth and have other people be able to do this  
19 work as well.

20       So, we're currently in Queens. We have a big  
21 back log in Queens. We're training our Queens crews  
22 to be able assist the speed hump crews and do speed  
23 humps on their own. So, we're starting with Queens  
24 and then we intend to work through the other boroughs  
25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

47

1 bringing a lot of other people into the speed hump  
2 work and then get down that backlog.

3  
4 COUNCIL MEMBER JOSEPH: And you'll be able to  
5 share a breakdown. You'll be able to send us a  
6 report as I mentioned? An equitable - it has to be  
7 equitable and we're not seeing that and this is one  
8 of the things I know the Chair is very passionate  
9 about. That as DOT does the work throughout the  
10 city, that it's equitable and it's meeting the needs  
11 of every neighborhood. Thank you.

12 MARGARET FORGIONE: Absolutely.

13 CHAIRPERSON BROOKS-POWERS: Next, we'll hear from  
14 Lee followed by Louis.

15 COUNCIL MEMBER LEE: Hi, good morning. Okay, so  
16 I want to just associate my comments with what  
17 Council Member Restler said. Instead of repeating  
18 all that, it's been great working with our especially  
19 Queens folks at DOT and they've been wonderful. So,  
20 just wanted to quickly add upon what Council Member  
21 Carr had brought up earlier.

22 So, when our office calls for example, because  
23 Hillside Avenue is just this one example, it's like a  
24 really big thoroughfare east west in my district and  
25 it spans I think through a couple Council Member

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

48

1  
2 districts. And so, you know that has been milled for  
3 a while and when our office called DOT they said it's  
4 going to be four weeks until it gets repaved. So, I  
5 guess even for our offices, is there a way to  
6 communicate to us because when we asked why - because  
7 people will call us right? And so, at least if our  
8 Council offices are made aware of the reasons why, I  
9 think that would help because like you said, I could  
10 imagine in Avenue, like Hillside Avenue being very  
11 complicated and there's a lot of stuff underneath the  
12 surface that needs to get addressed but if we can  
13 also get access to that information, I think it would  
14 help us to alleviate some of the angry calls we  
15 sometimes get about the billing. So, just wondering  
16 if we could have -

17 MARGARET FORGIONE: Yes, happy to talk with you  
18 more and figure out how we can get you more specifics  
19 on certain corridors and locations, so that you're  
20 armed with that information too.

21 COUNCIL MEMBER LEE: Yeah, because I will say, I  
22 think it definitely helps to calm down a lot of the  
23 phone calls we get too if they understand the why.  
24 And then once they get that, they're like okay we get  
25 it. I think it helps with the patience aspect too



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

49

1 we're talking about. And then just in terms of the  
2 bill that we're proposing. So, I just wanted to know  
3 really quickly and please at any point, correct me if  
4 I'm misunderstanding the process because I could see  
5 how you're saying that the first part of the bill may  
6 be redundant in terms of the communication because  
7 you guys do meet quarterly with Parks, but I guess my  
8 question was more around the cost to the homeowners.  
9 Because even though it's a nonmonetary violation  
10 lean, it's still a lean. So, what we've been hearing  
11 from a lot of the homeowners is that the lean impacts  
12 if they're going for refinancing or if they're trying  
13 to sell their home or - so in other words, even  
14 though it's a nonmonetary notice, it still has a  
15 financial impact.  
16

17 So, I was just wondering if that was something  
18 that you'd be willing to maybe have further  
19 conversations about? And then also, if you could  
20 discuss because I do think it makes sense to you know  
21 have bills out there that work for both the agency  
22 and the constituents and the Council. So, if you  
23 could just delve a little bit deeper into why this -  
24 or why you think this would create confusion about  
25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

50

1  
2 who's responsible for making the sidewalk repairs. I  
3 guess from the homeowner perspective.

4 MARGARET FORGIONE: Okay, so I'll start and then  
5 I'll ask Commissioner Heyward to jump in. So, uhm,  
6 in terms of logistics, we would - our inspectors that  
7 are out there would need to do quite a bit more  
8 research in the course of their like daily duties.  
9 So, we estimate that each one, it would take them  
10 probably about 20 minutes more per location, per  
11 violation or notice of correction in order to  
12 research what the bill would request and then  
13 incorporate that into what they do or what they don't  
14 do.

15 So, right there, that would kind of really slow  
16 us down and being that only about one percent of  
17 property owners are encountering the situation that  
18 bill tries to address, we feel that maybe that is  
19 just really bogging down the process too much and it  
20 will just affect our overall sidewalk program by  
21 doing that. That's kind of the most critical issue  
22 that we have but I'll let Commissioner Heyward  
23 explain it a little bit further as he oversees the  
24 staff that actually do the work.

25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

51

1  
2 LEON HEYWARD: Right and also, it's important to  
3 understand and you know sometimes maybe it's an  
4 education thing as well and it was talked about in  
5 the testimony, how the repair of sidewalks that are  
6 damaged by tree roots, if you allow us to do it, you  
7 will not be charged for those flags. You will be  
8 charged for damage that are not associated with the  
9 flags but you will not be charged for the flags that  
10 are associated with the tree roots.

11 COUNCIL MEMBER LEE: And my understanding though  
12 is that for new cases though, those are getting  
13 forwarded to Parks first though, right?

14 LEON HEYWARD: So, what happens when people send  
15 in a 311 complaint and it has tree roots, it will go  
16 to Parks and they will do their assessment and  
17 determine how they can rate it and prioritize it on  
18 their work. But what tends to happen a lot of times  
19 is we may get called to that block, right. Maybe not  
20 to that property but to that block but when we go to  
21 a specific block, we inspect - when we go to a  
22 specific location, we inspect the entire block and we  
23 may end up giving a violation to someone that may  
24 have applied to the parks program that has defects  
25 that are beyond just the tree.

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

52

3 So, that person will get a notice of violation  
4 from us and in our material, we will explain to them  
5 that any damage that's caused by tree root, if you  
6 allow us to do the repairs, you will not be charged  
7 for it.

8 Now another issue you talked about was the lien.  
9 If people are refinancing and the property is staying  
10 in their name, we had been able to provide them with  
11 a letter so that they can complete the refinance  
12 program. However, if they are turning it over, then  
13 actual work has to be done or funds have to be put  
14 into -

15 COUNCIL MEMBER LEE: Escrow.

16 LEON HEYWARD: Escrow, right for them to continue  
17 the process on. So, you know we've been available to  
18 help people through that process. Not only in the  
19 material that we mail to them, the material that we  
20 have on the website. Also, if they call into our  
21 office, we've been able to provide information as  
22 well.

23 COUNCIL MEMBER LEE: Okay, yeah.

24 LEON HEYWARD: And perhaps coming out and  
25 explaining what we do is something that could be  
valuable to your community.

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

53

1  
2 COUNCIL MEMBER LEE: Yeah, maybe I just have all  
3 the one percent of the work in my district. I mean  
4 because I will tell you, it feels like a lot more  
5 because that's one of the main calls that we get. So  
6 I do want to talk about it further but I know that  
7 time is up, but I would love to continue the  
8 conversation because this is really a big issue,  
9 yeah.

10 CHAIRPERSON BROOKS-POWERS: Uhm, next we'll hear  
11 from Council Member Louis followed by Narcisse.

12 COUNCIL MEMBER LOUIS: Thank you Chair. Thank  
13 you all for being here. Happy Birthday.

14 MARGARET FORGIONE: Thank you.

15 COUNCIL MEMBER LOUIS: I hope you do enjoy today.  
16 I have two quick questions and Council Member Joseph  
17 did highlight the speed bump question. But the first  
18 question I had in regards to milling and paving. I  
19 wanted to know, do you have a project manager that  
20 manages emergency work versus schedule maintenance  
21 that needs to happen for milling and paving? I'm  
22 only asking that because as I saw the back and forth  
23 in the conversation and your recommendation for the  
24 community to have more patience, if you have the  
25 information in advance, you have time to notify the

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

54

1 community. If it's emergency work, it's different.

2  
3 So, a project manager should know when there is  
4 scheduled maintenance work that has to happen so they  
5 can notify the community, therefore they'll be  
6 patient. But if they're not aware, then you'll have  
7 disgruntled constituents and I'm mentioning this and  
8 if you could answer the project manager question  
9 because Kings Highway from Church Avenue going all  
10 the way into Brownsville for some time now, is being  
11 repaved but then you have trucks and cars that are  
12 being damaged. And the Community Board states that  
13 they were not aware of the repaving. We have the  
14 same issue in the Midwood area where DEP came into do  
15 work, DOT came in and paved but didn't pave it  
16 correctly, so there's a gapping hole and there's cars  
17 falling in the whole in the Midwood area. Same thing  
18 on New York Avenue, new buildings are going up. DEP  
19 comes to do work; DOT has to come in and do paving  
20 and we still have a gapping hole in the middle of the  
21 street and this has now gone on for two years.

22 So, I just wanted to know first regarding milling  
23 and paving, emergency work versus scheduled work? Do  
24 you have like a project manager? And the second is  
25 in regards to speed bumps and reducers. I wanted to

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

55

1  
2 know, are these types of work contracted out? I  
3 heard that you're going to be hiring new staff and  
4 training them but is this type of work contracted out  
5 to help with the backlog? And why are school zones  
6 not request for speed humps for school zones not  
7 prioritized?

8 MARGARET FORGIONE: Okay, thank you for the  
9 questions. First on the speed humps, that work is  
10 all done in-house and we're not actually hiring  
11 additional people. We're just training other staff  
12 that we currently have to get them proficient in  
13 doing that work. When it comes to prioritizing speed  
14 humps, we do work closely with our Borough  
15 Commissioners on locations that are senior centers,  
16 by schools. We do seek to prioritize them for  
17 installation. And so, if you ever have any that you  
18 know we've approved that are very important to you,  
19 please like let our Borough Commissioner know, we  
20 will try to get those done as quickly as possible.

21 COUNCIL MEMBER LOUIS: We've given it to the  
22 Borough Commissioner. We're going on maybe four  
23 years, which school areas have not -

24 MARGARET FORGIONE: And do you know off hand,  
25 were those already approved?

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

56

3 COUNCIL MEMBER LOUIS: Only one was approved.

4 The others are just pending, so we -

5 MARGARET FORGIONE: Okay do you want to write me  
6 a little piece of paper with the locations and give  
7 it to me today?

8 COUNCIL MEMBER LOUIS: I'll make sure you get it.

9 MARGARET FORGIONE: Okay, we'll make sure we  
10 follow up on that. And then in terms of project  
11 managing, it's interesting your question because I  
12 think it conveys part of the problem with street  
13 work. What you were talking about was a mixture I  
14 think of DOT milling and resurfacing, which is very  
15 routine, and then other repair work in the street  
16 that usually has nothing to do with DOT, except that  
17 we oversee it.

18 COUNCIL MEMBER LOUIS: Right.

19 MARGARET FORGIONE: So, we do for our own work,  
20 we very much have project managers and if they know  
21 that say Con Ed or uhm, you know Empire City Subway  
22 or in that grid or somebody is coming in to do work,  
23 probably we should do better at conveying that to  
24 people. That hey, at this location, it turns out  
25 there actually is some extensive work. It will take  
a little bit longer. So, I would like to see if we



1  
2 can provide more feedback to the public so they're  
3 aware of those. But some of the one's you're  
4 describing sounds like emergencies that take place.  
5 The entity whether it's DEP or uhm, a utility company  
6 comes to us for a permit, we issue them a work permit  
7 and we do keep our eye on the work.

8       So, for example, if we tell them they can only  
9 work overnight. We'll watch and make sure they're  
10 complying with those stipulations. If we tell them  
11 they can only take one lane, we'll also check on  
12 that. If that is the kind of work that people are  
13 seeing and getting frustrated with, that's it's there  
14 week after week, that's something that we can help  
15 address and go back to the utility company, the city  
16 agency, whoever it is and try to get more  
17 information, speed it along or at least have a  
18 dialogue.

19       So, at each location is slightly different.  
20 There's under - unfortunately, there's hundreds, many  
21 hundreds of thousands of street cuts a year in New  
22 York City, so there's a lot of entities out there  
23 doing work.

24       COUNCIL MEMBER LOUIS: Yeah, which we're fully  
25 aware of. I think the problem is, after that entity

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

58

1  
2 is gone and DOT needs to come in, the work that's  
3 done by DOT is not fully complete or there's issues  
4 with it and we have to go back now to the Borough  
5 Commissioner to ask them to come back out and do the  
6 work.

7 MARGARET FORGIONE: Oh, well let me explain that.  
8 Like when somebody comes in and cuts the street, we  
9 never come back and clean up their mess. It's their  
10 responsibility to leave the street in a perfect  
11 condition.

12 COUNCIL MEMBER LOUIS: Right.

13 MARGARET FORGIONE: Yeah.

14 COUNCIL MEMBER LOUIS: So, what I'm saying is  
15 when DOT comes in, they do the work but it's not  
16 fully complete because now you still have parts of  
17 the issue and I could email you just so you could see  
18 what I mean.

19 MARGARET FORGIONE: Okay, yeah, got it.

20 COUNCIL MEMBER LOUIS: Thank you.

21 MARGARET FORGIONE: Okay.

22 LEON HEYWARD: Yeah, I think it would be good if  
23 you give us some locations because we also do have  
24 our inspectors that go out and they coordinate with  
25 both DEP, DOT in house and whatever utility that may

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

59

3 be involved in that particular thing. So, we can get  
4 locations. You know we could really kind of  
5 understand better.

6 COUNCIL MEMBER LOUIS: Thank you.

7 CHAIRPERSON BROOKS-POWERS: Thank you and we've  
8 been joined by Council Members Ariola and Yeger.  
9 Next, we will hear from Council Member Narcisse and  
10 then I'm going to go into another round of questions  
11 followed by Council Member Yeger.

12 COUNCIL MEMBER NARCISSE: Good morning. If I  
13 knew how to sing, I would sing happy birthday for you  
14 but happy birthday. Enjoy your birthday.

15 MARGARET FORGIONE: Thank you.

16 COUNCIL MEMBER NARCISSE: Coming back to street  
17 reducers, right. The street humps that we are using  
18 for the turning, calming of the street corner. Uhm,  
19 they are falling apart. Do we have lane to upgrade  
20 the materials that are being used? That are being  
21 used right now?

22 MARGARET FORGIONE: Right, so those are the  
23 plastic strips that we use for left turning  
24 treatments to calm the vehicles that are turning  
25 right. Sometimes they come dislodged over time. We  
are looking at all sorts of different types of items

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

60

1  
2 that we can utilize whether it's to protect bike  
3 lanes, whether it's for the left turn calming  
4 treatments. I don't know off hand if we have  
5 something else we're proposing for that location but  
6 if you do have any that you see, we can make sure  
7 that we get them repaired right away.

8 CHAIRPERSON NARCISSE: What I like, you mentioned  
9 somewhere sometimes we don't have to reinvent the  
10 wheel because I'm realizing you're doing much better  
11 and that you're looking to that because the calming  
12 street, I'm think about that we can even use it for  
13 the middle of the street too if we cannot get to the  
14 solid bumps because we are - our street safety is a  
15 problem, especially I heard my colleagues mention  
16 around schools, around senior center. If we can use  
17 those temporarily, I don't know that we can actually  
18 increase our street safety. That's what I'm thinking  
19 if we could use them because we have a lot of request  
20 in my district and the vacancy, how is the vacancy  
21 doing because I'm always concerned when people talk  
22 about vacancy because I know if you don't have the  
23 body, the work is not going to be done. So, how are  
24 we doing with that?

25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

61

3 Right now our vacancy rate is about 10 to 11  
4 percent, which is what it was prior to COVID. We  
5 worked really hard over the last like year and a half  
6 to staff up as much as possible. So, we're in good  
7 shape right now.

8 COUNCIL MEMBER NARCISSE: Very good. So, now  
9 we're not – and thank you, you've been very kind to  
10 us. One of second street by NYCHA houses that I  
11 have, Bayview Houses, if you can look at those  
12 streets, they're horrible. Like, especially by Shore  
13 Parkway. We have patches on top of patches and never  
14 really can get a nice street done around Shore  
15 Parkway and uhm, Bayview and Rockaway Parkway as  
16 well, which is an exit that's very busy. For me, I  
17 think it should have been done already but we're  
18 taking, I'm patient but that patience is running out  
19 because it's bad now. There's a lot of potholes.  
20 Garrison Beach let's talk about sidewalks. Uhm, I  
21 realize the city, I know part of it is parks, but I'm  
22 saying like uhm, some of the constituents are  
23 complaining. It's not only the park part, it's the  
24 street falling apart, pulling all the sidewalk off.

25 So, when the folks are getting tickets, it's not  
a fun game anymore. So, how are we doing with our

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

62

1 sidewalks around the corners and around you know away  
2 from the parks as we're getting to the streets?

3  
4 LEON HEYWARD: We respond to complaints in terms  
5 of sidewalks repairs right? So, when we get  
6 complaints, we'll go to a location and we'll issue  
7 notice of violations. And every year we have  
8 contracts that go into either three community boards  
9 in every borough and we do sidewalk repairs. I'm not  
10 sure what community board that Garrison Beach is in.

11 COUNCIL MEMBER NARCISSE: 15.

12 LEON HEYWARD: 15, so we will find out the next  
13 time we're coming into 15 and at that time, we will  
14 go in and we'll address all the violations that we  
15 have there before we come out of that community  
16 board.

17 COUNCIL MEMBER NARCISSE: And uhm before I  
18 finish, Church Lane by Crimson, by the cemetery, it's  
19 been a big problem for us for decades and you will  
20 see right now if you go there there's a big river,  
21 even a car normal - that car cannot get through. And  
22 it's off the map of New York City.

23 So, for me, if there's a sign; I spoke to the  
24 Commissioner before, those folks are not letting go  
25 on that one, so really Margaret please, we need to

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

63

1  
2 look into this. It's unfair to the people that live  
3 around this for decades that have been dealing with  
4 it. It should be in the map of the city because they  
5 get tickets, they get the street alternated parking  
6 but yet it's not in the city map. And I think that  
7 we should do better as the City of New York.

8 So, thank you Chair because I know that we got to  
9 run but I appreciate your work and I'm going to be  
10 giving you more calls because we need to do better  
11 for New York City. Thank you.

12 CHAIRPERSON BROOKS-POWERS: Thank you. I'd like  
13 to acknowledge that we've been joined by Council  
14 Members Rivera and Williams. Uhm, I want to just  
15 delve into resilience of our street infrastructure.  
16 New York has experienced the adverse effects of  
17 climate change first hand as once in a century storms  
18 like Hurricane Sandy and Ida continue to devastate  
19 the city with alarming regularity.

20 In fiscal 2023, the average response time to high  
21 priority traffic signal defects increased by 26  
22 minutes to 2 hours and 7 minutes. Over the DOT's  
23 target of 2 hours. According to DOT, this increase  
24 in response time was primarily due to two major  
25 weather events, winter storm Elliot in December 2022

1  
2 and flooding rainfall in Brooklyn and Queens in late  
3 April 2023.

4 Both events caused a drastic surge in call volume  
5 over a short period of time resulting in delays to  
6 resolution time. As weather extremes caused by  
7 climate change become more common, what is DOT doing  
8 to ensure they are adequately resilient upgrades to  
9 our transportation systems?

10 MARGARET FORGIONE: Okay, thank you for the  
11 question. In terms of uhm the signal issue that  
12 occurred twice that you talked about, one thing we've  
13 been talking about is in anticipation of other big  
14 events making sure we're working with our signal  
15 contractors to plan and anticipate some of these  
16 issues in order to have more man power ready and  
17 available to make sure that response time is more  
18 manageable. Obviously that's not the key goal in the  
19 future, we need to make our city more resilient and  
20 make sure that as we have these things everywhere,  
21 we're making plans for that.

22 So we talked a little bit before about some of  
23 the work we're doing with permeable pavement. We're  
24 working very closely with our fellow agencies with  
25 DEP, with Emergency Management. We've in recent



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

65

1 months evaluated a bunch of locations that are  
2 chronic flooding locations in order to better notify  
3 people about them through signage while we figure out  
4 ways to address them, so that in times of flooding  
5 we're directing people to exist those roads. We have  
6 a number of resiliency projects that are underway.  
7 One is at Battery Park and West Street, new flood  
8 gates to protect our tunnel that all of you are  
9 familiar with. This is the tunnel that goes  
10 basically from the FDR to the west side and then  
11 flood proving at our White Hall and St. George ferry  
12 terminals as well as our ferry maintenance facility.  
13 We have projects that are in development for those  
14 locations as well.

16 CHAIRPERSON BROOKS-POWERS: Any in Rockaway?

17 MARGARET FORGIONE: Uhm, I will let you know if  
18 there are any in Rockaway. Yeah, if we have  
19 information on that now, we'll share that with you,  
20 if not we'll get it afterwards.

21 CHAIRPERSON BROOKS-POWERS: And how does DOT  
22 prioritize which neighborhoods receive resiliency  
23 upgrades and work?

24 MARGARET FORGIONE: Well, we work very closely  
25 with obviously DEP, OEM, looking at flood charts and

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

66

3 all the data prepared by the federal agencies as well  
4 and we obviously assess where we have the biggest  
5 vulnerability as a city.

6 CHAIRPERSON BROOKS-POWERS: And earlier this  
7 month, this Mayor announced that all city agencies  
8 will be required to reduce their budgets by five  
9 percent beginning in November. Budget cuts could be  
10 as high as 15 percent by next spring. Given the  
11 DOT's budget totals over \$1.4 billion annually, these  
12 proposed budget costs could cost between \$73 million  
13 and \$220 million. How is DOT preparing for these  
14 budget cuts and how will this affect the city's  
15 transportation infrastructure?

16 MARGARET FORGIONE: Okay, we're in the process  
17 right now of assessing how we take those cuts. We're  
18 having very thoughtful discussions. We're looking  
19 under every rock. We're trying to figure out the way  
20 that it can least impact the operation but we do  
21 understand with a cut like that, there will be some  
22 impacts. We're working now to figure out how best to  
23 take them.

24 CHAIRPERSON BROOKS-POWERS: And as you're  
25 factoring this in, are you taking into account like

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

67

1  
2 the infrastructure repairs that need to happen, those  
3 discussions?

4 MARGARET FORGIONE: Right, yes, I mean the cuts  
5 are in the expense budget, so much of the discussions  
6 of what we've had today about the work that we're  
7 doing, that will be unaffected.

8 CHAIRPERSON BROOKS-POWERS: Okay. And then, can  
9 you provide the Committee with the MWBE percentages  
10 for DOT contracts for fiscal '23 and the projection  
11 for fiscal '24? Specifically how many contracts are  
12 awarded in-house? How many are used for outside  
13 vendors or subcontractors? How many contracts were  
14 granted to New York City based businesses and how  
15 many were granted to businesses located outside of  
16 New York City?

17 MARGARET FORGIONE: Okay, we did not come  
18 prepared with that information. I apologize, but  
19 what I can tell you is that this is a tremendous  
20 priority at the Department of Transportation.  
21 Commissioner Rodriguez is constantly working with the  
22 staff to make sure that we are advancing these goals.  
23 Everything that you just cited and we can follow up  
24 with you with the details.

25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

68

3 CHAIRPERSON BROOKS-POWERS: With the follow-up,  
4 I'm going to just add another question for you to  
5 follow up with also. How many contracts were granted  
6 to women owned businesses and how many were granted  
7 to businesses owned by people of color? And I'm  
8 always interested in the diversity within diversity.  
9 So, when you all break it down, when you look at  
10 people of color, if you could break it down in terms  
11 of Black, Brown, you know and Asian and other –

12 MARGARET FORGIONE: The detailed of that, yes.

13 CHAIRPERSON BROOKS-POWERS: Yeah, I like to be as  
14 granular as possible if possible. Uhm, the BQE  
15 partial closing that was recently announced last  
16 week, uhm DOT announced that the first of three  
17 projected closures of sections of the BQE, which will  
18 take place from October 14<sup>th</sup> at 2:00 A.M. through  
19 October 16<sup>th</sup> at 4:00 A.M.. This closure will reroute  
20 traffic along Brooklyn Streets including Atlantic  
21 3<sup>rd</sup>, 4<sup>th</sup> and Flatbush Avenue. Traffic from the BQE  
22 carries more than 150,000 vehicles per day. How is  
23 DOT preparing for rerouting of this traffic? And  
24 what kinds of community outreach has DOT engaged in  
25 to ensure that driver's and residents effected  
communities are aware of the closure?

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

69

1  
2 RICK RODRIGUEZ: Yeah, thank you for the  
3 question. It's something that we have had our eyes  
4 on for at this point several years now. So, we have  
5 cross regional coordination with our partners in  
6 Connecticut, Massachusetts, the State of New York,  
7 New Jersey. So, we have been coordinating within our  
8 emergency agencies as well. So, that plan has you  
9 know been communicated with local elected's. We've  
10 had several robust conversations along with the  
11 elected officials and their teams. We've also done  
12 presentations to communities; heard feedback and  
13 we've made adjustments where we've been able to. I'm  
14 thinking just off the top of my head, the  
15 conversation with Assembly Member.

16 CHAIRPERSON BROOKS-POWERS: How do you promote  
17 any intent and when or on the morning shows. Has  
18 that been also put into the plan in terms of getting  
19 the word out. I will say that I only learned of it  
20 when I was preparing for the hearing and you know I  
21 also use the BQE from Queens to come into the city  
22 sometimes. And so, wanting to understand how that  
23 gets out to New York commuters.

24 RICK RODRIGUEZ: I want to speak - I'm having our  
25 team look up to talk about the specific press

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

70

3 outreach but we do publicize publicly on all of our  
4 social media channels. Our materials, we have street  
5 teams that have been very, very active in getting it  
6 to communities that were going to be impacted. And  
7 if you have any additional help that you can land in  
8 each of your offices, we would gladly accept it.  
9 It's going to be a big burden to bear for us. We're  
10 going to work very hard to make it as minimal as  
11 possible but yeah, it's definitely an all-hands-on  
12 deck.

13 CHAIRPERSON BROOKS-POWERS: And can you please  
14 provide the Committee with an update on the status of  
15 the BQE Cantilever Project?

16 RICK RODRIGUEZ: Yes, thank you for your  
17 question. So, we have begun the process of interim  
18 repairs, which you know we just talked about. We  
19 have also done three rounds of workshops where we  
20 have done issue identification and been in pretty  
21 constant communication with communities up and down  
22 the corridor and specifically the project is in BQE  
23 Central between Atlantic to Sands.

24 Right now we have applied to the federal  
25 government for uhm, grants and we received letters of

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

71

1 support from the federal delegation. And we're  
2 currently working through the process right now.

3  
4 CHAIRPERSON BROOKS-POWERS: And does DOT plan to  
5 move forward with its plan to fix the BQE Cantilever  
6 as outlined by the de Blasio Administrations  
7 Commission Panel or will it move forward with an  
8 alternative plan?

9 RICK RODRIGUEZ: Well, just to be specific, we  
10 are and have publicly stated a plan to proceed  
11 through the NEPA process right now, so yes, we are  
12 going through the environmental review. You know we  
13 are preparing a traffic study right now to determine  
14 which sorts of configurations we're going to put into  
15 that application. But we are proceeding right now.

16 CHAIRPERSON BROOKS-POWERS: And then just really  
17 quickly revisiting the DOT pothole inspectors. DOT  
18 inspectors complain of 16 percent fewer inspections  
19 in fiscal 2023 when compared to fiscal 2022. DOT  
20 attributes this decrease to staffing shortages,  
21 pothole summonses decrease 17 percent over the same  
22 period of time.

23 According to the MMR, since January 2023, DOT has  
24 hired 19 new inspectors. Of these, how many are  
25 still— excuse me, of these how many are currently

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

72

1 trained and actively working in the field as  
2 inspectors and how many are still being trained and  
3 what kind of training do inspectors undergo and how  
4 long does it take? Let me know if you need me to  
5 repeat any.  
6

7 LEON HEYWARD: I'm good. So, while at the  
8 beginning of the construction season, we brought on a  
9 number of inspectors. Over the sense then and over  
10 the summer, we've lost a number a number of  
11 inspectors as well. One of the reasons why we are  
12 losing inspectors is because of the exams that have  
13 come out in other agencies, so they've taken exams  
14 and gone on to other agencies. Presently, we just  
15 did interviews to hire on a number of 21 inspectors  
16 that we lost since the last hiring. So, we have a  
17 very high turnover in that apprentice inspector title  
18 because there's other opportunities that they're  
19 constantly looking for.

20 When we bring an inspector in, we obviously send  
21 them into classroom training and that goes on for  
22 about one month. Then we pair them up with other  
23 inspectors that they go out in the field and they  
24 usually will work with a number of different  
25 inspectors for another two to three months. Then we



1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

73

3 begin to send them out on their own. So, after about  
4 close to six months, we're able to put an inspector  
5 in the street to work on their own.

6 So, you know a big part of our numbers this year  
7 has been because we've lost and had to retrain  
8 inspectors throughout this year.

9 CHAIRPERSON BROOKS-POWERS: Uhm, what are the  
10 qualifications for the inspectors, you know for those  
11 viewing if they wanted to have an inspector with DOT,  
12 what qualifications would someone need?

13 LEON HEYWARD: The main qualification is a  
14 driver's license.

15 CHAIRPERSON BROOKS-POWERS: Really?

16 LEON HEYWARD: Absolutely.

17 CHAIRPERSON BROOKS-POWERS: And what's the range  
18 for the salary?

19 LEON HEYWARD: I believe it's like the starting  
20 salary is in the area of \$33,000.

21 CHAIRPERSON BROOKS-POWERS: Do you think that the  
22 salary also impacts the retention piece?

23 LEON HEYWARD: Absolutely, absolutely and we've  
24 been speaking with our in-house HR. We've reached  
25 out to DCAS as well to discuss how we can work on  
increasing the requirements just a little i.e. a high

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

74

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2 school diploma and being able to bring them on at  
3 another level. So, when they first come in, they're  
4 apprentice level one and they go up to five, right?  
5 So, and each year, they get another bump in their  
6 salary. So, we've been working with again DCAS and  
7 our in-house people to try to increase that  
8 qualification and then be able to bring them on at a  
9 higher level instead of bringing them at the level  
10 one. So, we've been working toward that to try to  
11 see if I can bring people on at a higher salary and  
12 then I can keep them onboard longer.

13 CHAIRPERSON BROOKS-POWERS: And they only can  
14 come in as an apprentice. They don't just come in as  
15 a regular hire?

16 LEON HEYWARD: So, they come in as apprentice  
17 inspector, they're a full-time employee, the program  
18 is a five-year program.

19 CHAIRPERSON BROOKS-POWERS: And their payments  
20 are the pension at that point?

21 LEON HEYWARD: Absolutely yeah, now if they have  
22 like an associate degree in a certain technical area,  
23 we can then bring them in at level three and we have  
24 brought a small number of people in at a level three.

25

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

75

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2 Because of that, they've stayed a little longer  
3 because their salary was a little higher.

4 CHAIRPERSON BROOKS-POWERS: How much do they get  
5 paid?

6 LEON HEYWARD: I don't know the level one but  
7 I'll get you the levels of all the apprentice. No,  
8 they actually go up into the high 50's and once they  
9 reach their fifth year.

10 CHAIRPERSON BROOKS-POWERS: And with the level  
11 one, because if you only need a driver's license, you  
12 don't even need a diploma. Are you doing recruitment  
13 at the high schools across the city?

14 LEON HEYWARD: We've been recruiting everywhere.  
15 In fact we've gone to all the hiring fairs. The city  
16 has done hiring fairs and in fact the last, not this  
17 last group but in the middle of the summer we went to  
18 a hiring fair. I think we picked up like about 14 or  
19 15 people at that hiring fair alone.

20 CHAIRPERSON BROOKS-POWERS: Okay.

21 LEON HEYWARD: And so, we've been going all over  
22 the city reaching out, trying to bring people in and  
23 you know they have various backgrounds when they come  
24 in. Obviously not just you know construction  
25 knowledge, they could be drivers you know for UPS,

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

76

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2 they could work at a pizza shop, they could do  
3 security. So, they all come from various background.

4 CHAIRPERSON BROOKS-POWERS: So, thank you for  
5 that. Next we're going to hear from Council Member  
6 Yeger followed by Ariola.

7 COUNCIL MEMBER YEGER: Thank you Madam Chair.  
8 Good morning. Happy Birthday. I don't want to beat  
9 the dead paving horse but I just want to add my  
10 thoughts to Council Member Carr, Councilwoman Lee and  
11 Councilwoman Louis on the managing expectations  
12 aspect. You know the bill doesn't actually require  
13 you to change how quickly you mill. It's just, it's  
14 a matter of just getting the information out and what  
15 I find and I think my colleagues alluded to that as  
16 well, is that we, we find ourselves kind of making  
17 excuses or trying to manage the expectations of well,  
18 this is why it takes this long and I think if the  
19 information was just out there, it would be okay. As  
20 long as we can just point to when the information is  
21 in and people would accept it's taking three weeks  
22 and this is why, rather than they'll get to it when  
23 they get to it and there's a good reason why it's  
24 taking that long.

25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

77

3 And by your own testimony, you said that more  
4 than a quarter of the space between the milling and  
5 the paving takes more than three weeks, possibly more  
6 than four in that final category, that 25 percent  
7 that takes between 21 and 28 days and some a little  
8 more than that. So, I think it's just a matter of  
9 managing expectations. The bill doesn't actually  
10 require you to change anything and by way of example,  
11 you're office as you know is very helpful to my  
12 office in the last couple days in adjusting a  
13 schedule of a paving that fell on an inconvenient day  
14 and I think just managing that expectation of when it  
15 would have happened would have kept a lot of folks at  
16 your agency, at my office and most importantly the  
17 neighbors on the block from pulling their hair out  
18 over it. So, I just want to lend my voice to that.

19 Very briefly, you mentioned that it's not your  
20 job to clean up the mess that others do when they  
21 mess up a street due to a digging or something like  
22 that and I agree with you, it shouldn't be your job.  
23 It should their job but when they don't do it, isn't  
24 it ultimately the city's job and can't we find a way  
25 that the city does the work and then puts the  
financial burden on the utility or whatever private

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

78

1 industry or enterprise messed up the street and I'll  
2 just ask my last question, so that I can get that in  
3 and you can take whatever time you need.

4  
5 With regard to Parks fixing the sidewalks when  
6 the damage is caused by a tree or tree root. As you  
7 know, I'm not going to give you the whole iteration  
8 of how it happens but in essence, they had this 100-  
9 point scale and they go out, they look at a sidewalk  
10 and then they say, well this is 70 bad, this is 80  
11 bad, this is 90 bad, this is 30 bad. 30 doesn't mean  
12 it's good, 30 just means it's you know less bad than  
13 40 which is less bad than 70, which is less bad than  
14 99. And we did a hearing here three years ago where  
15 the Parks Department acknowledged that there were  
16 sidewalks on their list for over seven years that  
17 needed repair and hadn't been done. That's not  
18 blaming you because that's a different agency but my  
19 question is whether or not there can be a way that -  
20 because you are the experts on sidewalks, streets,  
21 and the Parks Department is the experts on trees and  
22 what they do is they contract out the work. Whereas  
23 you do it in house, then you have a team of people  
24 who are trained to do this work for the City of New  
25 York. Is there a way that the Parks Department can

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

79

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2 subsequent to the getting out there and grating the  
3 sidewalk, then just simply turn this work over DOT  
4 and DOT takes it from there and leaves out the tree  
5 and flower people to do whatever it is that they do,  
6 which most of us don't know but we do know that they  
7 don't do it on time. Whereas you are in a position  
8 to manage expectations in a real way and when a  
9 street is broken, you do get to do it and you do it  
10 based on when that street or sidewalk needs to be  
11 fixed. So, can you take that work away from them and  
12 if so, what is needed from us to help you do that?

13 MARGARET FORGIONE: Okay, in a moment, I'll Leon  
14 to answer that question for you. We work very  
15 closely with the Parks Department and, by the way, we  
16 do do some work in house but we mainly do things  
17 through contracts as well. So, he'll explain how we  
18 coordinate that work. But in answer to your first  
19 question, we have close to one million street opening  
20 permits a year that we issue to entities to cut into  
21 the streets for various reasons. We're not in a  
22 position to be able to find the resources to address  
23 any improperly done street cuts or repairs by those  
24 entities. So, I understand where you're you know  
25 going, that could we back charge them if we try to

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

80

3 get them to do a good job, they don't do a good job.  
4 Could we repair that work and back charge them. We  
5 wouldn't begin to have the resources to be able to do  
6 that but we do have staff, Commissioner Heyward's  
7 staff that do go out and follow up on these street  
8 cuts. We do a lot of coordination meetings with all  
9 of the utilities at a very high level. We raise  
10 issues to them when they have things they're not  
11 getting to and street cuts that are failing.

12 So, our focus has really been on getting them to  
13 do the job correctly and listen, for the most part,  
14 they do do a good job. There are very few locations  
15 that they leave in hazardous condition or disrepair.  
16 So, we've had quite a bit of success in working with  
17 them. There are more locations that I'm sure still  
18 need to be addressed and we need to do better. We  
19 can take any of them from all of you and focus on  
20 that but really our focus is to have them leave the  
21 streets in the proper condition.

22 LEON HEYWARD: So, we do work with Parks  
23 Department and try to identify locations where we  
24 have both gone to. As I had mentioned before, there  
25 are times when a property is inspected by Parks  
Department and put on their list. And then DOT may



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

81

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2 come back to that block because we got a complaint,  
3 maybe not that property but another property and we  
4 go and we inspect that entire block and we end up  
5 putting a violation on a property that Parks has  
6 already inspected. And that could be a 60, that  
7 could be a 50. And so now that property becomes ours  
8 because we issued a notice of violation to them. We  
9 told them that not only is there tree root damage but  
10 there's damage beyond the tree as well. And so, we  
11 will come - when we come into the community board and  
12 we will address that.

13 Even if the damage is all tree roots, we will  
14 also take that into our system and when we come into  
15 the community board, we will address that as well.  
16 And then one of the problems that we have when we do  
17 that, when we issue a notice of violation to a  
18 property owner that's been looked at by Parks, is  
19 they say hey, we're in the Parks Department Program,  
20 why are you giving me a violation, right? So, nobody  
21 wants to get a notice of violation about their  
22 sidewalks but the main reason we end up giving it to  
23 them is because the defects are not just tree  
24 related, they're related to the other part of their  
25 sidewalks. And so therefore, we now have - we have

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

82

1  
2 now been given prior notice and we now have to  
3 address that.

4 Now, how do we work with Parks Department to have  
5 that inventory rolled into ours? That would take  
6 some work but that also would require us to go back  
7 out, do inspections and then issue violations to  
8 those properties as we see fit. So, we can talk  
9 about how we can go down this avenue but it would  
10 have to be close coordination with Parks Department  
11 and also, an education so that people understand that  
12 you know, I'm in Parks Program but now you're issuing  
13 me a violation and you're going to come fix my  
14 sidewalk and I'm going to end up getting a bill later  
15 down the road.

16 So, those are some things that we have to work  
17 through before we get there.

18 COUNCIL MEMBER YEGER: Madam Chair, quick follow  
19 up? I appreciate that and I understand that it's not  
20 a fail on DOT's part perse and I don't want to  
21 relitigate Council Member Lee's questions earlier  
22 about the one percent, maybe it's all in her district  
23 or not but I think the issue that first of all,  
24 obviously we don't want New Yorkers to get violations  
25 for sidewalks that aren't their fault, but speaking

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

83

1 for my borough at least, there was a period of time  
2 that exceeded one, two, or maybe even three years  
3 that the Parks Department didn't even have a contract  
4 for a sidewalk fixing company to do this work for a  
5 variety of reasons that are not my fault and not your  
6 fault but be that as it may, sidewalks aren't getting  
7 fixed and I think that the idea of simply just taking  
8 the sidewalk fixing work or leaving aside the tree  
9 roots, which is obviously an issue that you know only  
10 the arborist folks know what they're doing. But if  
11 you're contracting this work out to companies that  
12 know how to fix sidewalks around the tree roots it  
13 all ought to be done by one agency. It shouldn't be  
14 the Parks Departments job at all. Let them come and  
15 inspect it and say yes, this is our root and this  
16 root did cause the damage in deed. Fill out a form,  
17 great and then just send it over to the folks who  
18 know how to fix streets and that's you and this way,  
19 you're in control of the entire street and sidewalk  
20 fixing program in New York City, both those that are  
21 caused by standard wear and tear and other defects  
22 and back work and also, those that are caused by  
23 trees that have outgrown the flags on the sidewalk.  
24 And I think pushing this off to you makes a lot of  
25

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

84

3 sense. I'd like to know if there's a way that we can  
4 get this work all into your agency and away from  
5 Parks at some point.

6 MARGARET FORGIONE: We're happy to keep talking  
7 about that. I know Parks is extremely protective  
8 over trees.

9 COUNCIL MEMBER YEGER: Don't want to hurt the  
10 trees, we want to just fix the sidewalks.

11 MARGARET FORGIONE: I understand.

12 COUNCIL MEMBER YEGER: And I think every member  
13 has the same - certainly in the suburban style  
14 neighborhoods that a lot of us represent. We have  
15 the same issue. We have very old neighborhoods with  
16 in some cases, 70, 80, 90-year-old trees. We don't  
17 want you to touch the trees. We do want to fix the  
18 sidewalks. So, if there's a way we can do that and  
19 we'll work together to get this work into your  
20 agency, I think it would make a lot more sense. And  
21 that's not a question, so thank you very much.

22 CHAIRPERSON BROOKS-POWERS: Thank you for that  
23 and you know I wish the agencies were just as  
24 diligent about fixing and repairing these sidewalks  
25 as they are about issuing notices of violations.  
Because I know in my district, we have a few that we

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

85

1  
2 are working with the Parks Department on. But it  
3 takes so much to even get to the point where it gets  
4 on the list and then when it's on the list, it's been  
5 now into the next year in terms of when that's going  
6 to take place, creating a lot of liability for  
7 homeowners and what we're seeing. So, if there was  
8 anyway that we could speed up that process or maybe  
9 there's a taskforce between the two agencies that  
10 could be put together when these type of things come  
11 in to move it along quicker, that may be something  
12 that the agencies may want to look at legislatively.  
13 You know we look at some options as well.

14 I also want to acknowledge that we've been joined  
15 by Council Members Won and Williams and next, we will  
16 hear from Farias and Rivera and next we'll hear from  
17 Council Member Ariola.

18 COUNCIL MEMBER ARIOLA: Thank you Chair. So, I  
19 want to talk about bike racks and not the  
20 installation or repair. I want to talk about bike  
21 racks that would need to be removed when they're not  
22 being utilized, especially on busy commercial  
23 corridors where they're taking up much needed parking  
24 spots.

25

1  
2       So, what is the protocol for DOT to remove the  
3 bicycle racks when they're not being utilized and it  
4 is documented by the elected official, the community  
5 board and the local civic association with  
6 photographs and its been tracked.

7       MARGARET FORGIONE: Okay, we would like to talk  
8 to you more about the detailed locations. I have a  
9 feeling we're going to have sort of a philosophical  
10 difference in that we do like to provide the cycling  
11 infrastructure, even in advance of the cyclists  
12 greatly utilizing that infrastructure. So, the idea  
13 is that if we have things in place, bike lanes, bike  
14 corrals, which is what I think you're referring to  
15 bike racks. This will facilitate and increase usage.

16       So, we wouldn't want to be too hasty in taking  
17 that infrastructure out but we're happy to talk with  
18 you about locations that are on your mind of concern.

19       RICK RODRIGUEZ: Just echoing the point you were  
20 making about how they're in the ground and taking  
21 parking. One of the things that is also competing is  
22 uhm, you know when we daylight the ends of corners,  
23 we often put the bike rack in the last position, so  
24 that it improves site lines so that you know we do  
25 here. Especially in neighborhoods that have more

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

87

3 reliance on car commutation, that like you can't see  
4 around the corner and there's Vision Zero  
5 consequences for not being able to see and so, we  
6 found a lot of safety benefits. It's one of the  
7 tools that we use. There are many tools that we use  
8 as a way to keep people safe too.

9 So, that's a part of the justification. Even  
10 though there might not be cyclists, they do provide a  
11 benefit for pedestrians that are walking around in  
12 those commercial corridors too.

13 COUNCIL MEMBER ARIOLA: And I get that but this  
14 is completely not the situation for this particular  
15 bike rack. It is in the middle of the block. It's  
16 actually outside of a bike shop and it's still not  
17 utilized. And all it is is a collector for garbage  
18 and it has to be - so I will talk to you offline  
19 about that and we are in contact with our Borough  
20 Commissioner and of our team on this issue as well.  
21 So, thank you for the time.

22 CHAIRPERSON WILLIAMS: Do any other members have  
23 questions? Alright, thank you so much for being here  
24 today. We'll move to public testimony.

25 COMMITTEE COUNSEL: We will now turn to public  
testimony. Each panelist will be given two minutes

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

88

3 to speak. For panelists testifying in person, please  
4 come to the dais as your name is called and wait for  
5 your turn to speak.

6 For panelists who are testifying remotely, once  
7 your name is called, a member of our staff will  
8 unmute you and the Sergeant at Arms will give you the  
9 go ahead to begin. Please wait for the Sergeant to  
10 announce that you may begin before delivering your  
11 testimony.

12 I would like to now welcome Alex Gregor, Raul  
13 Rivera and Christopher Leon Johnson to testify.  
14 We'll begin with Alex Gregor when ready. Sure.

15 ALEX GREGOR: Thank you very much.

16 COMMITTEE COUNSEL: Can you just turn the  
17 microphone on. Thank you very much.

18 ALEX GREGOR: Thank you very much. My name is  
19 Alex Gregor, I live in Brooklyn. I wanted to talk to  
20 you about sidewalks and accessibility and  
21 maintenance.

22 It is my belief that the maintenance, including  
23 snow removal and ice removal on sidewalks in the  
24 city's right of way, should not be the responsibility  
25 of private property owners. And in fact, sidewalks  
are covered by The American with Disabilities Act.



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

89

1  
2 The maintenance of sidewalks is among services,  
3 programs, and activities that public entities must  
4 make accessible. We all know Mayor de Blasio had a  
5 long fight with trying to make the street corners  
6 accessible for people with disabilities and regular  
7 people too. It's not just about disabilities.

8       So, I've given you some information. The system  
9 folks, I don't see it working. I heard some very  
10 good questions. In my area in Brooklyn, I've seen  
11 bad spots that have taken years and is still not  
12 addressed. I think the curbs need to be addressed.  
13 I support you telling the DOT to do that but the  
14 sidewalks themselves are the responsibility of the  
15 municipality. Putting it on the homeowner is just  
16 wrong and it doesn't work.

17       What kind of contractor is doing the work? Is he  
18 paying prevailing wage? If you work on a city  
19 street, you're supposed to be paid a prevailing wage.  
20 Do we know what exactly they're doing. Is it a good  
21 repair? It's not working. We need to be able to  
22 take care of the basics. It's not just in my area in  
23 Brooklyn, I travel the areas. My background is I'm a  
24 trainer for safety in road construction and work  
25 sites and pedestrian safety and we need to do more.

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

90

1 We need to get back to the basics and make it work.

2 The streets are dirty. There is weeds coming out of  
3 the planters that are four and a half feet tall. The

4 trees, as the gentleman, the Councilman mentioned,  
5 they should be handled by the DOT, not by the Parks.

6 It gets back and forth. Waiting 75 days when you  
7 receive prior notice to make a repair. I don't know  
8 how the courts would look at that. I was in public  
9 works and I don't know if that's an appropriate  
10 amount of time to take action.  
11

12 If the city goes out and puts barricades out,  
13 they pretty much own that problem and they should  
14 address it. They should make it simple and we  
15 shouldn't put the burden on the homeowners. That's  
16 what I have to say.

17 CHAIRPERSON WILLIAMS: Thank you.

18 ALEX GREGOR: Any questions?

19 CHAIRPERSON WILLIAMS: No, thank you so much for  
20 your testimony.

21 CHRISTOPHER LEON JOHNSON: Alright hey uh, thank  
22 you. My name is Christopher Leon Johnson. Good  
23 morning everybody. But first off, I wanted to send  
24 my get well soon to Jacob Priley. You know he was  
25 unfortunately hit by car in Union and 5<sup>th</sup> Avenue, so

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

91

1 we have to give this man the proper get well soon  
2 from everybody in New York City. I hope this man  
3 gets out of his coma and you know does his thing in  
4 Burt Rosen again.  
5

6       Alright, so I want to talk about this right now  
7 about this roadway stuff. You know this is my thing.  
8 I'm on Twitter. I'm on social media. I see a lot of  
9 potholes and I see a lot of cracks on the street and  
10 I report them and the problem is DOT don't care.  
11 They don't bother to address the situation until  
12 somebody gets hurt, but it's too late for that  
13 because now you got to pay out millions of dollars in  
14 settlements. But I think that the DOT, especially  
15 Ydanis Rodriguez, should be able to like start  
16 addressing more of the cracks of the streets and more  
17 of the potholes and like I said this man said about  
18 the sidewalk situation. When social media - when  
19 people report this on social media, instead of listen  
20 to Trans All. I think that money should be invested  
21 more into street repairs instead of pointless bike  
22 lanes, helmets and cultural activities that DOT is  
23 doing. So, the thing is, like they got to start  
24 listening more to the people. That's my opinion  
25 instead of listen to special interest. That's the

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

92

1  
2 reason why like the city's all messed up with the  
3 streets being all with potholes and like that because  
4 they all have special interests and the special  
5 interest complaints to DOT, they are right on it.  
6 But a regular person like me complains, they don't  
7 even care. Even if they said, well, report to 311.  
8 They don't even respond to 311 request unless like  
9 I'm like a member of Trans All.

10 So, my thing is, well the DOT gots to listen to  
11 people more about this stuff and that's it. Thank  
12 you.

13 CHAIRPERSON WILLIAMS: Thank you for your  
14 testimony.

15 ALEX GREGOR: Is there a chance just to add five  
16 seconds?

17 CHAIRPERSON WILLIAMS: Five seconds.

18 ALEX GREGOR: Five seconds.

19 COMMITTEE COUNSEL: Thank you so much.

20 ALEX GREGOR: It's the right thing to do to take  
21 care of the sidewalks. It's the fabric of this city.  
22 We talk about user groups. There's millions of  
23 people a day on the sidewalks. I'm here primarily  
24 because I'm afraid that budget cuts and you know  
25 Americans with disabilities does not consider that

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

93

3 you don't have man power, woman power, money power.

4 Those are no excuses not to take care of the

5 responsibility that is laid out in the Americans with

6 Disability Act. This goes back to 1990, so it's

7 nothing new. I would ask seriously ask you to try to

8 do something. I'm motivated and I have the time.

9 Thank you very much.

10 CHAIRPERSON WILLIAMS: Thank you.

11 COMMITTEE COUNSEL: Thank you all.

12 CHRISTOPHER LEON JOHNSON: Okay, thank you.

13 COMMITTEE COUNSEL: We'll now move on to Zoom

14 testimony. We'll begin with Eric McClure followed by

15 Fay Hill.

16 SERGEANT AT ARMS: You may begin.

17 ERIC MCCLURE: Thanks very much. Good morning.

18 My name is Eric McClure, I'm the Executive Director

19 of Streets PAC. Council Member Williams, thanks for

20 the opportunity to testify. I wanted to express our

21 support for Intro. 1077. As with its predecessor

22 Intro. 0258-A, which became Local Law 114 of 2022, we

23 support passage of Intro. 1077.

24 Local Law 114 requires the city to produce, by

25 the end of this year, a report identifying the number

of operational public bathrooms across the city, and

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

94

1  
2 more importantly, to identify at least one location  
3 in each zip code area where it would be feasible and  
4 appropriate to install a public restroom.

5 Intro. 1077 takes the next step by requiring the  
6 Administration to develop a report that proposes a  
7 project plan and timetable for the development and  
8 installation of these facilities. As we stated in  
9 our testimony in support of Int. 0258-A, New York  
10 City lags well behind most peer cities in providing  
11 ready access to clean, safe public restrooms, and as  
12 access to bathrooms is an equity, public health, and  
13 sanitation issue, it's inexcusable that we haven't  
14 done at least what other major cities have in  
15 providing such facilities. Intro. 1077 builds on  
16 this effort by requiring development of a project  
17 scope and identification of estimated costs, possible  
18 funding sources, and appropriate maintenance  
19 schedules for such facilities. Public restrooms are  
20 important infrastructure, and we urge swift passage  
21 of this bill.

22 As for Intro. 0905, while the intent is laudable,  
23 we think that it may be overly prescriptive.  
24 Ensuring that street resurfacing projects are  
25 completed in a timely manner is important, but the

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

95

1  
2 bill's two-week timeframe seems too short, given the  
3 types of infrastructure issues that can crop up once  
4 a street has been milled, and we believe the more  
5 important issue with street work is ensuring to the  
6 greatest extent possible that newly paved streets  
7 aren't shortly torn up again, a situation that may be  
8 exacerbated by a shortened completion window. We also  
9 believe the notification requirement is potentially  
10 burdensome.

11       However, an area in the resurfacing process in  
12 which we'd like to see significant improvement is in  
13 the speed of remarking streets once new asphalt has  
14 been laid down. While there may be a curing period,  
15 far too often it takes weeks, if not months, for  
16 streets to be restriped, and the failure to quickly  
17 redraw crosswalks, bike lanes, and even parking  
18 markings can create dangerous situations for  
19 pedestrians and cyclists. If anything, we'd prefer  
20 to see legislation requiring the expediting -

21       SERGEANT AT ARMS: Time expired.

22       ERIC MCCLURE: Of remarking.

23       Lastly and I'll wrap up, I just want to note on  
24 Intro. 0596, we also believe the legislation is well  
25 intentioned, but we're not convinced that it's

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

96

1  
2 necessary given existing coordination between the  
3 curb and the sidewalks and resurfacing teams. Thank  
4 you very much.

5 CHAIRPERSON WILLIAMS: Thank you.

6 COMMITTEE COUNSEL: Thank you. We'll now move on  
7 to Fay Hill followed by Glen Bolofsky (SP?).

8 SERGEANT AT ARMS: You may begin.

9 FAY HILL: Good morning. My name is Fay Hill.  
10 I'm the District Leader for Community uhm for  
11 Assembly District 31B and I'm glad to be on this call  
12 and I give my testimony to my Councilwoman Selvena  
13 Brooks-Powers.

14 The reason for my testimony is addressing DOT and  
15 the delay in having something done on our streets.  
16 For example, I put in an order in for my street from  
17 the North Avenue Francis Lewis to Springfield  
18 Boulevard for having just [01:55:08] for white marks.  
19 You know because the traffic and driving on that  
20 street, it's very dangerous and they sent me a  
21 response saying that they have a budget SEA24. Most  
22 of the time when the capital budget, it takes years  
23 for them to initiate and now, just to pave the street  
24 for a temporary time and to have it reworked or  
25 whatever they call it, it's very, very frustrating,



COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

97

1 especially for motorists driving along that corridor.

2 And I would like to have that done.

3  
4 And I'll also address this issue to our Speaker,  
5 I think from DOT, her name is Margaret. You know  
6 where we talk about the sidewalks. You know Parks  
7 Department comes out and they put a grade or the  
8 level of the danger of the sidewalk and then DOT  
9 comes out and gives us a violation. We need to  
10 address this violation and the agency has to work  
11 together. You know, DOT or Parks Department work  
12 together, not giving the owners a violation because  
13 of the sidewalks from the tree roots and that needs  
14 to be addressed.

15 Also, I need to get someone because I'm also the  
16 Parks Chair for Community Board 30 -

17 SERGEANT AT ARMS: Your time is expired.

18 FAY HILL: Okay. I need someone to come out and  
19 speak to our community about what to do when the  
20 sidewalks is in danger for pedestrians. Thank you.

21 CHAIRPERSON WILLIAMS: Thank you.

22 COMMITTEE COUNSEL: Thank you very much. We'll  
23 now move on to Glen Bolofsky.

24 SERGEANT AT ARMS: You may begin.

25 GLEN BOLOFSKY: Can you hear me?

1 COMMITTEE ON TRANSPORTATION  
2 AND INFRASTRUCTURE

98

3 COMMITTEE COUNSEL: Yes.

4 GLEN BOLOFSKY: Thank you. I'd like to thank the  
5 Chair Selvena Brooks-Powers, her great staff and uhm,  
6 the central staff and Transportation for showing up  
7 and answering hard-to-answer questions. I support  
8 this legislation, all of this legislation because we  
9 need more efficiencies and more work being done by  
10 DOT to improve the quality of our lives. To protect  
11 all people as well as the disabled. I referenced my  
12 testimony as myself and that is my testimony. Would  
13 like to also add testimony from the 504 Democratic  
14 Law that as I am the Political Director there. And  
15 that testimony is as follows: The curbs are a  
16 really, really big deal and so are the sidewalks to  
17 the disabled community. These need to be addressed  
18 really quickly. Winter is coming. There needs to be  
19 a new emphasis on potholes, a new emphasis on repairs  
20 because the winter is upon us.

21 I want to thank the Chair and all the Council  
22 Members for their help in making the city as best as  
23 it can be.

24 CHAIRPERSON WILLIAMS: Thank you so much.

25 COMMITTEE COUNSEL: Thank you very much. If we  
have inadvertently missed anyone that is registered

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

99

1  
2 to testify today and has yet to have been called,  
3 please use the Zoom hand function if you are  
4 testifying remotely and you will be called in the  
5 order that your hand has been raised. If you are  
6 testifying in person, please come to the dais.

7       Seeing no one, I will now turn it over to Chair  
8 Williams for closing remarks.

9       CHAIRPERSON WILLIAMS: Thank you all so much for  
10 your testimony and we look forward to addressing this  
11 very serious issue. [GAVEL].

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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 October 8, 2023