

**ASSISTANT COMMISSIONER KATE SLEVIN
NEW YORK CITY DEPARTMENT OF TRANSPORTATION
HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
DECEMBER 5, 2012**

Good afternoon Chairman Vacca and members of the Transportation Committee. My name is Kate Slevin and I am the Assistant Commissioner for Intergovernmental Affairs at the New York City Department of Transportation (DOT). Thank you for inviting me here today to testify on three bills related to parking regulations and signage notification.

Intro 762 would amend the Administrative Code as it relates to permissible standing near schools and child day care centers. As we all know, children are among the city's most vulnerable pedestrians, and the Department has taken several aggressive steps over the last few years to help protect them. These include our Safe Routes for Schools initiative in which we study and make physical improvements to the streets at schools ranked by crash history. Short term improvements, such as new traffic and pedestrian signals, exclusive pedestrian crossing time, and high visibility crosswalks, were completed at all 135 of the first round schools in 2007. To date, capital improvements, such as curb extensions, have been completed at 35 of those schools. We have initiated studies on the next round of 135 schools and will move forward with improvements at those schools on completion of the studies. By strategically investing where crash data pinpoints the highest level of need, we are able to make the best use of scarce capital dollars. In concert with these physical improvements at schools we developed a program of 20-mph slow zones at schools to slow traffic and protect children. About 150 zones have been installed to date, with a target of adding 125 more by the end of next year.

From a traffic perspective, the periods of school arrival and dismissal concentrate a great deal of vehicular activity into very small spaces and periods of time. Vehicles compete for access to curb space and sometimes double- and even triple-park. This situation can cause traffic congestion and restrict visibility, which could increase the likelihood of a "dart out" crash. To improve drop-off and pick-up access, reduce congestion and improve visibility, DOT installs "No Standing" regulations by school entrances and exits so that vehicles may expeditiously pick-up and drop-off students but not create the hazards associated with parked cars. Intro 762 would reverse this protection and decrease traffic safety around schools. While we appreciate the Council's desire to make it easier to pick-up and drop-off students, we cannot support achieving that goal by putting at risk the lives and well-being of New York City's children.

Intro 762 would also interfere with the operations of mandatory busing services. Buses, particularly those that transport disabled children, must be allowed to load and discharge students as close to the school as possible. This process is typically aided by the establishment of No Standing Zones. Allowing vehicles to stop in such zones for five minutes would impact the ability of buses to function efficiently and safely, as well as harming the overall function of the local street.

Finally, as written, Intro 762 would effectively legalize all parking, stopping, and standing violations as long as they are committed on a block face featuring a school or day care center, with the exception of the two proscribed conditions. Of course, we do not believe that this outcome is the Council's intent, but nevertheless it would be the effect of the bill as proposed. In addition to these language issues, the New York City Police Department (NYPD) has several enforcement concerns, including the impracticability of having an officer or agent wait for five minutes in one location to observe whether a vehicle remains or moves on. Along with the NYPD, we would be happy to have further discussions with the Council about traffic flow and safety around schools and child day care centers, but I want to make clear that we cannot support the concept of allowing vehicles to violate parking restrictions with a five minute grace period. Accordingly, we cannot support this bill at this time.

As for Intro 824, which relates to permissible parking in front of private driveways, it is unclear what issue the bill attempts to address. As currently written, the bill would effectively eliminate all rules governing parking, stopping, or standing for the purposes of this section of the Administrative Code. Particularly troubling, the bill deletes reference to local laws, rules or regulations concerning parking and only leaves reference to the New York State Vehicle and Traffic Law. Section 1642 of the VTL provides that cities with a population in excess of a million may set their own parking regulations, including by local law, rule or regulation. Such provisions supersede the VTL with respect to, among other things, parking, standing and stopping of vehicles. Therefore, the City of New York's extensive parking regulations, as set forth in Section 4-08 of the Traffic Rules, supersede the relevant provisions of the VTL. The bill's removal of the reference to local laws, rules and regulations would mean, for example, that a vehicle could park at a fire hydrant, block traffic, be unregistered and uninspected, or violate any other Traffic Rule except for alternate side parking or impeding bike lanes, as long as the vehicle is in front of a driveway. Further, please note that NYPD personnel issue summonses pursuant to the Traffic Rules and not the VTL. If this bill were enacted, the City would have virtually no ability to issue parking violations with regard to parking in driveways.

We would be happy to discuss the issue further with the Council, but the remedy to any particular concern must remain limited to specific violations and not provide blanket forgiveness for other potentially dangerous violations committed at the same time.

The final bill that I would like to comment on today is Intro 527, which would require DOT to post notice of permanent street sign changes that affect parking. A version of this bill was heard by the Council's Transportation Committee in 2009, and at that time the Department testified in strong opposition to the proposal due to its massive cost and impact on the efficiency of our sign program. DOT maintains over 1.3 million signs, approximately 20% of which designate parking restrictions. We complete all non-priority regulatory sign orders within 90 days, which affords us the flexibility to complete work as efficiently as possible. When a permanent change to an existing regulation occurs, crews visit the location, once, to replace signage. Under Intro 527, staff would be required to go out twice: once to post notice, then again to change the signage. This

would essentially double their workload and without question result in significantly increased costs through the need for additional staff or overtime outlays.

We prioritize work based on need and staffing levels, often changes are bundled with other work being done in the area. If this bill were enacted, we would have to adhere to a rigid schedule, returning exactly seventy two hours following the posting of notice. Should weather, staffing levels or an emergency delay our crews beyond this period, we would need to return to the location, post new notice, and then—for a third time—return seventy two hours later. Obviously, such a requirement would create considerable inefficiencies.

Following the hearing on the original 2009 proposal, the Administration worked closely with the Council to negotiate a compromise bill that we think has worked well. Local Law 78 of 2009 requires, in part, that DOT post notice following any permanent change in parking regulations and establishes an affirmative defense by a driver who receives a parking violation within five days of posting the new notice, if the vehicle had been legally parked under the former parking regulation. To comply with this law while maintaining efficient operations, DOT pursued an innovative solution: we place a sticker on newly installed parking regulation signs to notify drivers of the new regulation and the date of its installation. During this five day period, local NYPD officers are advised that they may use their discretion when ticketing, if it reasonable to believe that the vehicle had been legally parked before the regulation changed. Of course, if they do receive a ticket, motorists may utilize the affirmative defense in contesting the summons. And because the sticker is biodegradable and will dissolve over time, DOT crews do not have to return to the same location two or more times. We believe that the sticker system has worked well but would be happy to discuss any concerns with the Council. However, due to its enormous financial costs and operational impacts, we cannot support Intro 527.

DOT is committed to working with the Council to improve traffic safety and flow, but for the reasons outlined in my testimony we cannot support the bills being heard today. Thank you, Chairman Vacca and members of the Committee; I will be happy to answer your questions at this time.



FOR THE RECORD

EXECUTIVE OFFICES
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Honorable James Van Bramer
250 Broadway
Suite 1815
New York, NY 10007

Re: Intro. 527

Dear Councilman Van Bramer,

AAA New York, which serves almost 1.6 million members, supports your effort to require the Department of Transportation (DOT) to provide at least 72-hours of notice before the effective date of a street sign change.

Drivers in New York City are already burdened with numerous parking restrictions, with some streets containing multiple parking rules and regulations that drivers must interpret before parking their vehicle. By requiring the DOT to provide drivers 72-hours of notice before a change in parking restrictions, drivers will have time to notice the new signage and adjust accordingly. This notice will therefore lead to fewer tickets during the transition period of a parking regulation change.

This legislation is a commonsense measure that will make parking in New York City a little easier for drivers. Accordingly, AAA New York supports its enactment.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Frediani'.

Jeffrey Frediani
Legislative Analyst

JF:jf
12/04/12

Cc: Lyle Frank, Counsel to Committee on Transportation

FOR THE RECORD



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Testimony to the New York City Council
Committee on Transportation
Intro. 0527-2011
December 5, 2012

Good afternoon. My name is John Dew and I am the chairperson of Brooklyn Community Board 2. A death in my family prevents me from attending today's hearing by the Committee on Transportation. District Manager Robert Perris is called today for jury duty.

I am submitting the following testimony on Intro. 527, a local law to amend the Administrative Code of the City of New York to require the Department of Transportation (DOT) to give notice of permanent street sign changes that will affect parking.

Community Board 2 receives complaints from constituents who find their vehicle ticketed and sometimes towed because parking regulations were changed after they parked legally. I therefore support an amendment to Section 19-175.2(a) of the Administrative Code that would require DOT to post, in the affected areas, advance notice of any permanent change in parking regulations.

However, I believe the 72-hour advance notice called for in Intro. 527 is too short. Many of the parking regulations in Community District 2 are in effect only once a week. Although it is not advisable to do so, some drivers may park their vehicle and not return to it for up to one week. I recommend that Intro. 527 be revised to call for a full week's advance notice.

In addition, I request that the legislation be modified to also require DOT to notify the district office of the relevant community board(s) when permanent street sign changes will affect parking. A similar one week notice will provide community boards with the opportunity to notify constituents of the pending change.

Thank you for your consideration of these proposed revisions.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 12/5/12

(PLEASE PRINT)

Name: KATE SLEVIN

Address: _____

I represent: NYC DOT

Address: _____

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