

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS
COMMITTEE ON TRANSPORTATION

-----X

February 28, 2012
Start: 1:15 p.m.
Recess: 3:10 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

ERIC MARTIN DILAN
JAMES VACCA
Chairpersons

COUNCIL MEMBERS:
Gale A. Brewer
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Ydanis A. Rodriguez
Deborah L. Rose
James G. Van Bramer
Vincent M. Ignizio
Peter A. Koo
Eric A. Ulrich

A P P E A R A N C E S

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

Henry Perahia
Chief Bridge Officer
New York City Department of Transportation

Thomas Fariello
First Deputy Commissioner
New York City Department of Buildings

Stephen Arthur
Concerned Citizen

Kendall Jackman
Member, Housing Campaign Leader
Picture the Homeless

1
2 CHAIRPERSON VACCA: Good afternoon,
3 ladies and gentlemen. I am Council Member James
4 Vacca, and I'm chairman of the New York City
5 Council Committee on Transportation. I want to
6 thank my co-chair this afternoon, Council Member
7 Erik Martin Dilan, chair of the Committee on
8 Housing and Buildings. I also want to thank all
9 of the staff of both Committees for putting this
10 important hearing together and all of the
11 witnesses for the testimony that is to come. We
12 are here today to address the important issue of
13 safety on, or maybe I should say, safety below our
14 city's overpasses. This hearing is a direct
15 response to the high profile incidences that have
16 happened on overpasses throughout our city. Many
17 of us use overpasses every day without even
18 thinking about it. We cross over the FDR Drive or
19 the West Side Highway, under the East River or
20 Hudson River Esplanade. We go from a shopping
21 garage into a mall. These overpasses amount to
22 extensions of the sidewalk; the difference is they
23 are elevated. Last August, a cyclist was hit in
24 the face with a brick thrown from a pedestrian
25 overpass into a bike lane in Fort Greene,

1
2 Brooklyn. In October, teenagers threw a shopping
3 cart from an overpass at an East Harlem Shopping
4 Mall, critically injuring the woman below. She is
5 still in recovery and in January, two men were
6 injured by a shopping cart thrown from a parking
7 garage at a Bronx shopping mall. These are
8 serious accidents that no New Yorker should ever
9 have to endure. Our city is difficult enough to
10 navigate. We're supposed to look both ways before
11 we cross the street, but nobody should ever have
12 to think that they have to check above for falling
13 objects as they walk the streets of the city of
14 New York.

15 In response to these terrible
16 incidents today, we're going to hear testimony on
17 two bills I introduced, designed to make our
18 overpasses safer for those who walk, bike or drive
19 below. Intro 750 would require private developers
20 to construct 8 foot tall fences on publically
21 accessible pedestrian overpasses and commercial
22 parking garages at shopping malls. I want to
23 thank Council Member Annabel Palma for her input
24 and contribution to this bill. When I say
25 publically accessible, I am talking about shopping

1
2 malls just like the one in East Harlem where the
3 woman was hit with the shopping cart as she was
4 walking. I also mean parking garages connected to
5 shopping centers like the one in the Bronx where
6 two men were hit with a shopping cart. I'm not
7 talking about a rooftop terrace on a private
8 apartment building. It's an important
9 distinction. Intro 755 would require the
10 Department of Transportation to construct and
11 maintain 8 foot tall fences on city-owned
12 overpasses that cross a pedestrian area, bike lane
13 or motor vehicle right of way. Both of these
14 pieces of legislation are about safety for
15 pedestrians, for cyclists, for motorists.
16 Unsuspecting street users should never been
17 injured by the callous actions of people throwing
18 things off of overpasses. We will hear discussion
19 today concerning the price tag to do such safety
20 measures; while I refuse to place a price tag on
21 anyone's life, I refuse to accept any type of
22 discussion that says the cost will be too high. I
23 think the cost is much higher if we do nothing.
24 The cost is much higher if we allow the current
25 situation to exist. I am determined to have this

1
2 Council address this matter and I'm determined to
3 have it in a meaningful way, so that people will
4 not have to look above them as they walk the
5 streets. Pedestrians should be looking to the
6 right and to left, not above fearing a brick or
7 fearing a shopping cart or God knows what else
8 that could hit them as they drive, walk, or use a
9 bike, so I thank this Committee.

10 When have a quorum, we also have to
11 vote on a pre-considered bill by Council Member
12 Dan Garodnick concerning parking violations and
13 we'll wait to do that at a later date as more
14 members arrive. I do want to of course thank my
15 co-chair and introduce the chairman of the Housing
16 and Buildings Committee of the Council, my
17 colleague, Council Member Erik Martin Dilan.

18 CHAIRPERSON DILAN: Thank you,
19 Council Member Vacca. Unfortunately, we're here
20 today to hear these bills, and I agree with you.
21 Individuals shouldn't have to look up as it
22 relates pedestrian safety, but as you know being a
23 former member of my Committee, sometimes when it
24 involves construction safety, people still have to
25 look up, so we certainly encourage New Yorkers to

1
2 be fully aware as they walk through the New York
3 City streets regarding their surroundings. That
4 being said, today the Committee on Housing and
5 Buildings will conduct this hearing jointly with
6 the Transportation Committee. One bill will amend
7 the building code and be under the purview of the
8 Housing and Buildings Committee, while the other
9 bill will deal with arterial highways and other
10 roadways that will be under the purview of the
11 Transportation Committee. Both bills as the
12 Chairman of Transportation said were introduced by
13 Council Member Vacca, and—look, let's be clear,
14 all this could be prevented if New Yorkers act
15 responsibly, and I believe that's what's at the
16 root of what happened here, but that being said,
17 both Committees will actively consider everything
18 we can do to make the walkways and highways safe
19 for pedestrians crossing, cyclists and motorists
20 below. Elevated walking areas with high volumes
21 of pedestrian traffic like those near shopping
22 centers that my colleague mentioned pose greater
23 risks. To mitigate these risks, the building code
24 currently requires that elevated walk areas with
25 open sides have barriers or guards at least 42

1
2 inches high--that's current--but recent events have
3 called into question whether 42 inches is high
4 enough for such barriers to be effective. There
5 is a statement in here that talked about recent
6 events that my Co-Chair mentioned, so I'll refrain
7 from being redundant, but I think my Co-Chair has
8 successfully highlighted recent events and recent
9 incidences that justify these two Committees
10 meeting on this subject today. Intro 750-A, which
11 is specifically before the Housing and Buildings
12 Committee, would amend the code to require that
13 all new and existing guards that are required in
14 shopping center garages or along pedestrian
15 walkways connecting buildings together have a
16 height of at least 8 feet with a curved top or to
17 fully extend from the floor to the grade above, or
18 in other words floor to ceiling. The Committee
19 certainly looks forward to hearing from the
20 Department of Buildings as well as other
21 interested parties regarding the legislation today
22 and a little bit of housekeeping--if anyone is here
23 today to speak on either agenda item, please see
24 the Sergeant at Arms. Being that the Committee
25 has commenced its consideration of today's items,

1
2 I'd like to ask that all individuals who do have a
3 cell phone on, to please set it to silent mode or
4 if they have a need for private conversations, if
5 they could have those conversations outside of the
6 chamber. With that, I'm not sure which agency is
7 going to go first, but we'll consider that.

8 I'll take a brief moment to
9 introduce the members of the Housing and Buildings
10 Committee, and then turn it over to the
11 Chairperson of the Transportation Committee for
12 introduction of his members. I have the
13 Republican Leader, Jimmy Oddo, walking in; Council
14 Member Leticia James of Brooklyn; Council Member
15 Crowley of Queens and Council Member Ignizio of
16 Staten Island. Council Member Vacca, for your
17 members?

18 CHAIRPERSON VACCA: Council Member
19 Darlene Mealy is here; Council Member Peter Koo;
20 Council Member Jimmy Van Bramer. I think that's
21 it for my Committee. Okay. Why don't we start
22 with the Department of Transportation? Do you
23 want to lead off Commissioner? Okay.
24 Commissioner Wallach, please state your name for
25 the record.

1
2 CHAIRPERSON DILAN: We can hear you
3 audibly, but if you could speak directly into the
4 mic for the record. The proceedings are being
5 recorded, so if you could do that for the record,
6 that would be appreciated. And then before you
7 begin, I do have to vote in another Committee that
8 needs a quorum, so I'll go up and vote and will
9 return to these proceedings in short order.

10 COMMISSIONER WALLACH: I think it's
11 on now. Okay. Good afternoon, Chairman Vacca,
12 members of the Housing and Buildings and
13 Transportations Committees. My name is David
14 Wallach. I'm the Deputy Commissioner of External
15 Affairs at New York City DOT. I'm joined to my
16 left by Henry Perahia, DOT's Chief Bridge Officer.
17 Thank you for inviting us to testify today on the
18 important topic of pedestrian fencing on the
19 city's bridges and Intro 755 specifically. Before
20 I comment on the bill, I'd like to explain DOT's
21 current pedestrian fencing policy. DOT owns,
22 operates or maintains 787 bridge structures
23 throughout New York, including the iconic East
24 River Bridges, 25 moveable bridges and 5 tunnels.
25 Although the agency's bridge portfolio is

1
2 extensive our inventory reflects about a 1/3 of
3 the total number of bridges in the city, many of
4 which fall under the jurisdiction of the New York
5 State Department of Transportation, the MTA or the
6 Port Authority. As you can imagine, DOT's bridges
7 vary a great deal in terms of size and purpose.
8 Each bridge in our portfolio poses individual
9 design and maintenance challenges, but there are
10 some areas where system-wide guidelines can be
11 applied. One such area is pedestrian fencing.
12 The purpose of pedestrian fencing is twofold: to
13 protect pedestrians and cyclists from accidentally
14 falling from a structure and to protect people and
15 property below the overcrossing from debris,
16 either accidentally or intentionally thrown from a
17 bridge. DOT has a clear policy for pedestrian
18 fencing, which was implemented in writing in 2007
19 by Chief Bridge Officer Perahia. When the
20 Department constructs, reconstructs or
21 rehabilitates bridges, pedestrian fencing is
22 required on the portions of pedestrian bridges and
23 pedestrian walkways of vehicular bridges that are
24 over person or over property that can be damaged
25 by thrown objects, unless the Department

determines otherwise. The policy, which is consistency with guidelines established by both New York State DOT and the American Association of State Highway and Transportation Officials, (AASHTO), specifies standards for three key aspects of fencing design. First the fencing must be at least 8 feet tall; second, the fencing must be of metallic mesh, and the maximum opening size of the mesh must be 1 inch, except where more stringent requirements are necessary; and finally, the fence must feature an 18 inch return, meaning the posts must be curves or feature an inward bend of 45 to 90 degrees. Exceptions to any of these requirements must be approved by DOT's chief bridge officer. Examples of such exceptions include allowing a mesh opening of up to 2 inches on a bridge over a waterway that is not used by commercial vessels or waiving a fence requirement on a bridge with no experiences of people throwing objects that is kept under regular surveillance by law enforcement personnel. As noted above, these exceptions are consistent with New York State DOT and AASHTO guidelines. The Department's policy is practical and appropriate. New bridges with

1
2 pedestrian paths will feature pedestrian fences as
3 part of the initial design and as older bridges
4 are reconstructed or rehabilitated, pedestrian
5 fences will be added unless an exception is
6 appropriate in the engineering judgment of the
7 chief bridge officer. It's important to note that
8 the Department's strong advocacy for pedestrian
9 fencing is not always well received. While
10 fencing provides valuable safety benefits, it may
11 also detract from the aesthetic quality
12 appreciated by many members of our community.
13 Also in some cases, fencing may even encourage
14 unsafe behavior. As AASHTO notes, at least one
15 fatality has occurred when a child fell from the
16 top of a screened area onto a roadway below.
17 Pedestrian fencing is therefore certainly not a
18 panacea. In our experience the best practice of
19 bridge design to provide the engineer of record
20 with guidelines based on nationally accepted
21 standards while also allowing engineering judgment
22 to take into account factors unique to a
23 particular location.

24 Intro 755 would require fencing on
25 pedestrian passage ways elevated over or even

1
2 alongside vehicular or pedestrian right of ways
3 regardless of bridge design or use. Although we
4 share the Council's appreciation for pedestrian
5 fencing, we feel this bill is far too broad in its
6 approach and must oppose it for the following
7 reasons: first, DOT's existing policy establishes
8 a pragmatic standard for New York City's bridges.
9 The policy sets pedestrian fencing installation as
10 the default for new bridge construction, but does
11 allow engineers the necessary flexibility to make
12 design decisions based on factors specific to
13 bridge locations. As the AASHTO guidelines point
14 out, "each location must be analyzed
15 individually." Intro 755 would replace engineering
16 judgment with legislative mandate and we feel that
17 it's both unnecessary and counterproductive. For
18 example Intro 755 would mandate the installation
19 of fencing on all portions of the structure above
20 five feet, a requirement that appears entirely
21 arbitrary. While most of our bridges currently
22 feature pedestrian fencing, the fencing itself is
23 typically installed on the portion of the
24 structure directly over another right of way and
25 ramps that cross over a roadway or property, but

1 not always when they're running in the same
2 direction as the traffic. Of course we may decide
3 to install pedestrian fencing in a larger portion
4 of a particular structure depending on the
5 location, use and history of the bridge, but that
6 decision must be made based on engineering
7 judgment. Second, the cost to place and expand
8 fences on existing facilities to satisfy Intro 755
9 would be extraordinarily high, and the work itself
10 would likely take at least a decade—maybe more.
11 Installation is not just a matter of nuts and
12 bolts. Each bridge in DOT's inventory would need
13 to be surveyed to determine whether a new fence or
14 extended fence is feasible, then a fence would
15 need to be designed for the specific bridge and an
16 engineering survey would need to be conducted to
17 determine that the fence supports are able to
18 handle the additional weight, forces of people
19 leaning or pushing against it and wind load
20 [phonetic]. A reasonable estimate for this
21 process is about \$1,000 per foot. As written,
22 Intro 755 would appear to apply to over half of
23 the 787 bridges in our inventory and of this
24 universe approximately 107 bridges would require
25

1
2 retrofitting of some kind, either the installation
3 of a new fence or replacement of an existing
4 fence. If enacted we estimate the DOT would be
5 required to install about 50,000 linear feet of
6 fencing on those 100 bridges, which would
7 therefore cost the city about \$50 million. A
8 small number of these structures lack pedestrian
9 fencing, most notably the Brooklyn Bridge and the
10 Brooklyn Heights Promenade, but are closely
11 monitored by law enforcement personnel and have no
12 experiences of people throwing objects. The
13 majority of the 107 bridges feature fences that
14 may be shorter than 8 feet and may or may not have
15 a return, and there have been no incidents that we
16 are aware of on any of them. This bill would
17 require DOT to replace those fences now, rather
18 than during reconstruction, which is the
19 appropriate time to consider such enhancements.
20 Further, Intro 755 actually would require DOT to
21 install fences on bridges that are scheduled for
22 reconstruction or demolition shortly--an example
23 of this, Surf Avenue pedestrian bridge in
24 Brooklyn, which was built in 1954 and is scheduled
25 for demolition later this year. In summary, Intro

1
2 755 would require the city to spend an enormous
3 amount of money—perhaps 50 million or more—without
4 providing any greater safety benefits than DOT's
5 existing pedestrian fence policy. For this reason
6 and the others mentioned in my testimony, the
7 Department cannot support the bill. The safety of
8 New York City's transportation infrastructure
9 including 787 bridges remains the Department of
10 Transportation's primarily responsibility and
11 focus. We will be happy to answer your questions
12 at this time.

13 CHAIRPERSON VACCA: Thank you. Let
14 me introduce the additional members that have
15 arrived: Council Member Koppell, Council Member
16 Jackson, Council Member Debbie Rose, Council
17 Member Joel Rivera. Council Member Ydanis
18 Rodriguez. The one sitting right next to me is
19 the one I miss. Okay, thank you, and... Should I go
20 on to buildings or maybe... Let me say one or two
21 things though. It's a sad day in the city of New
22 York when we have to say it takes ten years to
23 build a fence. When I hear it's going to take the
24 city of New York ten years to put a fence up on a
25 pedestrian overpass, I don't think that that

1
2 speaks badly of the pedestrians; I think it speaks
3 badly of the city. How is that possible? I
4 cannot fathom it taking ten years to put a fence
5 on an overpass up?

6 COMMISSIONER WALLACH: If it were
7 just a question of taking some fencing and some
8 nuts and bolts and going out there and fastening
9 the fences without doing a survey of the bridges,
10 without measuring each bridge specifically, then
11 we could do that, but we would want the fencing
12 put on safely, we would want to appropriate
13 fencing put in place and we're talking about
14 serious engineering undertaking to put fencing,
15 for instance, on the Brooklyn Bridge, and Deputy
16 Commissioner Perahia can go into that in greater
17 detail.

18 DEPUTY COMMISSIONER PERAHIA: Yeah,
19 let me use as an example the Brooklyn Bridge. The
20 pedestrian walkway, which is a wooden walkway,
21 does not right now have the capacity to hold up a
22 fence. We'd have to go underneath. We'd have to
23 change the steel structure underneath to be able
24 to—

25 CHAIRPERSON VACCA: [Interposing]

1
2 Commissioner, let me—

3 [crosstalk]

4 CHAIRPERSON DILAN: I wanted to do
5 the same thing. Look, I think we're reasonable
6 people. I think it's pretty—I'm pretty sure that
7 if the Brooklyn Bridge is captured in the language
8 right now that it's pretty safe that the Brooklyn
9 Bridge would get an exemption. You guys know what
10 we're talking about, so let's not deal with far
11 extremes of what you may face and let's deal with
12 what you know we intended to deal with. Now if
13 there's unintended consequences, rest assured we
14 would be happy to address, but I don't think we
15 need to make our testimony that dramatic where
16 we're not dealing with everyday situations, so if
17 you're seeking an exemption for the Brooklyn
18 Bridge, I'm pretty sure you'll get one.

19 CHAIRPERSON VACCA: Even to sit
20 here and say that it's \$50 million and that that's
21 too much money, I know that fencing can be
22 provided under the New York City capital budget.
23 Our capital budget is tens of billions of dollars
24 every year, and we're talking about life and limb.
25 I don't want to hear about money at this point.

1
2 I'm willing to work with you on a bill. Don't get
3 me wrong. Perhaps as the Chair said this bill
4 captures things that we did not mean to capture,
5 but I expect the city to work with us. When you
6 tell me that new pedestrian overpasses that you
7 construct are all getting this type of fencing
8 then you're acknowledging that there is an issue.
9 That is why you're giving the new fencing to the
10 new overpasses, so then the previously built
11 overpasses should have the same fencing because
12 the same issues exists--the same issue that the
13 city acknowledges because you've required it on
14 the new. It's unacceptable to say that we don't
15 have the money. It's unacceptable to say that we
16 will take our time going forth, and that it's
17 going to take ten years. If it takes ten years to
18 survey and do an engineering program, well then
19 something is wrong with the bureaucracy. It's not
20 moving fast enough, and then years is out of the
21 question to put a fence on top of an existing
22 overpass. Out of the question.

23 COMMISSIONER WALLACH: If we could
24 get every capital project that we want done this
25 year, we would do it, but as you know, there are

1
2 hundreds of capital projects throughout the city
3 in the city's capital plan, and there is funding
4 to get some of them done this year, some funding
5 to get projects done next year. The point is that
6 it's not an effective way to improve safety to go
7 back to all these facilities prior to other
8 construction work happening, and if we want to
9 improve—if you have \$50 million to improve safety,
10 we could come up with lots of strategies to spend
11 that money. We're not sure if this is the most
12 effective way to do that.

13 CHAIRPERSON VACCA: Explain to me
14 briefly what happened in Fort Greene, Brooklyn?
15 What happened when there was an accident in Fort
16 Greene? What happened there?

17 COMMISSIONER WALLACH: Sure.

18 CHAIRPERSON VACCA: There was an
19 accident. Somebody had a brick thrown from above
20 to below, and a pedestrian fence went up. How
21 long did that pedestrian fence take to be
22 constructed?

23 COMMISSIONER WALLACH: I think it
24 took us a couple of months to get that one up. In
25 that particular case the amount of fencing that

1
2 needed to be added to a location where we had
3 existing fencing was not that extensive.

4 CHAIRPERSON VACCA: But this is—

5 COMMISSIONER WALLACH: Let's talk
6 about this project 'cause I think—and I'm glad my
7 Council Member, Council Member James is here. I
8 think it's an important one. There's no question
9 that there were a number of incidents there that
10 needed to be responded to. This first happened
11 last year or at least the first report that we had
12 of it was last year and when we got those reports
13 we went out there and we worked and we talked to
14 stakeholders and we talked to the Council Member,
15 and we made improvements to that facility. Now
16 it's worth noting that we had to customize a
17 solution for that particular facility. What we
18 put on Navy Street, which I think has done a good
19 job of balancing the different interests, doesn't
20 meet the specific standards that's outlined in the
21 bill, and it gets at that for each facility you
22 need to customize a solution. If you try to have
23 a cookie cutter approach, it's not always going to
24 work, and Navy Street is a great example of that.

25 CHAIRPERSON VACCA: We are being

1
2 reactive. We reacted to an attack on a
3 pedestrian. We reacted by installing fencing.
4 The objective of these bills is that I do want the
5 city to react after someone is hurt. I want the
6 city to protect the people so that no incident
7 will ever occur. There is a difference between
8 action and reaction. We know you reacted. We
9 want action now, so that this will happen nowhere
10 in the city.

11 COMMISSIONER WALLACH: And the
12 action we took was in 2007. We put a policy in
13 place to make sure that we had the right standards
14 to best protect New Yorkers in all five boroughs,
15 and since that time, we've had a very rigorous,
16 firm policy in place.

17 CHAIRPERSON VACCA: Your policy
18 does not include pedestrian overpasses that have
19 existed for years where there is no fencing. Your
20 policy includes pedestrian overpasses going forth
21 that have been built and your policy includes
22 putting up fencing where there's been an accident
23 because somebody threw something and you reacted.

24 COMMISSIONER WALLACH: And wherever
25 there's a concern and wherever there are issues,

1
2 we will come out and we will try to address that
3 particular situation, but the fact is that we have
4 not had similar issues or similar complaints on
5 any other of our facilities.

6 CHAIRPERSON VACCA: This is not a
7 situation where somebody calls you about a tree
8 that has to be pruned and based on their
9 complaining about the tree, you prune the tree.
10 That's what's going on in the city right now. You
11 can't get a tree pruned—first of all you get it
12 pruned at all—but no one responds unless you first
13 make a complaint that the tree has to be pruned.
14 Well, there's a big difference between a tree that
15 has to be pruned and a pedestrian overpass that
16 has to be secured. I don't think we have to wait
17 for people to call 311 because they think maybe a
18 fence would be helpful so that nothing is thrown
19 at them again from up above. It missed me today.
20 "Oh, they threw something from on top today, but
21 it missed me, so let me call 311 and complain."
22 Absolutely not. That's not the city that we want
23 for our people. Unacceptable. We now have a
24 quorum, so I will call the vote. I'll take a
25 second to call the vote on Council Member

1 Garodnick's whatever it is—change to a bill. - -

2 . Where is it?

3 [background conversation]

4 CHAIRPERSON VACCA: It's somewhere.

5 We are here to vote on pre-considered bill by

6 Council Member Garodnick regarding an affirmative

7 defense at the parking violations bureau for

8 providing a valid muni meter receipt. As noted at

9 the Committee's last hearing, this bill is a

10 result of technical amendments the Bloomberg

11 Administration asked the Council to make following

12 unanimous passage of this bill by the Council on

13 February 1st. Needless to say, the Chair

14 recommends a yes vote. Council Member Rodriguez,

15 how do you vote?

16 COUNCIL MEMBER RODRIGUEZ: Aye.

17 CHAIRPERSON VACCA: Council Member
18 Vacca votes aye. Council Member Darlene Mealy?

19 COUNCIL MEMBER MEALY: Aye.

20 CHAIRPERSON VACCA: Council Member
21 Peter Koo?

22 COUNCIL MEMBER KOO: Aye.

23 CHAIRPERSON VACCA: Council Member
24 Koppell?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER KOPPELL: Aye.

CHAIRPERSON VACCA: Council Member
Rose?

COUNCIL MEMBER ROSE: Aye,

CHAIRPERSON VACCA: Okay, the
Committee—oh, Council Member Jessica Lappin? How
do you vote? Council Member, I didn't see you.
I'm sorry. Oh, oh boy. Alright. Let me
introduce Council Member Garodnick, how do you
vote?

COUNCIL MEMBER GARODNICK: I vote
aye.

CHAIRPERSON VACCA: Council Member
Ulrich?

COUNCIL MEMBER ULRICH: Aye.

CHAIRPERSON VACCA: Council Member
Van Bramer?

COUNCIL MEMBER VRAN BRAMER: Yes.

CHAIRPERSON VACCA: Council Member
Lappin?

COUNCIL MEMBER LAPPIN: Yes, and -
- you at least have to prune where it's blocking
traffic signs.

CHAIRPERSON VACCA: That's a

1
2 priority, so that's done in three years. Council
3 Member Brewer?

4 COUNCIL MEMBER BREWER: Yes - -
5 prune in my district.

6 CHAIRPERSON VACCA: Thank you,
7 Council Member. The motion has passed
8 unanimately. [gavel] Okay.

9 [background conversation]

10 CHAIRPERSON VACCA: Now I introduce
11 the Buildings Department.

12 THOMAS FARIELLO: Good afternoon,
13 Chairman Dilan, Chairman Vacca and members of the
14 Housing and Buildings and Transportation
15 Committees. I want to thank you for this
16 opportunity to discuss Intro 750-A, installation
17 of rail guards on pedestrian walkways in shopping
18 center parking garages. My name is Thomas
19 Fariello. I'm the First Deputy Commissioner. I'm
20 here along with other members of my Department
21 staff. We believe the goal of Intro 750-A is to
22 create an enclosed environment to prevent objects
23 from falling or being thrown off of elevated
24 walkways around parking garages. As currently
25 drafted, the bill has some technical issues and

1
2 flaws which need to be addressed. As you are well
3 aware, creating a new term in the building code,
4 in this case "shopping center parking garage"
5 often will encompass many more buildings and
6 situations than intended. Such is the worry with
7 this bill. We believe that the broad definitions
8 found in the bill may lead the hundreds, if not
9 thousands more buildings being affected by this
10 bill than intended. For example, we believe that
11 a single building with a parking lot or garage on
12 lower floors and commercial tenants above, such
13 buildings are scattered throughout all five
14 boroughs, will be mandated to install the rail
15 guards and fencing. In addition, the drafted
16 language would include installing fencing in all
17 of the openings in walls of open parking garages--
18 perhaps another intended consequence or an issue
19 that would need to be specifically addressed in
20 the language. As for the engineering aspects of
21 the bill, there needs to be attention paid to the
22 erection and fastening of the fences to existing
23 structures and which structures can handle the
24 additional load. We also worry about signs or
25 banners attached to the fence that would create a

1 strain both to the fence and to the permanent
2 structure. There is one other issue that would
3 need to be more specifically addressed by the bill
4 language; that is the issue of retroactivity. As
5 the regulator tasked with the enforcement, it
6 would be extremely difficult to determine the
7 universe of existing buildings to inspect to
8 ensure compliance. Further, the bill could affect
9 thousands of existing buildings who are otherwise
10 compliant with the law today. I would like to
11 thank you for the opportunity to testify and I'll
12 be happy to answer any questions you may have.

14 CHAIRPERSON DILAN: I'll start off
15 very simply. I'll just react to one thing that
16 you said. I don't think banners or any type of
17 signage is a concern. I think this is a protocol
18 that is already in place and used in the city I
19 believe by the Department of Transportation on an
20 as needed basis and I'm not sure that the
21 buildings allow signage of any type on any type of
22 structures, so and you can clarify that for me,
23 but I don't think that that is a concern. Again,
24 I want to try to stay away from the dramatics and
25 stick to the issues that are going to be effecting

1
2 New Yorkers and he we can operationally come to
3 some sort of positive disposition on these items
4 for the people we represent, so just as a matter
5 of just general background, I'll just have some
6 simple questions, and the first one would be on
7 755, which is under the purview of the Department
8 of Transportation, so you may be the appropriate
9 agency to answer... how many overpasses in the city
10 or other similar structures that fit the
11 definition of Intro 755 are under the city's
12 jurisdiction, and would be subject to this law,
13 and if so, do you have a breakdown of where they
14 are by borough?

15 COMMISSIONER WALLACH: We have as I
16 said 787 bridges in our whole portfolio, so I
17 think about half of them would be applicable here.

18 CHAIRPERSON DILAN: So about half
19 of... okay. Got it. And how many of them have
20 fencing already described by the bill whether or
21 not it meets—how many of them have the current 42
22 inch height requirement?

23 COMMISSIONER WALLACH: Based on our
24 initial assessment, we think about 75 percent
25 already meet the criteria of the—

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON DILAN: [Interposing]
So what we're really dealing with is 25% of the number that you just-

COMMISSIONER WALLACH: About 100 facilities.

CHAIRPERSON DILAN: Okay, and then as it'd related to 750, for the Department of Buildings... It's my understanding that parking garages may be covered by this legislation; do you have that same understanding?

THOMAS FARIELLO: Yes, parking garages would be--open parking garages also.

CHAIRPERSON DILAN: Okay, how many would be covered by this bill, and--well, we'll start with how many are covered by the bill?

THOMAS FARIELLO: Well, the way it's written now, we really--if I have a tenant that's on the first floor and it's a residential building - - have a parking garage in that part of the building, this would be covered under that. I mean we have thousands--I don't know how many we have...

CHAIRPERSON DILAN: So in short you can't--at this time, you can't come to a number as

1
2 to how many are covered by the legislation?

3 THOMAS FARIELLO: The way it's
4 written - - .

5 CHAIRPERSON DILAN: Okay, and then
6 how about walkways? How many building to building
7 pedestrian walkways or bridges are there in the
8 city and are there any special type of permits
9 needed to construct these ways and is there a
10 number that could be I guess indirectly assessed?
11 We'll start there.

12 THOMAS FARIELLO: Okay, so permits
13 required for walkways; if the walkway is on
14 private property, it would be just the regular
15 construction permit as would be for the building.
16 Permits for bridges that go or walkways that go
17 over a public street, those are special permits,
18 which require other agency involvement, which
19 would be DOT would be one of them, so I don't have
20 a number for you of how many we have of those
21 type, but the ones with public walkways, that
22 would be very difficult for us to get that number
23 because it is inherent in the regular building
24 permit, so...

25 CHAIRPERSON DILAN: So in your

1
2 regular building permit, you can't differentiate.
3 There's no special permit for the walkways? It's
4 included in the regular?

5 THOMAS FARIELLO: Right, fi I was
6 building a shopping mall and a parking garage and
7 I had a walkway between the two, it would be under
8 the permit for the building.

9 CHAIRPERSON DILAN: For the
10 building, okay. So a building—there's no way for
11 your to differentiate a building with a walkway or
12 without a walkway if I understand you correctly.

13 THOMAS FARIELLO: Right, not from
14 the data that we have. Yes.

15 CHAIRPERSON DILAN: Okay. Alright,
16 so then what I'm going to do is—and I agree with
17 my Co-Chair—while we all have to be cost
18 conscious, the cost on life and injury to life is
19 something that we all take seriously and don't
20 like to put a dollar figure on that, but I do have
21 to ask the Department of Transportation as it
22 stands right now for the 25% of the bridges you
23 believe that this bill would be covered—about 100
24 or so bridges—the bill as written today, do you
25 have an estimate as to how much it would cost the

1
2 Department to come into compliance with this law
3 if it were passed?

4 COMMISSIONER WALLACH: A
5 preliminary estimate is about \$50 million, but let
6 me just clarify. Of those 100 facilities, the
7 large majority of them already have pedestrian
8 fencing. It would be a question of going back to
9 those facilities and changing the fencing to
10 comply-

11 [crosstalk]

12 CHAIRPERSON DILAN: I get that.
13 They have the straightforward fence and not the
14 curved fence. I mean if you lived in New York
15 City long enough you've seen both types. It's
16 good that you clarified, but I think I understand
17 that assumption, but clarity is always better. So
18 \$50 million is the initial assessment. Does that
19 include all of the engineering work that you
20 prescribed in your answers to Council Member Vacca
21 as well as installation of new fencing?

22 COMMISSIONER WALLACH: Correct.

23 CHAIRPERSON DILAN: Okay, it does.
24 Okay. Thank you, Mr. Chair. I believe you are
25 done with your questioning. I had Council Member

1
2 James on my list if you're done. Council Member
3 James?

4 COUNCIL MEMBER JAMES: Thank you.

5 So many—I think both Chairs, and Chair Vacca
6 mentioned Fort Greene, and let me limit my
7 comments to the incident that happened in fort
8 Greene. I see that the victim, Mr. Stephen Arthur
9 [phonetic] is here in the audience, and I'm not
10 sure whether he is scheduled to testify, but let
11 me just describe to my colleagues, and to all of
12 you who are in attendance what happened. On
13 August 12th, 2011, Mr. Arthur was in hit in face by
14 a rock that was thrown from the overpass on Navy
15 Street in Fort Greene. He fell to the floor. I
16 believe he lost some consciousness. He had severe
17 injuries to his face and about his body.
18 Accordingly to media reports, there were at least
19 six similar attacks in 2011. As a result of the
20 advocacy of Mr. Arthur, who contacted the
21 Department of Transportation, as well as efforts
22 from my office and Council Member Lander, who
23 actually represents Mr. Arthur who was traveling
24 on a bike on the bike lane down Navy Street onto
25 the Brooklyn Bridge, the DOT installed a 8 foot

1
2 fence at the Navy Street overpass. It's important
3 to note that this incident was a flash point in
4 Fort Greene because it concerned a number of
5 residents, particularly residents who were living
6 in public housing. Let me just state that the
7 vast majority, the overwhelming majority of the
8 residents of public housing are good, solid
9 citizens who obey the law and sympathize with the
10 plight of Mr. Arthur, but this became a flash
11 point in the district because DOT—the residents of
12 public housing were of the opinion that their
13 incidents and their complaints have fallen on deaf
14 ears, and as a result of the media attention to
15 this incident that all of a sudden, government
16 decided to correct a situation that had existed
17 for a long period of time, and that there are a
18 number of conditions in public housing that
19 unfortunately have fallen on deaf ears and have
20 not been addressed. That notwithstanding, the
21 issue was really balancing the safety of the
22 cyclists and the auto and drivers—automobile
23 drivers against the interests of the residents at
24 that particular time. I fell on the side of
25 safety and supported DOT's installation of the 8

1
2 foot fence at the Navy Street overpass. And
3 obviously I've been working with the residents of
4 public housing to address their issues. In fact,
5 I'm having a major town hall meeting with the
6 residents of Ingersoll, Whitman and Farragut
7 [phonetic] in the coming weeks with Chairman Reer
8 [phonetic] of NYCHA. But let me just say that as
9 the Chairman mentioned as-

10 CHAIRPERSON VACCA: [Interposing]

11 Is there a question? I'm sorry.

12 COUNCIL MEMBER JAMES: It's coming.

13 CHAIRPERSON VACCA: Is it coming
14 now?

15 COUNCIL MEMBER JAMES: Yes, it is.

16 CHAIRPERSON VACCA: Okay.

17 COUNCIL MEMBER JAMES: So just as
18 the Chairman mentioned, it was a reactionary. It
19 was reacting to a particular incident. It's
20 important to know that there's fencing at Prospect
21 Expressway in Brooklyn, FDR Drive and the BQE
22 onramp at Calvary Cemetery and other overpasses in
23 the city of New York. So my question to the
24 Chairman--first let me thank you for your prompt
25 response to the incident at Navy Street, but also,

1
2 you indicated that the cost—your primary objection
3 to this legislation is related to the cost
4 factors. \$50 million you have quoted. My
5 question to you, and it's two part; one is \$50
6 million to renovate the existing overpasses, does
7 that include again the exemption of the bridges
8 that was mentioned by Chairman Dilan? And second,
9 the concern with regards to aesthetics. A number
10 of residents have contacted my office basically
11 saying that they would want to be consulted prior
12 to the installation of any overpass; particularly,
13 I believe community board should play a role, and
14 civic associations should play a role.

15 Particularly, since a significant number of
16 residents, particularly those in Brooklyn Heights,
17 are very much concerned about the aesthetics of
18 bridges and would oppose any bridges particularly
19 in Brooklyn Heights. Have you taken that into
20 consideration, and does the \$50 million cost
21 exempt all of the Brooklyn Bridge and other
22 bridges of similar size and is the \$50 million
23 just complete renovation of existing overpasses?

24 COMMISSIONER WALLACH: The \$50
25 million was based on the bill as written. The

1
2 bill as written—and this is all we had seen on the
3 bill—doesn't include any exemptions, but I think
4 the question of exemptions starts to get into the
5 idea that each bridge is different and each bridge
6 needs to be approached differently. I am glad
7 Chairman Dilan reached the conclusion that there
8 could and should be an exemption for the Brooklyn
9 Bridge. There probably are other bridges that you
10 may similarly come to a conclusion that it should
11 be exempted.

12 COUNCIL MEMBER JAMES: I would
13 think that that would be the case.

14 COMMISSIONER WALLACH: Right.

15 COUNCIL MEMBER JAMES: So that
16 would bring that \$50 million amount down?

17 COMMISSIONER WALLACH: No doubt.
18 You start to narrow the universe of bridges,
19 particularly taking out large facilities like the
20 Brooklyn Bridge and it starts to come down.

21 COUNCIL MEMBER JAMES: Come down
22 significantly, I would argue.

23 COMMISSIONER WALLACH: Particularly
24 taking the Brooklyn Bridge out, but Council
25 Member, you get at a very important issue. I mean

1
2 you've raised the question of should community
3 boards be consulted? Should stakeholders be
4 consulted? That would conflict directly with what
5 this bill would do. What this bill does is it
6 prescribes a remedy, and in all fairness, we think
7 the frame of it goes in the right direction, and I
8 think—

9 [crosstalk]

10 COMMISSIONER WALLACH: --common
11 understanding of what the general approach should
12 be, but when you have a very rigid framework that
13 does not allow—that you can't deviate from at all,
14 you can't take any input. You can't talk to any
15 stakeholders, and most important, you can't use
16 your technical judgment, and when you reference
17 that our main concern is cost, I'd say that our
18 second concern. Our most important concern about
19 this bill is the need for our experts, for our
20 engineers to be able to use their technical
21 judgment when they need to. But make no mistake
22 about it, the intent of the legislation is
23 predicated on a framework that we are very much in
24 agreement about, and that we have taken great
25 steps over the past few years to put in place.

1
2 COUNCIL MEMBER JAMES: So let me
3 just conclude by saying the following; that in
4 response to incidents obviously we need to move
5 expeditiously as you did on Navy Street. Two, I
6 do believe that when I fact you are fencing
7 overpasses and/or major bridges and byways and
8 highways in the city of New York assuming that we
9 don't exempt them all, that the community have
10 some input. Again, that was the criticism in Fort
11 Greene. And three, I obviously would respect the
12 judgment of your engineers, but I believe cost
13 should be our last concern, particularly when it
14 comes to safety, but I do believe and I support
15 the intent of this legislation in hoping that the
16 gentlemen seated at the table and the Chairs of
17 these two Committees could put your heads together
18 and come up with a solution that would resolve all
19 of the issues described. Hopefully there's a
20 female included in that group some way, but I
21 thank you for listening to my comments.

22 CHAIRPERSON DILAN: We certainly
23 welcome your input. I just want to follow up to
24 the previous question that I asked. You did
25 accurately reflect the number of bridges, but I

1
2 also ask for a borough wide breakdown. Would you
3 have that at this time?

4 COMMISSIONER WALLACH: I don't have
5 that today, but we could get that to you.

6 CHAIRPERSON DILAN: If you could
7 follow up with both Committees on the borough wide
8 breakdown because I do consider that important. I
9 believe next we had Council Member Gale Brewer?
10 Council Member Darlene Mealy.

11 COUNCIL MEMBER MEALY: Yes. I want
12 to thank our Chairs for having this hearing, but
13 one thing firstly, I want to say we can never put
14 a price tag on someone's life, and with that being
15 said, you hit on something I didn't get the right
16 clarification. Are you saying parking garages
17 will be included in this legislation?

18 THOMAS FARIELLO: The way it's
19 written today, yes.

20 COUNCIL MEMBER MEALY: Excuse me?

21 THOMAS FARIELLO: The way the
22 legislation is written today, yes.

23 COUNCIL MEMBER MEALY: Privately
24 also will be included? Private parking garages?

25 THOMAS FARIELLO: Yeah, this would

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be all parking garages.

COUNCIL MEMBER MEALY: Okay, that's good to know. How often does DOT inspect overpass fencing currently for vandalism or wear and tear?

DEPUTY COMMISSIONER PERAHIA: The bridges-

COUNCIL MEMBER MEALY: [Interposing] How often?

DEPUTY COMMISSIONER PERAHIA: The bridges are inspected every two years on a thorough inspection. If we are notified of vandalism or if we in passing over a bridge to do other repairs notice something-holes in fences are given high priority, and they're fixed immediately, but the regular formal inspection of a bridge is minimum of once every two years.

COUNCIL MEMBER MEALY: Minimum? So how often do you think people 311 in regards to vandalism?

DEPUTY COMMISSIONER PERAHIA: We get relatively few phone calls. We get relatively few phone calls on damaged fences. Off the top of my head, I'd have to check with my maintenance people, but I'm thinking in terms of maybe a dozen

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a year and those are fixed literally that day.

COUNCIL MEMBER MEALY: Okay. How does the standards for fencing in these bills compare to the standards for fencing along pedestrian walkways that cross subway tracks?

DEPUTY COMMISSIONER PERAHIA: I'm sorry? This bill versus...?

COUNCIL MEMBER MEALY: And your fence input.

DEPUTY COMMISSIONER PERAHIA: I don't believe that this bill has as strict guidelines as we do in terms of the fencing. For example, we will require--

COUNCIL MEMBER MEALY: I'm asking for comparing.

DEPUTY COMMISSIONER PERAHIA: I can't tell you about transit because I don't know their standards, but our standards of one inch I believe are among the most stringent. We have had some pushback on that, but I think they're the most stringent I know. The only exception would be over Amtraks and - - electric lines, it had to be solid, and we put solid in, but I think the one inch mesh that we put and the 18 inch return are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the most stringent I'm aware of.

COUNCIL MEMBER MEALY: Okay.

COMMISSIONER WALLACH:

[Interposing] The upshot is that we would need to check with the MTA, New York City Transit about their facilities.

COUNCIL MEMBER MEALY: Because this would cover...

COMMISSIONER WALLACH: This bill, 755, I don't believe would cover the MTA or New York City Transit's facilities.

COUNCIL MEMBER MEALY: So do you think, Chair, that should be included 'cause it's a lot of overpass from the train tracks that are open also without fencing that go straight onto the train tracks. So my last question; there has been "if you see something, say something" encourage that the public report concerns to the city has been quite successful, but I have heard that it's difficult for public to report concerns about DOT pedestrian walkways via the 311 system. Can you describe how these walkways are listed in the 311 system?

COMMISSIONER WALLACH: I would have

1
2 to get back to you on that. I don't have what the
3 311 script is.

4 COUNCIL MEMBER MEALY: So, you all
5 don't have anything posted saying, "if you see
6 something, call this number"?

7 COMMISSIONER WALLACH: Posted on
8 our bridges?

9 COUNCIL MEMBER MEALY: Yes.

10 COMMISSIONER WALLACH: I don't
11 believe so.

12 COUNCIL MEMBER MEALY: I think you
13 should. Thank you, Chairs.

14 CHAIRPERSON VACCA: Council Member
15 Viverito?

16 COUNCIL MEMBER MARK-VIVERITO: Thank
17 you, Mr. Chair and in particular I wanted to speak
18 to Intro 750-A, and first of all, I wanted to
19 thank you, Mr. Chair for introducing this
20 legislation, which I have co-sponsored 'cause this
21 was in response to a very unfortunate incident
22 that happened in my district with regards to East
23 River Plaza and shopping carts being thrown over
24 the walkway that was there, understanding this is
25 a private development. Thankfully, the woman did

1
2 survive. She is obviously in serious rehab, but
3 it brings to light concerns that we have. I think
4 I just want to reiterate what has been expressed
5 about trying to be proactive as opposed to
6 reactive, so in light of that incident—I guess for
7 the Department of Buildings since you're the
8 pertinent agency here—based on that incident that
9 happened what internal conversations, if any,
10 happened with DOB to kind of take into account
11 what happened and maybe proactively figure out a
12 solution? If any?

13 THOMAS FARIELLO: Well, the initial
14 reaction we had was what was built; did it comply
15 with our current codes today?

16 COUNCIL MEMBER MARK-VIVERITO: Have
17 there been any changes internally in light of that
18 incident? In terms of your policies, procedures,
19 expectations?

20 THOMAS FARIELLO: Any change of
21 that would require a whole co-division change, so
22 that wouldn't happen—it couldn't happen
23 internally, one, the way our code committees are
24 set up, and so it couldn't happen this quickly
25 either, so...

1
2 COUNCIL MEMBER MARK-VIVERITO: It
3 couldn't happen? What would need to happen?

4 THOMAS FARIELLO: We would need to-
5 we have a code committee set up, so we would bring
6 it to that committee, and they would review it
7 based on - - adopted IBC code, so based on those-

8 COUNCIL MEMBER MARK-VIVERITO:
9 [Interposing] And have any of those steps been
10 taken?

11 THOMAS FARIELLO: Not at this time.

12 COUNCIL MEMBER MARK-VIVERITO:
13 Alright. So, this is exactly what I'm getting at.
14 This is the reason why we as a body are important
15 to be here, you know, because we have oversight
16 and we want to be proactive in really taking into
17 account the safety of the citizens of this city,
18 so you're saying that there would be normally
19 procedures. There could be changes that could be
20 done. It would have to go to committee code
21 review or whatever it is, but nothing of that has
22 been done in light of this incident. So, here we
23 have a piece of legislation that is in fact trying
24 to be proactive in really addressing and hoping
25 that an unfortunate incident like the one that

1
2 happened doesn't happen. So I think that that's
3 the intent obviously and clearly, this is being
4 presented. We want to get the input, feedback and
5 to the extent that we are as indicated we are
6 reasonable people. We can make amendments to
7 still stay within the original intent. That's
8 what we want to do. We want to have that
9 conversation and be able to get to that point. So
10 a question I wanted to also ask was what role if
11 any does City Planning play in this process? My
12 understanding talking to some of the people that
13 have to—that deal with East River Plaza, the
14 owners in particular, they indicated that City
15 Planning has a role in deciding the way things may
16 look aesthetically. They don't like the fencing.
17 They'd rather have it one way versus another, so
18 I'm just trying to figure out what role does City
19 Planning play in these types of decisions or
20 conversations that you may have to have? Are they
21 going to be brought into this conversation? Would
22 they have to be here?

23 THOMAS FARIELLO: One issue that we
24 have that we're looking at right now would be if
25 you put up these guard rails would it turn what

1
2 wouldn't be considered floor area into floor area
3 by definition and the zoning resolution today? So
4 we're looking at that now to see if this would
5 have any impact on that? So that would make the
6 overall building smaller I guess because this
7 would not have been considered as the rules are
8 today without the guard rails to be floor area,
9 and if now we put them up, would it be considered
10 floor area? So we're looking at that now. So
11 that would be one issue that City Planning would
12 be--

13 COUNCIL MEMBER MARK-VIVERITO:

14 [Interposing] In light of this legislation-taking
15 into account this legislation, so you don't have
16 an answer to that right now?

17 THOMAS FARIELLO: No.

18 COUNCIL MEMBER MARK-VIVERITO: Have
19 you gotten any initial feedback from them on this?

20 THOMAS FARIELLO: No. We are the
21 interpreter of the zoning resolution-the
22 Department of Buildings, and City Planning is the
23 creator of the zoning resolution, so we're the
24 ones internally that we would come up with that
25 interpretation. We can seek City Planning's-you

1
2 know, some advice from them, but we are the sole
3 interpreters of the zoning resolution.

4 COUNCIL MEMBER MARK-VIVERITO: - -
5 that would be interesting to follow up, so again,
6 I want to thank my colleague, Chair Vacca, for
7 this legislation which I am co-sponsoring and look
8 forward to the ongoing dialogue to arrive at a
9 point at which we can all feel comfortable,
10 maintain the original intent, which is to protect
11 pedestrians and protect citizens and be able to
12 implement this as expediently as possible, so
13 thank you very much.

14 CHAIRPERSON DILAN: Thank you,
15 Council Member Viverito. I do have one follow up
16 on your line of questioning if I may. All of the
17 questions that she asked obviously involve code
18 committee review, Buildings Department review and
19 then ultimately the Housing and Buildings
20 Committee review for passage and go into the full
21 Council for passage, which in and of itself is
22 something that takes some time, but just to go a
23 step further, you mentioned in your line of
24 questioning that you've found that the building
25 and walkway in her district was non-compliant with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

current code?

THOMAS FARIELLO: No, I said
compliant with current code.

CHAIRPERSON DILAN: It is compliant
with current code. Okay. Okay. That ends my
line of questioning. If it were non-compliant, I
was going to say enforcement steps - - . I heard
incorrectly. Sorry about that. Council Member
Brewer?

COUNCIL MEMBER BREWER: Thank you
very much. The woman who was hit in East Harlem
is actually my neighbor, so I am quite familiar
with how she is doing, and - - pretty rough, but
she is very forgiving as we all know. My question
is just a little bit to follow up on Council
Member Melissa Mark-Viverito, which is in that—I
know that DOT and DOB are not happy with the
present configuration, and I know there are some
buildings and institutions—I can't speak for
bridges—but buildings and institutions run by
either non-profits or for profits who are not
happy with it, but we have a problem, so can you
just either or both agencies, sort of succinctly
state what you would do about this problem? In

1
2 other words, it could happen again, so how do we
3 prevent it? What would you suggest? Obviously
4 trying to look at some of the challenges that you
5 have laid out—unfortunately, people do stupid
6 things, and we don't want this to happen again.
7 None of us do.

8 COMMISSIONER WALLACH: I think from
9 our vantage point, the most important thing that
10 we can do we did do. We had a very similar
11 discussion to the discussion we're having here
12 today five years ago, and Chief Bridge Officer
13 Perahia put a policy in place to make sure that
14 every time we built a new facility that the
15 default approach to a pedestrian bridge was
16 something very similar to what's outlined in this
17 legislation. If we have any complaints, if any
18 issue is brought to our attention on any existing
19 facility, we will go out and take a look at it.

20 [background conversation]

21 DEPUTY COMMISSIONER PERAHIA: I
22 think based on the current wording our biggest
23 problem as noted here today was it encompasses all
24 bridges and it does not give an opportunity to
25 look at each bridge individually and to say,

1
2 "Well, this bridge wasn't our intent," and I think
3 if we can do that and we can the accumulated
4 knowledge of AASHTO, which has about 100 years of
5 experience in 50 states, that basically is what we
6 do right now.

7 THOMAS FARIELLO: The way the intro
8 is configured right now, I think the intent is
9 there - - to capture these type of--to react as
10 Chairman Vacca mentioned, to react to the issue
11 that happened at shopping malls, but I think the
12 intro as it is today just goes a little bit beyond
13 where it's intended. That's the point we're
14 trying to make today.

15 COUNCIL MEMBER BREWER: Would you
16 suggest that there is something that is in between
17 that would address the concern that we all have
18 that - - gets hit or something in between? Is
19 there something in between? DOT feels there is.

20 THOMAS FARIELLO: I mean the
21 regulations that are in place today, alright--I
22 mean, we haven't heard of this issue happening
23 country-wide, across the country, until now all of
24 a sudden we had two. And so, I think the rules
25 the way they are in place right now outside of

1
2 these two incidents cover everything, you know.
3 So I think yes, there is something that is in
4 between, but it's do we want to stop shopping
5 carts from going aside or do you want to stop
6 other things from to the side? If you want to
7 stop everything, then that's kind of like where
8 this is going. That's all.

9 CHAIRPERSON DILAN: We've been
10 joined by Council Member Mendez of the Housing and
11 Buildings Committee. Happy Birthday to you. I
12 was unaware. Unless Council Member Mendez has a
13 line of questioning that she wants to pursue, that
14 will conclude the questioning from the members. I
15 would say, look, just listen, closing. I think we
16 all know we come from a rational place, and I
17 think the agencies that have dealt with me,
18 particularly the Department of Buildings, know
19 that I deal in what's real and what's possible.
20 Obviously, there's no way ever we could imagine of
21 fencing the Brooklyn Bridge. I think that would
22 be something that is definitely outside of the
23 intent of what we are trying to accomplish here,
24 but that being said... Alright, so before I finish
25 my summation with the agencies. Council Member

1
2 Brewer wants to be acknowledged for a follow up
3 question. Council Member Brewer?

4 COUNCIL MEMBER BREWER: Thank you
5 very much. There is a question about what this
6 might cost any private developers or non-profit
7 developers if such a law was to go into effect.
8 Do you have any sense of that? I guess that would
9 be mostly for DOB.

10 THOMAS FARIELLO: No, I don't have
11
12
13 a sense. It's going to depend on the size of the
14 building and there's a lot of factors that go into
15 what the cost would be.

16 COUNCIL MEMBER BREWER: You have no
17 idea. Thank you.

18 CHAIRPERSON DILAN: We were going
19 to hold that question for the private entities
20 when they came up should they decide to come up.
21 I'm not sure if they do or don't. I think what we
22 need to do is just to consider this from a real
23 perspective to see if there's any efforts that we
24 can do as a city to make it safer for New Yorkers.
25 Now obviously we can't stop everything from going

1
2 over. If kids want to throw bricks or rocks off
3 of a walkway or a parking garage, I think it's
4 pretty impossible to stop, but that being said,
5 throwing entire shopping carts off of parking
6 garages is indeed preventable and I think we need
7 to take a look at what can we reasonably do as a
8 city to prevent things. Can we prevent things
9 from stopping in its entirety? I don't believe
10 so, but I want you guys to take a rational look at
11 how we can make this safer and I don't know if my
12 co-chair wants to add anything to the agency's - -
13 .

14 CHAIRPERSON VACCA: I want to work
15 with you. I want to work all of you to make this
16 bill better. I'm sure no bill that's introduced
17 is perfect when it's first introduced and I will
18 work with you to make the bill better, but I am
19 determined to get something done. I think the
20 public demands it. I'm alarmed by what I see, and
21 what we see often does not even get to all that's
22 happening. I know a lot people who drive their
23 cars and things are thrown from above. They miss
24 the car or it's not a brick. It's something
25 smaller that even if it landed, it wouldn't hurt

1
2 someone, but I have to you that these things
3 happen every day in our city. People are throwing
4 things from pedestrian overpasses be they in a
5 shopping center or on a city highway. Most times
6 we don't hear about it because a person who has
7 something thrown at them from above is not going
8 to pull over and call 311. They'll probably
9 forget exactly where it was thrown from. They're
10 alarmed. They're in a state of surprise, so I'm
11 willing to work with you, but I would like to see
12 something done. I thank you.

13 CHAIRPERSON DILAN: Thank you all
14 for your time and testimony. I believe that we'll
15 get to the public portion and call up the first
16 panel.

17 CHAIRPERSON VACCA: Council Member
18 Greenfield is here. Can you please vote on the
19 bill? Council Member, the modification to Council
20 Member Garodnick's legislation?

21 COUNCIL MEMBER GREENFIELD: I vote
22 aye.

23 CHAIRPERSON VACCA: Thank you,
24 Council Member Greenfield.

25 COUNCIL MEMBER GREENFIELD: Thank

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you, Mr. Chairman.

CHAIRPERSON VACCA: Okay, our first panel: Stephen Arthur, Ms. Kendall Jackman [phonetic], Maria Wallez [phonetic]--Wallez, I'm sorry--Elise Lowe [phonetic]. Why don't we do Mr. Arthur? Mr. Arthur, would you please go first?

[background conversation]

CHAIRPERSON VACCA: Mr. Arthur, please take the microphone, introduce yourself for the record.

STEPHEN ARTHUR: Stephen Arthur, I was the person who was attacked on Navy Street on August 12th of last year.

CHAIRPERSON VACCA: Excuse me, can you... Can you state your name again and exactly where the incident--you spoke about Main Street, can you be a little clearer?

STEPHEN ARTHUR: Yes, my name is Stephen Arthur, and I was attacked on Navy Street, which is Fort Greene, Brooklyn, and this is the show and tell. This is the brick that hit me, pretty much like right dead on here, but the truth is I had a bicycle helmet on and my glasses, which took a lot of the impact, but created a hole right

1
2 in my face and all other kinds of injuries, so
3 from there, I'll just read my testimony.

4 Obviously, it has changed slightly since other
5 people have spoken, but I'll just read what I
6 wrote.

7 Recently an extension to an
8 existing fence over the Navy Street overpass was
9 installed in Fort Greene—in the Fort Greene
10 neighborhood of Brooklyn. The reason for my
11 knowledge of this is because on August 12th of
12 2011, I was blindsided by having a brick thrown
13 into my face by some local kids who were hiding on
14 an unfenced portion while I was riding my bicycle
15 home from work in broad daylight that evening.
16 Recently after having undergone surgery and nearly
17 two months of physical therapy, I am able to
18 resume most activities, though I do not feel the
19 same and it could take a while before I know the
20 full effects of this attack on myself. If I were
21 not wearing a bicycle helmet at that time, who
22 knows what kind of shape I would be in now. If
23 the fence were in its current state then, I would
24 not need to be speaking to you today. As a result
25 of this awful experience, I'm attending this

1 meeting to voice my support to the city Council's
2 amendments for further protective fencing on
3 overpasses and between buildings where deemed
4 necessary. No one deserves to be the helpless
5 victim of such senseless unprovoked violence. I'm
6 happy that the City Council is taking the issue
7 seriously as on the night of January 24th by chance
8 I ran into some more kids at the same site
9 throwing whole oranges as passing cars, and I've
10 since heard of two other people saying they were
11 struck by snowballs while riding bicycles there as
12 well. This is on top of all the other people I've
13 met personally since the attack who told me their
14 stories on Navy Street and news reports that make
15 me believe these attacks have been occurring there
16 for decades unaddressed. Since the police did not
17 think my unsolved case was a high enough priority
18 to investigate until well over three months after
19 I had been attacked, this neglect offers further
20 support for bringing the fencing up to code as an
21 immediate primary solution or making Navy Street
22 safer. Further, while I support the fence
23 extension over Navy Street overpass that Jeanette
24 Sadakan's [phonetic] Department implemented under
25

1
2 its current configuration that street is very
3 poorly designed, leaving a large no man's land
4 open where unsupervised individuals can carry out
5 their attacks on Navy Street users with impunity.
6 The city should consider a complete street
7 redesign, which could include tearing down the
8 Navy Street overpass entirely, either closing the
9 street completely and turning it into a Park for
10 the residents of putting Navy Street on a severe
11 road diet in which the speed limits are lowered,
12 the roadway narrowed, the bicycle lane moved into
13 the middle of the road like on Sand Street
14 [phonetic] and have full sidewalks and benches
15 installed as well as crosswalks so there could be
16 some healthier interaction between the road users
17 and residents. Also, it would be smart to see the
18 city start or enhance after school programs for
19 youth in that neighborhood, which might include
20 bicycles, which is a better option for kids than
21 the current bombing of vulnerable cyclists and
22 motorists. I hope that the City Council and DOT
23 would make sure residents like those in the
24 Ingersoll Houses would have ample access to the
25 coming city bike share program as they could this

1
2 most inexpensive, healthy and environmentally
3 friendly form of transportation to enhance their
4 own lives. That's my statement.

5 CHAIRPERSON VACCA: Thank you, sir.
6 Miss, would you state your name for the record and
7 we welcome your testimony.

8 KENDALL JACKMAN: Good afternoon.
9 My name is Kendall Jackman. Mr. Arthur's story is
10 really, really compelling. I am a member and a
11 housing campaign leader with Picture the Homeless.
12 My testimony is slightly different.

13 CHAIRPERSON DILAN: Well, we're
14 only accepting testimony today relevant to today's
15 subject matter. Is your testimony relevant to
16 today's subject?

17 KENDALL JACKMAN: My testimony is
18 relevant to the Housing and Buildings Committee.

19 CHAIRPERSON DILAN: Is it relative
20 to the two introductions on today's agenda.

21 KENDALL JACKMAN: No, not those
22 numbers. No.

23 CHAIRPERSON DILAN: If it's not,
24 then I'm going to have to ask that you testify at
25 the appropriate place.

1
2 KENDALL JACKMAN: That's the
3 problem. You won't call the hearing.

4 CHAIRPERSON DILAN: Say it again?

5 KENDALL JACKMAN: That's the
6 problem. You won't call the hearing for the bill.

7 CHAIRPERSON DILAN: There might be
8 a good reason why that's not happening, but the
9 rules states when we have a hearing we're on the
10 subject only, so if you're off subject, I'm going
11 to have to kindly ask you not to testify.

12 KENDALL JACKSON: Okay.

13 FEMALE VOICE: No, I feel that we
14 should testify because I feel that [off mic].

15 CHAIRPERSON DILAN: I will not—we
16 are not accepting testimony--

17 FEMALE VOICE: [Interposing] Ignore
18 Intro 48 [off mic].

19 [crosstalk]

20 CHAIRPERSON VACCA: Councilwoman
21 Tish James has a statement.

22 COUNCIL MEMBER JAMES: Thank you,
23 Mr. Chair. So, first again it's nice to see you,
24 Mr. Arthur. Obviously, this was a senseless,
25 unprovoked attack and you're absolutely correct.

1
2 As you know as I indicated before, I've been
3 working with DOT to reconfigure, redesign the Navy
4 Street overpass for some time, and hopefully, we
5 can get to that, but I would oppose as do the
6 overwhelming majority of the residents in
7 Ingersoll, Whitman and Farragut to tearing down
8 the overpass. I do believe that it should be
9 redesigned and I do believe that we should look at
10 perhaps, the roadway to address it, but I cannot
11 move forward unless all of the stakeholders who
12 represent the communities specifically residents
13 of Ingersoll, Whitman, and residents of Community
14 Board 2 have some say with respect to how we move
15 forward with regards to Navy Street. I look
16 forward to working with you. We have a major town
17 hall meeting coming in about two weeks where
18 Chairman Reya [phonetic] is coming to Ingersoll.
19 I invite you so that you can talk about bicycle
20 safety. I have been a very big supporter of the
21 shared bike program—bike share program and in
22 fact, one of the docking stations will be in and
23 around Ingersoll Houses and in Fort Greene in
24 general, and share your comments that programs for
25 after school programs for young people in that

1
2 neighborhood be increased and I hope all of my
3 colleagues join me increasing after school
4 program, which was cut in this budget by the mayor
5 of the city of New York, specifically the Beacon
6 programs were cut, the Cornerstone programs, which
7 serve children in public housing, which was an
8 initiative that I created. After school programs
9 for children in public housing in changing
10 neighborhoods has been significantly cut by this
11 administration and I hope Mr. Arthur, you would
12 join me in urging the administration to restore
13 the funding and expanding it. Thank you.

14 CHAIRPERSON VACCA: Thank you. The
15 honorable David Greenfield.

16 COUNCIL MEMBER GREENFIELD: Thank
17 you. I'm not used to being called honorable, but
18 I appreciate it, Mr. Chairman. You know, Mr.
19 Arthur, I just want to thank you. I know it's not
20 easy, and I'm sure you have a busy schedule, but
21 you took out time and you came here and you sort
22 of put a face, a human face, on the kinds of
23 unacceptable violence that we see all too often in
24 this city. I don't have any questions. I just
25 wanted to say I appreciate it, and we're very

1
2 grateful that you're coming out here. We know it
3 must have been a trying experience and I want the
4 record to reflect that I think it's unacceptable
5 that the NYPD has not made this a top priority and
6 I'm going to speak to some of my colleagues
7 afterwards and see what we can do to try to put
8 some pressure on them because this kind of assault
9 is really as you pointed out—but for the fact that
10 you were wearing a helmet, it could have been a
11 very different situation. So we're grateful for
12 your leadership. We're grateful for your time.
13 We wish you all the best and a complete recovery.
14 Thank you very much.

15 STEPHEN ARTHUR: Thank you.

16 CHAIRPERSON VACCA: Chair Dilan?

17 CHAIRPERSON DILAN: Okay. Mr.

18 Arthur, I'm taking a look at the testimony that
19 you provided to the Committee, and it comes along
20 with some photographs, and I believe the—in one of
21 the photographs, I believe is the walkway or the
22 overpass in question where you were struck. I'm
23 taking a look at the fence and the fence does
24 appear to be curved in some way, shape or form,
25 but you can't tell quite clearly from the picture.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I was wondering if you could—

STEPHEN ARTHUR: [Interposing]

That's a before picture, so they—I was attacked from the landing area. That's where I was attacked.

CHAIRPERSON DILAN: Yeah, there is definitely a vulnerability from the landing.

STEPHEN ARTHUR: and what happened is when they fixed it—thank you, Leticia; I appreciate you coming in on the side of safety-- they extended the top part three segments or so.

CHAIRPERSON DILAN: To cover the vulnerable walkway, which is shown.

STEPHEN ARTHUR: The vulnerable walkway and the landing itself.

CHAIRPERSON DILAN: Okay. So in your estimation, had this been in place prior to your incident it could have prevented—

STEPHEN ARTHUR: Oh, definitely. Definitely. No question about it. I mentioned in my statement there is this no man's land aspect to the way that street is designed, where people could do similar things, but they will not have that advantage. At least you could see them, and

1
2 that's why I made some suggestions I hope not
3 forcefully, but to address the geometry or the
4 configuration of that roadway as it currently
5 exists.

6 CHAIRPERSON DILAN: I think in
7 light of what has happened to you physically,
8 you've been more than a gentleman in creating your
9 suggestions and we proudly take them under
10 concern. I just wanted to take the time without
11 having the familiarity of the area like the
12 current Council Member does—just the familiarity
13 of looking at the pictures to clarify what the
14 condition was.

15 STEPHEN ARTHUR: Just a point of
16 background on myself, I've been riding there for
17 at least eight years or whatever. You never even
18 really see people there. It's a weird feeling on
19 that street, and then what happened to me is
20 crazy. I was going to say it's an outlier, but
21 it's not because lots of people have been getting
22 things thrown at them.

23 CHAIRPERSON DILAN: I would say—

24 STEPHEN ARTHUR: [Interposing]
25 It's an outlier in terms of my experience, but - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.
CHAIRPERSON DILAN: clearly what happened to you shouldn't have ever happened, and the city has taken steps reactively as the Chairman laid out in his opening that the Department of Transportation was indeed being reactive, and I believe he is 100% right. They are reactive. But clearly what happened to you was just a sense of maybe. Maybe they were kids. I don't know who did it. I'm not sure if you know who did it.

STEPHEN ARTHUR: I have pictures.

[crosstalk]

CHAIRPERSON DILAN: So you do know?

STEPHEN ARTHUR: they're not clear or anything. I had my camera with me, so I handed it to people, but they're not very...

CHAIRPERSON DILAN: But I don't think there is any measure that we can do that can stop children from—or kids throwing a brick off of an overpass. I think we can do some preventative measures, but it's clearly curved, but if somebody wants to throw a brick over in this instance even with the curvature, they can still manage to get a

1
2 brick over. How do you—I guess what suggestions
3 do you have for us in light of that? What do you
4 think we can do to...?

5 STEPHEN ARTHUR: As Leticia's
6 pointed out to me quite clearly there's another
7 side to this, you know. There's the people who
8 live there and they feel differently about it. I
9 don't know how they would feel if they went into
10 someone else's neighborhood where there was a
11 similar overpass and they got hit there, but I
12 think these are really safety measures. They're
13 not directly at stigmatizing anyone or sending
14 some kind of message to a particular group. I've
15 been on bike rides across Brooklyn, and I've seen
16 plenty of pedestrian overpasses where they're just
17 completely enclosed. They're almost like
18 extensions of the building, so I don't think that
19 this is unusual in any way, but again, I think
20 from the outset, I've never been like angry with
21 these kids. I was upset when I saw them that
22 second time and they made words at me and stuff.
23 It's very upsetting—like you said, you put this
24 effort into this, and it's still going to happen.
25 Right? But I think with this fence the way it's

1
2 now put in place really takes away their best
3 opportunity, they're best shot to really hurt
4 someone, and again, I was lucky I was wearing a
5 bike helmet. There are a lot of new cyclists,
6 there are old cyclists, people—it's not a law to
7 wear a helmet, so I don't think that anyone is
8 suggesting that pedestrians wear helmets, so where
9 is it that cyclists should—so I think the fencing
10 comes into play. I think it's helpful.

11 CHAIRPERSON DILAN: I don't
12 disagree, but I just wanted to ask you the
13 question sitting here, knowing that the
14 legislation before us doesn't call for the fences
15 to be full enclosed. It only asks for the fences
16 to—

17 STEPHEN ARTHUR: [Interposing] What
18 can you do? I'm going to bang my fist or
19 something?

20 CHAIRPERSON DILAN: No, I don't
21 mean to antagonize. I certainly don't.

22 STEPHEN ARTHUR: I'm just play
23 acting here. There is a cost to this, and there
24 is what's the probability that someone is going to
25 get hit, but when it happens, I can tell you, it's

1
2 not a pleasant experience, and like James Vacca
3 said--you know, he's very strong and I appreciate
4 that--is this is completely intolerable. We can't--
5 one of the things I had early on in this was how
6 is--is the government going to even care about
7 this?

8 CHAIRPERSON DILAN: And I don't
9 disagree, but I want to be truthful with you as to
10 what the bill calls for, and maybe if we need to--

11 STEPHEN ARTHUR: [Interposing] I
12 think in Navy Street, it's like you can't fence
13 everything. It's just a fact of life, and we
14 don't want to live under that kind of environment;
15 however, in a place like Navy Street--and I'm sure
16 there are many, many, many other places and it's
17 not to diminish anything and its importance
18 because I've said in my statement, I support these
19 bills. Fencing is important. You can't--trying to
20 be realistic about this.

21 CHAIRPERSON DILAN: I believe you
22 are. I believe you are, but I was maybe going to
23 make the recommendation to the sponsor that maybe
24 in areas--and again, it would be reactive, but it's
25 just food for thought for the sponsor--is that in

1
2 areas where there have been incidents that we
3 consider fully enclosing, so that's where I was
4 going.

5 STEPHEN ARTHUR: Yeah, okay, yeah.
6 I mean I'm in favor of that and I think it's a
7 large project and you want to make the sweeping
8 statement of support and setting up some kind of
9 standards, but then at some point you're going to
10 have to look site by site and say, "Wait, maybe
11 this requires more" or like Brooklyn Bridge—it's
12 very hard to... Like I said, in my case, I'm sure
13 that this has been going on for decades. Okay, so
14 I got an apple thrown at me, and it hit me and
15 bruised me in the face or somewhere else. Am I
16 going to report this to the police? But it's all...
17 there are these other incidents in terms of
18 shopping carts.

19 CHAIRPERSON DILAN: I didn't mean
20 to cause any distress or duress for you, but I
21 just wanted to flesh out that conversation to see
22 what's the best way to proceed forward. It's
23 going to be a challenge that we have as a body to
24 try to solve this, which can be solved, but I
25 think it will require some effort and thought, so

1
2 I certainly am on a personal level sorry for what
3 happened to you, and glad you are here to share
4 your ideas on how to keep other people safe going
5 forward as well as yourself safe in the future so
6 that it doesn't reoccur. So I thank you for
7 coming in today.

8 COUNCIL MEMBER JAMES: Council
9 Member Dilan, can I just say one thing?

10 CHAIRPERSON DILAN: Council Member
11 James?

12 COUNCIL MEMBER JAMES: So just one
13 of the things that we're moving forward with and
14 hopefully Mr. Arthur can join me—the bridge that
15 you see I've retained groundswell [phonetic].
16 We're going to do a mural on the bridge, so that
17 the children and the young people from Ingersoll,
18 Whitman take ownership of that bridge and protect
19 it and patrol it on a volunteer basis. They've
20 agreed to do that, and hopefully working with Mr.
21 Arthur, Mr. Arthur can meet them and teach them
22 all about the benefits of cycling. Again, that's
23 the purpose of the town hall meeting. I extend an
24 invitation to you. For me, it's an issue of
25 ownership and bridging divides. That's my goal.

1
2 That's always been my goal as a public servant. I
3 thank you again for your assistance and again, I
4 will hope you did know that what happened to you
5 does not reflect on the thousands of residents who
6 live in Ingersoll/Whitman. The overwhelming
7 majority are good, upstanding citizens and who do
8 abhor violence. Thank you, Mr. Arthur.

9 CHAIRPERSON VACCA: I thank you,
10 Mr. Arthur. Thank you for your help during the
11 hearing preparation process to the Committee. I
12 want to thank of course our Committee for their
13 assistance in putting this together. I want to
14 thank my staff for their help. There are no
15 further speakers. I will leave the roll open
16 until 3:10 p.m. because we do have some members
17 who still need to vote on the modification
18 relative to Mr. Garodnick, his legislation.

19 CHAIRPERSON DILAN: Mr. Chairman,
20 we do have some testimony for the record that
21 needs to be acknowledged.

22 CHAIRPERSON VACCA: Council Member
23 Dilan is bringing to my attention—and I'm sorry I
24 did not acknowledge we have testimony from the
25 Real Estate Board of New York and this testimony

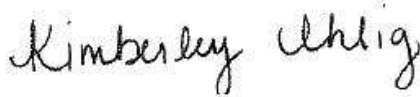
1
2 will be also considered by the Committee, and will
3 be entered into the record. There being no
4 further speakers, it is now 2:40 p.m., and this
5 Committee hearing is adjourned. Thank you for
6 coming.

7 [gavel]

C E R T I F I C A T E

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

Signature _____



Date _____3/10/12_____