

NYC DEPARTMENT OF TRANSPORTATION TESTIMONY ON INTROS. 947, 1724, 1812,  
AND 1813, HEARING BEFORE THE CITY COUNCIL COMMITTEE ON  
TRANSPORTATION  
December 16, 2019

Good afternoon Chairman Rodriguez and members of the Transportation Committee. I am Monty Dean, Chief of Staff to the Chief Operations Officer and I am joined by Joshua Benson, Deputy Commissioner for Traffic Operations and Sean Quinn, Assistant Commissioner for Street Improvement Projects and head of our Bicycle and Pedestrian Units, at the New York City Department of Transportation. We are happy to be here on behalf of Commissioner Trottenberg and Mayor de Blasio to testify about some of the bills before the committee today.

First, I will begin with Intro. 1724, by Council Member Kallos, permitting the use of school bus arm cameras, under a new State law signed by the Governor this past August, and I am joined by my colleagues from the Department of Education who are available to answer questions. While this bill would simply provide the City with an additional option for enforcement, DOT recommends strongly against pursuing such a program at this time.

Automated enforcement is key to Vision Zero. In order to save the most lives, including those of school-aged children, we follow what the data tells us about the causes of serious injuries and fatalities on our streets, whether we are identifying locations in need of safety enhancement, or driver behaviors to target for enforcement. And fortunately, since at least 2014 when Vision Zero began, although passing a school bus with its stop arm engaged is illegal, there have been no deaths in New York City caused by this action, nor is it a significant cause of serious injuries.

On the other hand, speeding is among the leading driver actions that kills and injures New Yorkers. Under authority granted by the new speed-camera law that took effect in July, sponsored by Assembly Member Glick and State Senator Gounardes, and in a tremendous victory for a dedicated and inspiring group of street safety advocates, we are installing new cameras at a pace of approximately 40 per month. We plan to increase this to 60 per month in the year ahead, in order to expand the number of school speed zones from 140 to 750. No other City in the country is doing a program of comparable scale and ours will be the largest in North America and one of the largest of its kind in the world. When the law went into effect, we immediately doubled the hours of operation and included summer weekdays and school vacation days. And because the new law permits cameras to be placed within a quarter mile radius of a school, rather than along a road abutting the entrance to a school, we can protect many more schools and target the locations most in need of cameras.

We know this unprecedented expansion can be a key part of continuing to reduce serious traffic injuries and fatalities. The City's focus should remain on the driver behaviors most likely to kill and maim New Yorkers, including school-aged children, through the speed camera program, targeting the locations around schools with the greatest amount of speeding and crash history.

Now turning to Intros. 1812, by Council Member Rivera, and 1813, by Chair Rodriguez. These laws would require the Mayor to designate an Office of Active Transportation and an Office of Pedestrians and create an Active Transportation Advisory Board. These offices would be

charged with developing plans for infrastructure, conducting outreach, serving as a point of contact, and working with other agencies to grow and improve cycling and other active transportation, among other duties. I will discuss DOT's extensive work in this regard.

When it comes to cycling infrastructure, this year we completed a number of projects in the Manhattan core such as crosstown lanes on 52<sup>nd</sup> and 55<sup>th</sup>, filling the 2<sup>nd</sup> Avenue gap at the Queensboro Bridge, new lanes on 10<sup>th</sup> Avenue, Amsterdam Avenue, 11<sup>th</sup> Avenue, 8<sup>th</sup> Avenue and Columbus Circle, and phase one of Central Park West. Our projects also included substantial progress on the 4<sup>th</sup> Avenue bike lane in Brooklyn from 1<sup>st</sup> to 64<sup>th</sup> Streets, Cypress Hills Street in Queens and Brooklyn, and Willis Avenue in the Bronx. And we celebrated our 100th mile of protected bike lanes under the de Blasio Administration on Fountain Avenue in East New York, where we have created a connection to the beautiful new Shirley Chisholm State Park. In addition, we installed offset crossings on 1<sup>st</sup>, 2<sup>nd</sup>, and 5<sup>th</sup> Avenues in Manhattan after resurfacing, which we will look to do wherever possible when re-striping. And, we met our 2019 goal of installing at least 20 miles of bike infrastructure in our Bicycle Priority Districts, neighborhoods outside Manhattan with comparatively high numbers of cyclist fatalities and serious injuries—suggesting significant and growing bicycle ridership—and few dedicated bicycle facilities.

In our *Green Wave* plan for cycling in New York City, we have put forward a comprehensive vision for a City-wide protected bike lane network which represents years of work by DOT and collaboration with our city agency partners. The plan is based on ridership trends, safety needs, stakeholder outreach, mobility and cycling studies, as well as Citi Bike and land use data. The plan seeks to cover the City with safe and comfortable bicycle infrastructure by 2030, a goal which is accelerated by the Master Plan law, transforming the cycling landscape to grow ridership and further advance Vision Zero.

Our Vision for the protected bike lane network provides an early indication for what a city connected with safe, protected bicycle routes will look like. Using the existing network as a base, we have identified key desire routes by looking at neighborhoods, employment and commercial centers, recreation, and transit. With our plan we seek to fill gaps and reach underserved neighborhoods, while strengthening the network in the core and taking advantage of other citywide initiatives. Additionally, DOT examined ridership trends, community requests, and prior agency research including *Cycling in the City* and *Safer Cycling* to ensure a robust plan.

Under our *Green Wave* plan, we have convened a Bicycle Working Group, similar to what is called for in the legislation. This group met for the first time on November 25, with representatives from Transportation Alternatives, Bike New York, Get Women Cycling, Bed Stuy Restoration Project and others, and we are planning to expand it to include even more people and organizations. The working group will collaborate on distribution of safety equipment such as bike lights and helmets, review ridership and data-driven trends, discuss design issues, create evidence-based outreach strategies, and provide input on new projects, including those in our protected bike lane network plan. Through these efforts, DOT will build and strengthen the community partnerships needed to support and develop a bicycle network that is responsive to diverse local needs.

We encourage biking through our “Get There” campaign including outdoor ads, social media and public education events. Campaign visuals feature real New Yorkers enjoying bike lanes across the city. Materials focus on important cycling topics and we distribute them along with equipment such as bells and lights. We reach over 40,000 cyclists a year through bicycle helmet fittings and giveaways at events all over the city. We could not do this work without the continued support from Council Members who allocate expense funding for helmet events every year. It is truly a collaborative process we value.

When it comes to outreach, DOT conducts workshops, designs curriculum and produces materials to help businesses and commercial operators be compliant and safe. As you know, New York City’s Commercial Cyclist law, initially enacted by the Council in 2007 and amended in 2012, 2013 and 2017, helps to make commercial cycling safer and hold businesses more accountable.

Through our “Trucks Eye View” program, which we are expanding under our *Green Wave* Plan, cyclists and pedestrians can learn about blind spots of large vehicles at events citywide. We provide safety tips as well as information on policies and programs to increase safety among city, contractor, and private industry fleets.

DOT’s Bike to School program encourages students, families, and educators to bicycle as a safe, healthy and fun way to get to and from school. Through the program, DOT works with schools and community groups to designate safe “Bike to School” routes, implement in-class curriculum, and recommend street safety improvements.

There are 25 schools enrolled in our collaborative 7th Grade Bike Safety program where all 7th graders in each school get on-bike training each year. This program continues to grow and is supported by Bike New York and DOE which has helped make this part of the physical education curriculum at these schools. Lastly, we work with Bike New York as well to support over 15 “Bike to School” locations where students learn commuting skills, earn their own bicycles, and learn bike mechanic skills.

Key parts of the *Green Wave* plan involve collaboration with other agencies under the leadership of Mayor de Blasio. DOT is working closely with DDC, Parks, and EDC to build out greenway connections using capital funds. And continuing to expand and truly weave an interconnected protected bicycle lane network into the fabric of our city streets involves more than just DOT. The operations of other agencies have a direct impact on the further development of bicycle infrastructure.

DOT will continue to work with FDNY on emergency vehicle access considerations, with DSNY on street cleaning and snow plowing requirements, with DDC on street design and capital project management, and with NYPD on enforcement. As DOT expands the bicycle network, overcoming operational constraints will be key in the maintenance, enforcement, and design of bicycle infrastructure.

Other local and state agencies play a role in providing safe bicycle and driver behavior on city streets. These include agencies that oversee fleet management, driver education, funding, and

capital construction projects such as DCAS, BIC, Parks, EDC, TLC, New York State DMV, and the New York State DOT.

Under the *Green Wave* plan, the NYPD is maintaining continuous citywide implementation of its “Operation Bicycle Safe Passage” initiative—extending elevated enforcement of blocked bike lanes and hazardous driving violations, focusing enforcement on dangerous driving that puts cyclists at risk at the 100 most hazardous locations across the city as identified by DOT and NYPD, expanding enforcement of oversized and off-route trucks by specialized units and precinct officers, discontinuing the general practice of ticketing cyclists immediately following where a fatal crash has occurred, improving investigations of cyclist and pedestrian injuries by having a supervisor respond to collisions to see whether Right of Way law should be applied, as well as continuing to partner with DOT on education and outreach.

We have long partnered with DOB on the Bikes in Buildings law and in 2016 worked with the Council, including Chair Rodriguez, to update that important legislation to fix loopholes, add folding bikes to the law, and expand it to ensure elevator access in residential buildings.

Since the mid-90s, DOT has had a dedicated Pedestrian Unit. This Unit, along with DOT’s other project planning groups, work closely with elected officials and the community to develop and implement over 100 Street Improvement Projects annually. The vast majority of these projects include pedestrian improvements and amenities such as shortened crossings, improved connectivity and visibility, vital open space, and traffic calming.

The Pedestrian Unit focuses on projects that enhance mobility and accessibility, reduce pedestrian congestion and prioritize pedestrians on key routes and thoroughfares citywide. And we are beginning the process of planning a significant expansion in pedestrian space as required by the Master Plan bill.

DOT has eight planning units that develop Street Improvement Projects, which work to enhance pedestrian safety. In addition to the singular focus of the Pedestrian Unit, three others have a strong focus on pedestrians. DOT’s Public Space Unit focuses on enhancing the public realm by repurposing public right of way for pedestrian and community uses including plazas, street seats, street furniture amenities and temporary street closures accompanied by programming. While all of the Agency’s work is guided by Vision Zero, DOT’s Research Implementation and Safety Unit is dedicated to addressing intersections and corridors with the highest levels of all street users killed or seriously injured in crashes, particularly pedestrians. And DOT’s School Safety Unit focuses on the safety of our youngest pedestrians, helping to make their journey to school safer by developing projects directly adjacent to schools and on routes typically taken by students.

This year we implemented numerous pedestrian elements such as sidewalk extensions and intersection upgrades at 7<sup>th</sup> and 8<sup>th</sup> Avenues in Manhattan, and Nassau Street and Flatbush Avenue between Bergen and Carlton in Brooklyn, five new pedestrian plazas, three new shared streets, and a complete redesign of Herald Square Plaza which closed an additional block of Broadway, as well as many seasonal street closures and weekend walks events.

To promote walking, we focus on both the young and old, working with at least 275 Senior Centers and other locations annually. And we work with over 100 schools each year with our “We’re Walking Here” walk-to-school encouragement program, and provide pedestrian and bicycle safety education to more than 500 additional schools each year.

And the City’s Active Design Guidelines and subsequent publications are the product of a collaborative, multidisciplinary effort among City agencies, New York’s health, planning, design, and architecture communities, and academic institutions from across the country with the goal of producing guidelines related to active transportation and promoting health through design. DOT collaborated extensively on many of the publications in this series, and continues to implement strategies defined within these documents in our current design work and educational programming.

Our bike safety work is supported by a dedicated bike planning staff of 18 and our Pedestrian Unit has a dedicated staff of 14. Our Public Space Unit has eight people dedicated to pedestrian and public realm improvements. And this work is supported by our Policy, Capital, Intergovernmental, and Borough Commissioner’s Offices, Safety Education, School Safety, and Urban Design and Wayfinding. This year so far, DOT has responded to nearly 19,000 items of correspondence from cyclists, elected officials, community boards, stakeholders, and residents on the topic of cycling and close to 6,000 on the topic of pedestrian issues.

We are hard at work on ambitious plans to promote and enhance walking and cycling. This Administration welcomes continued dialogue with the Council and advocates about how City government can be further responsive to these street users, provide even more resources, and identify additional ways to prioritize the promotion of these modes across agencies.

Finally, I will discuss Intro. 947, requiring applicants for DOT street opening permits to certify that all workers are in compliance with applicable safety trainings required by law.

As background, DOT manages New York City’s nearly 6,000 miles of streets to facilitate the movement of pedestrians, transit riders, cyclists and motorists and the delivery of goods and services throughout the city. Meanwhile, under the surface, the same streets support the city’s water, sewer, power and telecommunications infrastructure, as well as its subway tunnels and building vaults. Through the requirements in our permits, we facilitate access to subsurface infrastructure while maintaining street safety, protecting New York’s investment in our streets, and minimizing transportation and community disruptions.

DOT issues over 150 different types of sidewalk and roadway construction permits to utilities, contractors, government agencies and property owners. From utilities and contractors installing, replacing and repairing underground infrastructure; to developers replacing roadways and sidewalks adjacent to building sites; to homeowners performing their own sidewalk repairs, we focus on requiring permittees to maintain the safe, smooth flow of pedestrians, including persons with disabilities as well as cyclists, and vehicular traffic at all times, and requiring them to properly restore roadways and street hardware.

We issue over 700,000 permits a year of which approximately 250,000 are for the street openings that would be covered by this bill. Only qualified entities registered with the department are eligible to pull these permits, and currently there are over 2,000 such permittees. In order to register, DOT requires permittees to provide proof of commercial general liability and worker's compensation insurance, a permit bond, copies of incorporation papers, licenses, and business certificates.

With regard to the proposed legislation, DOT would not be in a position to know which trainings may apply in all cases, and we do not track the employees of our permittees or monitor turnover. For the work performed under our street opening permits, the range of OSHA standards that would be triggered could vary widely, and determining which trainings are mandatory would require a detailed scope of work and full risk analysis. And other requirements could be triggered if a permittee modified the way a particular task was to be performed. This type of information is far beyond the purview of our current permit stipulations or the information we are in a position to collect and analyze. On the other hand, if there is a particular training that the Council is interested in requiring, it may be feasible to require permittees to submit it annually as part of the qualifications I mentioned earlier.

To ensure the requirements of our permits are met, including temporary traffic control to protect both workers and street users, where appropriate, we conduct very robust permit enforcement. In FY19, our Highway Inspection and Quality Assurance unit or "HIQA" conducted approximately 550,000 inspections, both in response to complaints and on a proactive basis, and issued over 50,000 violations.

Not following the stipulations on a permit can result in a \$1,200 fine and a requirement to take immediate corrective action, such as stopping work or re-opening a closed lane. And working or storing materials without a permit can result in fines of \$1,500 and \$700 respectively. Unpermitted work is shut down immediately.

Through our permit and enforcement activities, we protect street safety and play an important role in the economic well-being and quality of life of our city. We are continually seeking to enhance our efforts and we welcome conversation and partnership with the Council on this important topic.

Thank you for the opportunity to testify on all of these pieces of legislation and we will now be happy to answer questions.

Citywide Council for District 75  
Committee on Busing & Safety

Chair: Amy Ming Tsai

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Monday, December 16, 2019

Greetings NYC City Council, Members of the Committee on Transportation

Before I start, please allow me to express my greatest appreciation for the committee to opening the floor to my organization in representing New York City students with disability. Also, thank you to Chairman Rodriguez, Chairman Treygor from the Committee on Education, and Councilman Kallos for sponsoring (INT. 1724-2019) the stop-arm camera legislation

My name is Amy Ming Tsai and I am a council member for Citywide Council for District 75. I am also the chair for the committee on busing and safety. I am also a mom of five amazing children living in CSD 10 in the Bronx,

Today, I speak on behalf of my 26,000 district 75 constituents and their families. Approximately 98% of our students in the district ride the yellow school bus every day to school and back home. Although we may not make the majority of students out of 150,000 to ride the mini wagons and large buses, but we are the largest group with students with disability and IEP-school bus transportation accommodations. Just like the general education population, our students utilize school buses for field trips and district events too. District 75 students and parents also request in high demand for bus services for their after-school programs.

Safety for our students in school, on the bus, and on/off the bus is our highest priority. Additional fact that you may not be aware, District 75 programs operate not just within a 10 month school year, but all through the summer as well. With all the struggles are students and their families face constantly with shortage of services and staff supports, without safe school buses on the road and not holding reckless drivers accountable (penalties), the entire city and state system is failing our most vulnerable children.

Although I may represent today as an advocate for my district 75 community, our parent leaders have asked my to represent also standing up for all 150,000 new york city students who ride the yellow school bus every day.

With statistics so high on drivers illegally passing school buses every day in New York State, the risks of students are very real and scary. I have encountered many times more than I can count with my fingers while waiting for my son's school bus, either 6 o'clock in the morning or 6 o'clock in the evening. Just in the radius of my neighborhood, there are multiple schools, Montefiore Hospital and North Central Hospital. The example of my neighborhood, many drivers neglect to come to a complete stop at a stop sign or fail to yield at a changing traffic light. If every school bus in the city is equipped with stop-arm cameras, a great dramatic improvement of safety for thousands of students who rely on mini-wagons and large buses to get to school and back home every day. Cameras, GPS tracking, and laws and regulations need to be the tools for our students in the 21st century school safety ecosystem. Failing to support this cause is to carelessly for our communities.

Thank you,

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New York City Council Committee on Transportation Hearing  
December 16, 2019  
Testimony of Eric McClure, Executive Director, StreetsPAC

**Int. 1724-2019 – Support**

There are few transgressions a driver can commit behind the wheel of an automobile that are more egregious than passing a stopped school bus picking up or discharging children, and for that reason alone, we support Intro 1724, which would create a demonstration program to install stop-arm cameras on school buses. The danger of such driver action is underscored by the severity of the penalties for doing so: a \$250 fine, five license points, and the possibility of 30 days in jail.

The act of passing a stopped school bus is born either from impatient, callous indifference to the dangers it imposes on others, or a degree of distraction so great that one fails to notice a big, bright yellow school bus deploying flashing lights and a large red stop sign. Neither is remotely acceptable, yet according to some reports, it occurs up to 50,000 times per day in the state of New York.

Fortunately, given the penalties, the rate of recidivism is low, as low as 2% to 6%, per statistics. But enforcement is also nearly non-existent; under current laws, a police officer must witness the infraction in order to issue a ticket. Stop-arm cameras have tremendous potential to improve enforcement, in the same way that school-zone speed cameras have begun holding dangerous drivers accountable.

While we urge the Council to pass Intro 1724, we also believe it's imperative that the Council makes certain that the Department of Transportation is provided with the necessary resources for administering a school bus stop-arm camera program. The millions of violations caught by existing speed and red-light cameras all require review, and staffing and operating those positions is a tremendous challenge that will only grow with the addition of stop-arm violations. The burden for managing that can't just be dropped legislatively on NYCDOT without adequate funding, and we urge the Council to make sure those resources are provided.

**Int. 1812-2019 and Int. 1813-2019 – Support**

We also support Intros 1812 and 1813, which would establish an Office of Active Transportation and an Office of Pedestrians, respectively. While there is some merit to the idea that these offices should be combined, the important thing is to establish these oversight positions, which would coordinate among different agencies to advance the causes of New Yorkers who get around on bike and on foot.

“Bicycle Mayors” in cities like Amsterdam, London and Sydney have helped those cities greatly increase cycling trips. Placing the offices in City Hall is critical for ensuring that bike and pedestrian initiatives operate across, and involve, the multiple agencies necessary for successful implementation.

The Offices of Active Transportation and Pedestrians would have critical roles to play in improving the safety of our streets, advocating for the needs of cyclists and pedestrians, and ensuring that the city employs best practices in executing infrastructure projects. Such positions have borne fruit in a number of places around the world, and it’s an idea that’s ripe for New York City. Let’s pass these bills without delay.



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**December 16, 2019 testimony: City Council hearing on Intro 1812,  
"Bike Mayor" bill** Jon Orcutt, Bike New York communications director

**Key points**

- \* We won't have a bike-friendly NYC with only parts of one agency working toward that goal
- \* A new mayoral office of Active Transportation can help forge a stronger consensus around bike policy and practices across city government
- \* Examples of agencies that need to be brought into stronger alignment with the city's stated goals of making cycling safe and attractive are NYPD, the Sanitation Department and the Dept of Design and Construction

**Testimony**

New York still has a very long way to go to become bike friendly. While we have some issues with some areas of DOT and bike policy & practice, the department is largely proactive with regard to bicycling, and its protected bike lane program is the reason we can talk of the possibility of a bike friendly New York.

That said, there is still a glaring lack of consensus within city government as a whole to make bicycling a viable form of transportation for most New Yorkers. DOT's work on bicycling is largely unsupported by other city agencies that could and need to play major roles in making biking for transportation or recreation an option for many more New Yorkers.

We think bike mayor could help with this, by bringing the authority of the mayor's office to focus agencies on practices that need to change to make city Cycling safe and accessible for all New Yorkers.

With rare exceptions, agencies with large street operations ignore or actively thwart the function of bike lanes, making life even more difficult for New Yorkers trying to use them.

Examples:

DOT cannot currently put barriers around narrow bike lanes without hindering street cleaning operations. If the Dept of Sanitation would use narrower street sweepers for some streets, it would allow the city to consider many more streets for protected bike lanes. Sanitation says it's "looking into it," and has essentially said that for years, but offers no specifics on beginning procurement or operations with small equipment. Boston, Chicago and other cities coordinate street design and the scale of their street cleaning equipment.

NYC has new rules to make construction sites that affect adjacent bike routes create temporary detour bike lanes. DOT itself still barely inspects and enforces sites from a cyclist point of view, and other government agencies don't believe the rules apply to them. Work on subways by NYC Transit and water main sites created by the NYC Environmental Protection and Design and Construction Departments are major and heedless bike route disruptors.

The Police Department is in a class of its own with practices that make New York City less bikeable. From the widespread and chronic parking of patrol vehicles in bike lanes and reflexive victim-blaming regarding crashes involving cyclists to traffic enforcement that disproportionately targets bike riders, the de Blasio administration has allowed the NYPD to pursue its own, largely punitive, policies toward cyclists.

Even parts of NYC DOT itself need a push to full enter the bike lane era. The same DOT that creates many great protected bike lanes also removes those bike lanes for street resurfacing for weeks or longer during peak cycling season. That leaves cyclists who rely on separation from traffic to fend for themselves amid cabs and trucks. Twelve years after DOT starting installing protected bike lanes on city streets, its Roadway Repair and Maintenance Division is just starting to grasp that it needs to preserve cyclist right of way when it's at work on major bike routes, and so far has not found an effective way to do so.

A "bike mayor" — the director of a new city office of Active Transportation — could flag and work toward resolution of these issues across city agency lines.

**DECEMBER 16, 2019**

**TESTIMONY TO THE NEW YORK CITY COUNCIL COMMITTEE ON  
TRANSPORTATION, YDANIS A. RODRIGUEZ, CHAIR, ON PROPOSED  
STATUTE PROVIDING ADVANCE NOTICE OF WORK SCHEDULES TO  
UTILITY SAFETY WORKERS**

CHAIRMAN RODRIGUEZ, MEMBERS OF THE COMMITTEE, THANK YOU FOR THE INVITATION TO THE UTILITY WORKERS UNION OF AMERICA, LOCAL 1-2, NEW YORK, AFL-CIO TO SPEAK ON THE PROPOSED LEGISLATION TO REQUIRE THAT EMPLOYERS PROVIDE ADVANCE NOTICE OF SCHEDULES TO UTILITY SAFETY WORKERS INSTEAD OF USING 'ON-CALL' DEMAND

I AM WILLIAM SMITH, VICE PRESIDENT OF LOCAL 1-2, AND I REPRESENT UTILITY WORKERS, PRIMARILY WORKING FOR CON EDISON, THE MEN AND WOMEN WHO KEEP THE LIGHTS ON

WE AGREE WITH THE SPONSOR OF THIS LEGISLATION, COUNCILMAN BRAD LANDER, THAT FOR THE SAFETY OF ALL NEW YORKERS, UTILITY WORKERS NEED CLEAR, ADVANCE SCHEDULES IN ORDER TO PERFORM STREET MARKINGS FOR UNDERGROUND INFRASTRUCTURE WORK WITH PRECISION

AS IS THE COMMON PRACTICE TODAY, THE WORKERS WHO PROVIDE STREET MARKINGS FOR UTILITY WORK, WHETHER ITS INTERNET CABLE, GAS, STEAM OR WATER ARE "ON-CALL" CONTRACTORS WHO DO NOT KNOW FROM ONE DAY TO THE NEXT WHAT THEIR WORK DAY WILL BE, OR IF INDEED THERE WILL BE A WORK DAY

THIS BILL WOULD PROHIBIT EMPLOYERS FROM CANCELING, CHANGING OR ADDING WORK SHIFTS WITHIN 72 HOURS OF THE START OF THE SHIFT EXCEPT IN LIMITED CIRCUMSTANCES

THE BILL WILL ALSO REQUIRE THAT EMPLOYERS PROVIDE SUCH UTILITY SAFETY WORKERS WITH A WRITTEN WORK SCHEDULE NO LATER THAN 72 HOURS BEFORE THE FIRST SHIFT ON THE WORK SCHEDULE, TO POST THE WORKERS' SCHEDULE AT THE WORK LOCATION 72 HOURS BEFORE THE BEGINNING OF THE SCHEDULED HOURS OF WORK, AND TO PROVIDE A WRITTEN COPY OF AN EMPLOYEE'S WORK SCHEDULE FOR ANY WEEK WORKED WITHIN THE PRIOR THREE YEARS

ONE THING THIS BILL WOULD ACCOMPLISH WOULD BE TO PREVENT EMPLOYER ABUSE OF 'ON-CALL' WORKERS AND PROVIDE THE UTILITY WORKERS WITH A STEADY SCHEDULE THAT WOULD STOP EMPLOYERS FROM EXERCISING CAPRICIOUS AND ULTIMATELY UNFAIR WORKING CONDITIONS. IT HAS BEEN WELL-ESTABLISHED THAT WORKERS WHO DO NOT HAVE A SIMILAR SCHEDULE DAY AFTER DAY HAVE DIFFICULTY REMAINING ALERT AND CAREFUL AT THEIR JOBS

GIVEN THE COMPLEXITY OF UNDERGROUND NEW YORK CITY, HAVING SKILLED WORKERS WELL-RESTED - BECAUSE THEY KNOW THEIR HOURS AHEAD OF TIME - WILL ALLOW THEM TO BE ABLE TO PERFORM THE WORK THAT IS DEMANDED BY THEIR EMPLOYERS IN A SAFE MANNER OUR MEMBERS WHO WORK FOR CON EDISON FIND ALL TOO OFTEN THAT THERE ARE ERRORS IN MARK-OUTS, WHICH WOULD HAVE CAUSED DISASTERS IF NOT CAUGHT. THE PROPOSED BILL WOULD, HOPEFULLY, REDUCE THESE ERRORS, AS WELL AS THOSE TIMES, RARE THOUGH THEY MAY BE, WHEN THE CON EDISON WORKERS ARRIVE AT A SITE ONLY TO FIND THAT THE MARK-OUTS HAVE NOT OCCURRED AT ALL

THIS BILL WILL MAKE MISTAKES LESS LIKELY TO OCCUR AND PROVIDE A SAFER WORK ENVIRONMENT FOR ALL, WHETHER THEY ARE THE UTILITY WORKERS MARKING WHERE THE INFRASTRUCTURE IS BURIED AND PREVENTING INEXACT DIGGING OR THE UTILITY OR ROAD WORKERS WHO DEPEND ON THE MARK-OUTS BEING MADE BY THESE SAFETY WORKERS OR THE GENERAL PUBLIC. WE HAVE SEEN TIME AND

AGAIN THAT CUTTING CORNERS IN UTILITY WORK LEADS TO ACCIDENTS, EXPLOSIONS, BROKEN WATER MAINS AND THE LIST GOES ON AND ON

THOSE WHO FOLLOW THE MARK-OUTS NEED TO KNOW THEY WILL NOT DAMAGE ELECTRIC CABLES, GAS LINES, STEAM LINES, WATER PIPES OR TELEVISION/INTERNET CABLES WHILE PERFORMING THEIR DUTIES ON THIS CITY'S DELICATE INFRASTRUCTURE. AS WE ALL KNOW, ANY DAMAGE TO THESE UNDERGROUND LINES CAN LEAD TO MYRIAD PROBLEMS IN REPAIR, MAINTENANCE AND INSTALLATION OF UNDERGROUND UTILITIES AND, THUS, DISRUPTIONS OF NEW YORK CITY'S FAMILIES AND BUSINESSES

IN THE MEANTIME, IT IS UNFORTUNATE THAT UTILITIES ARE NOT ALREADY REQUIRED TO PROVIDE CLEAR, ADVANCE WORK SCHEDULES FOR THEIR EMPLOYEES. CON EDISON ESPECIALLY RELIES ON OUTSIDE CONTRACTORS TO PERFORM SUCH SERVICES BECAUSE IT SEEMS TO BE ITS BASIS OF OPERATION IN THE LONG-TERM NOT TO HAVE SKILLED WORKERS ON ITS PAYROLL

WE SUSPECT THAT USING THE 'ON-CALL' SYSTEM IS JUST ANOTHER DODGE TO TAKE ADVANTAGE OF WORKERS' NEED TO WORK SO THAT THEY SUBMIT TO BEING 'ON-CALL' WORKERS, REDUCING THEIR INCOMES AND DISRUPTING THEIR LIVES

WE KNOW 'ON-CALL' IS A PROBLEM FOR WORKERS IN THE SERVICE INDUSTRY IN RESTAURANTS AND RETAIL STORES, AND IT HAS CAUSED THEM TO ORGANIZE AND FIGHT BACK TO KNOW THEIR SCHEDULE AHEAD OF TIME. AFTER ALL, THAT IS ONLY FAIR TO THESE NEW YORK WORKERS

IT SHOULD NOT BE USED BY UTILITY INDUSTRY COMPANIES JUST TO SQUEEZE EXTRA PROFIT AT THE EXPENSE OF THE SANE, RATIONAL, COMMON DIGNITY AND RESPECT THEY SHOULD EXTEND TO THE PEOPLE WHO DO THEIR WORK AND TO THE PEOPLE WHO LIVE AND

WORK IN THIS CITY, WHO DESERVE TO BE ABLE TO LIVE THEIR LIVES WITHOUT THE FEAR THAT AN INCORRECT MARK-OUT COULD CAUSE A LOSS OF ELECTRICITY, A BURST STEAM PIPE, FLOODED STREETS, A LOSS OF THEIR TV OR INTERNET CABLE OR, WORST OF ALL, ANOTHER GAS EXPLOSION WHICH CAN DESTROY HOMES AND PLACES OF WORK THESE COMPANIES HAVE TO BE STOPPED FROM PLACING PROFITS BEFORE HUMAN BEINGS. USING 'ON-CALL' WORKERS IS MERELY ANOTHER TACTIC THAT HOLDS WORKERS BACK FROM BUILDING STEADY LIVES FOR THEMSELVES BECAUSE THEY HAVE TO TAKE THE JOB AVAILABLE TO PUT FOOD ON THE TABLE

BY ANY OTHER NAME WE CALL IT EXPLOITATION. WE ALSO CALL IT A DANGER TO THE PEOPLE OF NEW YORK CITY

FOR THE GOOD OF ALL NEW YORKERS WE STRONGLY SUPPORT THAT THE CITY DO ALL IT CAN TO ELIMINATE THIS EGREGIOUS USE OF PEOPLE TO INCREASE PROFITS, WHILE PUTTING ALL THE PEOPLE WHO LIVE AND WORK IN NEW YORK CITY AT RISK, BECAUSE THIS IS EXACTLY WHAT THE ON-CALL SYSTEM DOES.

THANK YOU

**Testimony of Steven Ettannani  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Civil Service and Labor  
jointly with  
Committee on Transportation**

**Hearing on  
Introductions 946-A-2018**

**December 16, 2019**

**Introduction**

Good morning Chair Miller, Chair Rodriguez and members of the Committees. My name is Steven Ettannani and I am the Executive Director for External Affairs at the New York City Department of Consumer and Worker Protection (DCWP). I would like to thank the Committees for the opportunity to testify today on behalf of DCWP Commissioner Lorelei Salas regarding Introduction 946A, related to prohibiting on-call scheduling for utility safety workers and providing these workers advance notice of work schedules.

DCWP's mission is to protect and enhance the daily economic lives of New Yorkers to create thriving communities. As part of this mission, DCWP houses the Office of Labor Policy and Standards (OLPS), New York City's central resource for workers. DCWP's OLPS protects and promotes labor standards and policies that create fair workplaces to ensure all workers can realize their rights and enforces key workplace laws and rules like the Paid Safe and Sick Leave, Fair Workweek, and Freelance Isn't Free laws.

In 2016, Mayor de Blasio announced a plan to bring a Fair Workweek to the fast food and retail industries in this city. Extensive research by advocates and experts established that unpredictable, unreliable, and inflexible schedules in the fast food and retail industries lead to a host of negative impacts for both workers and businesses in those industries.<sup>1</sup> Unpredictable schedules make it hard to budget, go to school part time, and arrange for child and elder care. The Community Service Society, for example, found that 40% of low income restaurant workers experienced significant fluctuation in their hours week to week, leading to serious hardships like falling behind on rent or mortgage payment, being unable to afford subway or bus fare, skipping meals because of a lack of money to buy food, and struggling to pay for prescription medication or utility bills.<sup>2</sup>

The passage of the Fair Workweek Laws the following year made New York City the largest city in the country to end abusive scheduling practices in the fast food and retail industries and make

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<sup>1</sup> See, e.g., Tacking Unstable and Unpredictable Work Schedules, Center for Law and Social Policy (2014); Amy Traub, Retail's Choice, Demos (2014); The Schedules That Work Act: Giving Workers the Tools They Need to Succeed, National Women's Law Center (2015).

<sup>2</sup> Harold Stolper, Community Service Society, Unpredictable: How Unpredictable Schedules Keep Low-Income New Yorkers from Getting Ahead (2016).

predictable schedules a right, not a privilege, for the first time. Since the Fair Workweek Laws' effective date, DCWP has opened more than 100 investigations into alleged noncompliance and has resolved several through settlement agreements with the employers. DCWP's enforcement activities focus on ensuring that workers are made whole for violations and that employers have a proactive plan for coming into compliance, part of a larger effort to promote a culture of compliance among businesses that both protects workers and minimizes regulatory burdens.

DCWP has been encouraged by the stories we have heard about the positive impact it has had on on workers' lives. We have heard from workers who are now receiving premium pay for schedule changes and working "clopenings," a term for shifts that begin on different days and are less than eleven hours apart. At least one employer stopped scheduling workers for clopenings altogether. One employee described the advance notice of schedules required by Fair Workweek as "life-changing," because it allows the worker to keep commitments outside of work. In at least two cases, DCWP reached positive resolutions of investigations with employers that provide for agency employees to train the business' managers and employees on rights and compliance. We are glad to see the positive impact that Fair Workweek is having on New Yorkers in the fast food and retail sectors and we look forward to being able to share even more stories of success with you in the future.

### **Introduction 946-A**

I will now turn to one of the bills before the Committees today. Introduction 946A would ban the practice of on-call scheduling for utility safety workers, prohibit employers from canceling or adding work shifts on short notice, and require employers to provide advance notice of work schedules. The statutory scheme of Introduction 946A appears quite similar to that adopted in the retail industry context. DCWP would be responsible for enforcing the provisions of this bill.

DCWP appreciates and shares the Council's desire to explore the practice and impact of unpredictable scheduling in industries other than fast food and retail. At today's hearing, we look forward to learning more about the size, composition, and organization of the utility locating industry in New York City and the prevailing scheduling and on-call practices that may be used by employers in this industry. The Fair Workweek Laws were built on a deep, extensive, and research-backed understanding of both the fast food and retail industries and associated scheduling practices. Consequently, the Fair Workweek proposal was a targeted legislative response that was tailored to the needs and experiences of each industry's respective workers. The different needs and experiences resulted in different legislative solutions and statutory schemes tailored to the specific industry. At this time, DCWP does not have a comparable level of understanding of the utility locating industry, its workers, its labor organization, and its scheduling practices to assess the problem of unpredictable schedules in the utility locating industry and whether the legislative solution adopted in the retail industry context would alleviate, or most effectively alleviate, the problem in a seemingly unrelated industry.

DCWP looks forward to hearing from utility locating industry workers, labor representatives, advocates, and employers. The Law Department is currently reviewing Introduction 946A and considering how it might interact with existing laws and regulations that affect utility locators.

We, at DCWP, are interested in learning more about the experiences of workers and companies, particularly those workers who perform utility locates in-house for public utilities or at smaller firms that respond to requests by private homeowners or small businesses. This type of input will help DCWP, and the Council, form a more complete picture of the industry as we move through the legislative process.

**Conclusion**

DCWP commends the Council for continuing to explore the negative impacts that unpredictable scheduling practices can have on New Yorkers. Thank you for the opportunity to testify and I will now be happy to answer your questions.



December 16, 2019

## **Testimony in Support of Intro. 1724, 1812 and 1813 to Improve Pedestrian and Bicyclist Safety and Equity**

*Before the New York City Council Transportation Committee*

*Testimony by: Erwin Figueroa, Senior Organizer, Transportation Alternatives*

Thank you Chair Rodriguez and Council Members for convening this important hearing. My name is Erwin Figueroa, Senior Organizer with Transportation Alternatives (TA). For 46 years TA has advocated on behalf of New Yorkers for safer, more inclusive and more livable streets. With more than 150,000 people in our network and over 1,000 activists throughout all five boroughs we fight to promote biking, walking, and public transportation as safe and sustainable alternatives to the car for all New Yorkers.

TA strongly supports Intro. 1812 and 1813, which would establish offices of Active Transportation and Pedestrians to improve safety and inter-agency coordination, and we support Intro. 1724, which would authorize the City of New York to operate a school bus stop-arm camera enforcement program.

Making both walking and biking safer, more convenient and accessible provides opportunity for New Yorkers to access jobs, education, shopping and visit friends and family; it saves lives and means fewer families shattered; it reduces traffic congestion, improves health outcomes and brings us closer to a sustainable future.

### **Support for Intro. 1812 and 1813**

There is no better time than now to appoint the offices referred to as Bike Mayor and Pedestrian Mayor in New York City: the protected bike lane network is not growing fast enough to keep up with demand, more people on two wheels are coming with the expansion of Citi Bike and impending legalization of e-bikes and scooters, and, as we approach the end of 2019 we are facing a crisis with at least 28 cyclists killed on city streets, nearly three-times the number killed in 2018, and pedestrian fatalities also on pace to exceed last year.

The overwhelming majority of cyclist deaths occurred on streets with no protected bike lane. More than one cyclist killed was doored or had to veer out of the path of a motor vehicle blocking their path. These are the sort of threats that cyclists fear, yet, if you don't bike you would hardly know or worry about. It is unique dangers like these that make the need for a Bike Mayor all the more urgent. DOT Commissioner Trottenberg recently stated that an Office of Active Transportation could be helpful in improving inter-agency coordination. New York City is facing a long-overdue and significant expansion of our bike lane network. In order to facilitate this expansion current challenges to inter-agency coordination must be addressed, which is precisely one of the tasks that would be granted to the new office in this legislation.

According to [BYCS](#), the international organization behind the [Bicycle Mayors network](#), a Bike Mayor is intended to serve as “a catalyst to bring together the public and private realms to uncover the massive economic, health, and environmental benefits of increased cycling capacity.” Bike Mayors have been appointed in cities around the globe, including Sydney, Mexico City, São Paulo and Amsterdam.

“Since moving to New York, it's clear that people who ride bikes in the five boroughs are not well-represented in city government,” said Anna Luten, who served as Amsterdam’s Bike Mayor (the world’s first) from June 2016 until November 2017. “A Bike Mayor in New York would be instrumental for making it safer to ride a bike, which will lead to more people on bikes, less congestion and a smoother ride for everyone. The Bike Mayor can take the lead in building meaningful campaigns to spread the right message towards all road users. In Amsterdam, we were able to build safe infrastructure for all citizens. This would not have been possible if not for the City making a commitment to people on bikes and making sure their interests had a voice in the administration.”

New York is well-positioned to be the first major US city to appoint a Bike Mayor. It was the first in the nation to adopt Vision Zero, has the largest bike share system, and has twice as many [bike commuters](#) as Keene, New Hampshire -- the only municipality in the United States with a Bike Mayor -- has [residents](#). In fact, if the 1.6 million New Yorkers who ride a bike at least once a month established a city of their own, it would be the fifth-most populous in the country.

The Bike Mayor wouldn't be the first specialized “mayoral” post of its kind in New York: in 2018, Mayor de Blasio appointed a “Night Mayor” to facilitate relationships between late-night establishments and communities. TA believes New York City needs Bike and Pedestrian Mayors to serve as the face of the City's bicycling and pedestrian-friendly initiatives, and work alongside advocates and city agencies to provide vision, convene stakeholders, and demand accountability.

In summary key potential benefits from establishing these new offices include:

- **Maximizing Safety for Cyclists and Pedestrians**
- **Ensure Equity in Bike and Pedestrian Infrastructure Policy:** Serve as a watchdog and ensure that all bicycling policy is conceived and implemented with a strong eye toward equity, including -- but not limited to -- the following: racial equity, gender equity, neighborhood equity, age equity, and ability equity.
- **Having a Working Cyclist Champion:** Be a voice for the working cyclist community, and ensure that human rights, fair labor, and fair policing practices are followed across the city, as well as be able to articulate and pursue a clear pro-working cyclist legislative and regulatory agenda.
- **Advancing Sustainability:** Advance the adoption of low-emission transportation policies through the promotion of cycling to help the city achieve its “80 by 50” goal, and meet the Paris Accord goal of preventing warming exceeding 2 degrees Celsius.
- **Advancing Youth Engagement:** Promote independence and mobility in school children through the integration of cycling education in schools, parks, and the Public School Athletic League.

- **Promoting Bike Tourism in NYC.**
- **Promoting Pro-Biking Business Policies:** In particular as e-cargo bikes are replacing large vans and trucks, help the business community foster environments that benefit and promote personal and commercial cycling, which includes ensuring there is enough parking for bikes near business hubs, and that there are economic incentives and curbside preferences in effect designed to move as many freight and delivery services as possible to cargo and e-cargo bikes.

## Support for Intro 1724

Transportation Alternatives supports this legislation which will allow the City to test automated cameras to enforce against drivers of multi-ton motor vehicles passing school children as they board or disembark their school buses throughout our city.

One study estimated that approximately thirteen million violations occurred in one year across the United States by drivers failing to stop when a school bus stop-arm was engaged, with the vast majority of those violations unenforced.<sup>1</sup> Despite positive deterrence effects from widespread and high visibility traffic enforcement, the likelihood of apprehension for driving offenses is limited.<sup>2</sup>

Even during police crackdowns, the likelihood of apprehension for speeding, drunk driving, red light running, and unlicensed driving remains low. Additionally, the likelihood of apprehension for driving offenses is limited by the willingness of police to apprehend dangerous drivers, officers' considerations of disruptions to traffic flow, safety issues related to stopping a driver, and responsibilities related to ticketing a driver, in the form of paperwork and potential court appearances.<sup>3</sup> Finally, implicit racial bias and use of force with potential lethal consequences are inherent risks of police traffic stops.<sup>4</sup>

Automated enforcement technology provides a highly effective solution to address the challenges and limitations of traditional traffic enforcement.<sup>5</sup>

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<sup>1</sup> See Bryan J. Katz, Camera Enforcement of School Bus Stop Arm Violations, Presentation at the NHTSA Symposium, School Transportation Safety: Thinking Outside the Bus (Dec. 1, 2016), [https://one.nhtsa.gov/nhtsa/symposiums/december2016/assets/Camera\\_Enforcement\\_School\\_Bus\\_Stop\\_Arm\\_Bar\\_Violations\\_Presentation.pdf](https://one.nhtsa.gov/nhtsa/symposiums/december2016/assets/Camera_Enforcement_School_Bus_Stop_Arm_Bar_Violations_Presentation.pdf)

<sup>2</sup> See generally Bruce L. Benson et al., Can Police Deter Drunk Driving?, 32 APPLIED ECON. 357, 357-64 (2000).

<sup>3</sup> See Laurence H. Ross, The Neutralization of Severe Penalties: Some Traffic Law Studies, 10 LAW & SOC'Y REV. 403, 412 (1976); Joseph A. Schafer & Stephen D. Mastrofski, Police Leniency in Traffic Enforcement Encounters: Exploratory Findings from Observations and Interviews, 33 J. CRIM. JUST. 225, 226 (2005).

<sup>4</sup> See Laurence H. Ross, The Neutralization of Severe Penalties: Some Traffic Law Studies

<sup>5</sup> See generally KATHY LINDQUIST, WASH. STATE DEP'T OF TRANSP., AUTOMATED ENFORCEMENT SYSTEMS: SYNTHESIS (2007), <http://www.wsdot.wa.gov/NR/rdonlyres/A5E3943E-5C43-4966-89ED-E0F12EE2A7FA/0/AutomatedEnforce>

Despite the lack of New York City specific data about car drivers passing school buses illegally, national data indicates that it happens routinely throughout the day, throughout our city. Additionally we know that reckless driving is an epidemic in New York, being more the norm than the exception. Nationwide, reckless driver actions, like speeding and unsafe passing, contribute to 94% of injury crashes.<sup>6</sup> Clearly, reckless driving that causes incomprehensible harm is an epidemic, and automated traffic enforcement is the only solution capable of addressing the scale of this problem.

For these reasons we support this legislation to provide the City of New York another promising traffic enforcement tool to address the epidemic of reckless driving and traffic violence, and we believe a school bus stop-arm camera enforcement program will contribute to a calming effect on driving throughout our city, and especially near schools and our children.

Although at present we take no position on which City institutions or agencies should operate the program or adjudicate notices of violations, we are grateful that New York City has what is perhaps the country's best operated speed safety camera program, all thanks to the New York City Department of Transportation who have been exemplary stewards of that safety program. We believe their tremendously positive work will help ensure the success of the program that would be made possible through this legislation.

If DOT in particular needs more resources and capacity to operate or test a program like this at the same time as they operate our successful speed camera program then we strongly urge that be provided.

Thank you.

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<sup>6</sup> See NAT'L CTR. FOR STAT. & ANALYSIS, U.S. DEP'T OF TRANSP., CRITICAL REASONS FOR CRASHES INVESTIGATED IN THE NATIONAL MOTOR VEHICLE CRASH CAUSATION SURVEY 1 (2015), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812115>



## Testimony in support of the Intro. 1813 – Office of Pedestrians December 16, 2019

Dear Chair Rodriguez and Council members,

CHEKPEDS is the New York not for profit focused ONLY on pedestrians. Our 1,500 members are grateful to Chair Rodriguez and to City Council Member Rivera. We applaud the creation of an Office for Pedestrians- an idea whose time has definitely come.

We respectfully submit the following vital suggestions:

The NYC Department of Transportation controls the entire cycling infrastructure, while the walking infrastructure - sidewalks - is controlled by SEVEN different agencies and a vast number of property owners. Because of this, the Office for Pedestrians should be a stand-alone office, rather than inside another agency or another office. The Office for Pedestrians must be independent from the Office for Cyclists. It must not be subsumed in another office driven by divergent priorities.

The populations served by the two offices have little overlap. Eight million pedestrians are also public transit riders, children, seniors and disabled people; while the City's one million cyclists are predominantly adult males.

What these populations of vulnerable users have in common is the fact that they are both victims of traffic violence : in just one year, 2019, 136 pedestrians have been killed - a SHOCKING number - often at intersections; and 27 cyclists have been killed, often mid-block. That both groups are being slaughtered does not mean that the remedies are the same.

Finally, the law should to clearly define what are the powers invested in this office and what is its budget.

All New Yorkers thank you for keeping their safety front and center. Pedestrian needs must remain the highest priority and not be subsumed in another office driven by divergent priorities.

C. Berthet, co-founder, M. Treat, co-founder,

**Testimony to the New York City Council, Committee on Transportation  
Re: Support of Int 946 & Int 947  
Submitted by Al Russo, Vice President, Local 1101  
Communications Workers of America  
December 16, 2019**

Good afternoon Chairman Rodriguez and members of the committee. Thank you very much for convening this important hearing and allowing me the opportunity to testify in support of Intro 946 and 947 this afternoon.

My name is Al Russo and I am the Vice President of Local 1101, Communications Workers of America. I've served in this position for the last 9 years. I am also a resident of Dyker Heights, Brooklyn. I've lived there for the last 45 years.

I am here today both as a New Yorker and in my official capacity, on behalf of the 215 utility safety workers that we represent in Local 1101. These workers are employed by the United States Infrastructure Corporation (USIC) who is a primary contractor of Con Edison and National Grid. These are employees who do underground locating work across New York City and Long Island. These workers perform critical tasks, essential to the health and safety of all New Yorkers. Underground safety workers identify underground gas, electric, and telecommunications lines in advance of construction, to prevent dangerous explosions and the interruption of critical services.

In New York City, before a street can be dug up for any reason - whether to repair a water main, or add conduit for cable - the company doing the digging must call 811 in order to issue a ticket for underground locators to be sent out to mark the street. This is a vital step in order to ensure that any digging is done safely and protects crucial underground infrastructure. There are serious consequences to this work being done incorrectly - everything from a disruption in water service to a full-on, deadly gas explosion. This work being done incorrectly is a hazard to the employees on site and to the public at large.

That is why it is essential that we pass this legislation. Intro 946 would prohibit on-call scheduling for utility safety workers who locate and mark underground infrastructure. Several times per month, utility safety workers are scheduled to be on call, after a full shift. A typical shift for one of our workers would be 7am to 5pm. They would then be required to be on call from 5pm until the start of their next shift at 7am the next morning. It is common to be called in multiple times per

“on call” shift. And regardless of how many times you are called in, or for how long, you are still required to show up the next morning for the start of your shift. This means that these workers are not getting sufficient rest.

You cannot adequately perform this job, that requires you to be alert and precise, on insufficient sleep or broken up sleep. These workers are doing important work that a single mistake could lead to a catastrophe. These workers are often doing this work in busy intersections, or on highways, with cars zooming past. One misstep, due to exhaustion, could lead to a tragedy. To protect these workers, their co-workers, and the public at large, we need to ensure they have sufficient rest.

Furthermore, we need to make sure they are adequately trained to do this job. Intro 947 would ensure that anyone who applies for a permit to open a street certify to the Department of Transportation that all workers covered by the permit are in compliance with relevant safety training, education laws, and regulations in order to protect public safety and health.

Currently, our workers receive 2 weeks of classroom training prior to taking a test. If they pass the test, they are then paired with a more senior employee to ride along with them for 1-2 weeks. After only 1-2 weeks of on the job training, these workers are expected to do the job on their own.

We’ve heard from senior workers that the length of training has been decreasing over time. Particularly the “ride along” portion, which they identify as the most important part of the training. In fact, some workers remember a time where as a new employee, you’d be scheduled for 3 to 6 months of riding along before you’re out on your own. This means that there are many new utility safety workers, responsible for the welfare of critical infrastructure and their own safety, put into dangerous situations with inadequate training. More senior employees tell us that they see the consequences of this: more accidents, more damage.

We need to make sure that the workers performing this critical service to New York City have the protections they need to best do their job and serve the City. I am asking for your support for this vital legislation. Thank you for your time and I am happy to answer any questions.

**Testimony to the New York City Council, Committee on Transportation  
Re: Support of Int 946 & Int 947  
Submitted by Xavier Maynard, Member, Local 1101  
Communications Workers of America  
December 16, 2019**

Good afternoon Chairman Rodriguez and members of the committee. My name is Xavier Maynard. I am a member of the Communications Workers of America, Local 1101, and an underground utility locator. I worked for United States Infrastructure Corporation for 3 years. I live in Bayside, Queens for the past 20 years. Thank you very much for allowing me the opportunity to share my experience and express my support for Intro 946 and 947 this afternoon.

These bills are essential in order to protect the public safety and ensure that workers who provide a vital service to New Yorkers, do so safely, properly, and in compliance with all laws. This legislation would have a direct impact on me and people like me who do this job and provide this important service for our city.

I take my responsibility of protecting our City's infrastructure and the public's safety very seriously. We are the people who make sure that when our streets are dug up, your neighbors are protected from gas main explosions or electrical or phone outages. We care about the people of NYC and LI.

Before any company digs up a street in New York City and Long Island, USIC workers survey ground infrastructure like gas mains and electric lines. We then mark the street so that any digging doesn't cause electrical outages or even worse, gas main explosions. If this work is not performed correctly, residents are put in grave danger.

USIC workers are sometimes required to be on call for 25 hours straight on the weekend and also several times a month, from the end of a shift in the evening until the start of the next shift in the morning. That means that after working from 7am to 5pm, I am still on call, and could be required to go back to work at 2am, finish a locate around 4am – and then I would still have to show up at 7am for my regular shift. You are constantly monitoring your work phone to make sure you don't miss a call. When you receive a call, you have 2 hours to respond. Then you have to go home, clock in, research the job, jump in the company van and go. If you miss the call or report late, you get dinged. If you miss more than twice, you're

out. You also receive no additional compensation unless you are responding to an emergency.

Let alone any concern for our quality of life and ensuring time with our families, being on call like this makes it impossible to get a decent night's sleep. Without a decent night's sleep, a dangerous job turns into a possible tragedy. When you're on the highway, with cars zooming past, trying to read the plans and maps, you need to be completely aware and alert. That is why I urge you to pass Intro 946.

If I don't do my job right, I could hurt myself, my coworkers, or the general public. In addition to making sure rest time is protected, we need to make sure that people performing this work are adequately trained.

When I first started working for USIC, I was given two weeks of classroom training before I took the test. Then, I spent about a week or so on a ride along with a more senior tech. These ride alongs are so important because this is when you really pick up the nuances of the job. Also, there are just some real time situations that can't be covered in classroom training. I do not believe this is sufficient training. With locating work, you actually have to be in the field a lot to really understand the work. Every neighborhood is different. In this area, the cable might be really old and deep, and in other areas, more close to the ground. In order to do the job safely and correctly, you need to learn these things. That is why the council should pass Intro 947 which would ensure that those performing this work are adequately trained and in compliance with all safety and educational laws and regulations.

Thank you very much for allowing me the opportunity to share my experience as an underground utility locator and expressing my support for Intro 946 and 947. I am available to answer any questions.

**NYC COUNCIL TESTIMONY**

Good afternoon Councilmembers,

My name is Corey Muirhead and I am the Executive Vice President of Logan Bus & Affiliates, the largest school bus transportation provider in New York City. Logan currently services 1900 routes for the NYC Department of Education. Logan and affiliates represent approximately 20% of all school bus routes in the NYC school bus industry.

In addition to my day job, I also serve as President of the New York School Bus Contractors Association. Our association is comprised of private school bus contractor companies, who make up for 67% of all student transportation in the state of New York.

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Safety has, and always will be the number one priority for the 48 years Logan Bus Company and Affiliates have served New York's children and earned the parents' trust. That is why we willingly participated and strongly supported the East Meadow School District stop-arm camera pilot program last spring in conjunction with Bus Patrol.

We were thrilled when East Meadow's school board voted unanimously to participate in Bus Patrol's pilot program, not only because I personally believe in the use of stop-arm cameras, but also because it would give me an opportunity to see how the system would work first hand. The experience was eye opening.

There are no two ways about it; drivers who recklessly pass stopped school buses endanger our children's safety. East Meadow's pilot program demonstrated just how widespread the problem is – and how putting cameras on buses to catch those motorists would be a strong deterrent.

In the East Meadow program, Bus Patrol technicians installed the cameras on 10 of my Long Island buses. The results were overwhelming. The cameras began capturing footage of illegal passes from day one. Within the first week, the cameras caught 70 violations. By the end of the program, Bus Patrol's cameras recorded 615 illegal and dangerous passes in approximately one month alone.

Bus Patrol produced a report that gave school district officials and our drivers the data that showed us where the most frequent incidents occurred, giving us a roadmap of where we needed heightened awareness, possible law enforcement support and/or a change in route.

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School bus drivers are hired to operate the vehicle safely, not to record traffic infractions. Instead of hurriedly trying to write down license plate numbers, bus drivers can focus on the road and the safety of the students, while the police will have clear-cut evidence from the stop-arm cameras to issue tickets to violators, who would then have to pay heavy fines starting at \$250. I am confident that the mere presence of the cameras and knowledge of the fines associated with the violations will change the behavior of reckless motorists. To put it simply, school bus stop-arm cameras can save lives.

Lawmakers in Nassau and Suffolk have begun the process of bringing stop-arm camera enforcement programs to Long Island, and now all that remains is for school districts to opt-in and ensure that every child is protected by this life-saving tool.

Given the mayors Vision Zero agenda, I look forward to the day I equip all of Logan's buses with this important safety tool and further the agenda to make our streets a safer place.

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Logan has been an industry leader in both the implementation of stop arm cameras and electric school buses. Thank you for providing me this opportunity to testify on behalf of the success and safety of this transportation component I truly believe in.



April Horton  
Director Government & External Affairs

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December 10, 2019

**RE: Int 946-A - In relation to prohibiting on-call scheduling for utility safety workers and providing advance notice of work schedules to utility safety workers.**

**Int 947 - In relation to requiring certification of safety training for street permits.**

Verizon wholeheartedly supports public safety measures. Verizon, an industry leader that has adopted many policies related to the health and safety of our employees and the public we serve, has some concerns regarding Intro's 946-A & 947 97-A and respectfully submits the following comments.

As the leading telecommunications and broadband provider for NYC, Verizon plays a crucial role in helping to maintain the City's critical infrastructure and protecting the safety of the community. As NYC considers implementing changes to how workforce scheduling is conducted, it needs to be mindful of the potential disruptive impacts these changes could have on all infrastructure and the various people and businesses whose day-to-day activities would be affected as well.

Verizon employees are a critical component in meeting customers' needs and expectations, and in maintaining the network connectivity that allows NYC to economically thrive so that it continues to be one of the most technologically advanced cities in the country.

As residential, business and government reliance for high speed broadband service continues to grow, customer expectations for service installation and repair have become more demanding. Customers want their service installed on time and with limited disruptions to their day, and when the service is compromised, they expect restoration immediately. This is not only true with broadband, but all critical underground infrastructure.

With the unpredictability of the causes driving the need for access to all underground infrastructure, having a flexible system in place to address employee availability and execution on deliverables is paramount. Calls into 811 can come on any day or at any time and companies must be ready to answer and address regardless of when it was received. Many times immediate response to identify gas line, water mains, broadband cabling etc, is critical in restoring and/or protecting essential services. Therefore it is not unreasonable for an impacted company to have someone on call at least once a week.

Verizon wholeheartedly supports public safety measures. With its position stated, and with a full reservation of rights and without waiving same, Verizon proposes the following changes to the proposed legislation.

#### **Intro 946-A**

§20-1402 (a)(1): It is not unreasonable to have at least one employee on call to address emergency situations that may arise due to the unpredictability of 811 requests. This section should be changed to allow scheduling of on-call shifts one time per employee per week to avoid not being able to accommodate mark-out requests and potentially putting the safety of critical infrastructure at risk. This provides the needed flexibility to handle the unpredictable nature of incoming mark-out requests.

§20-1402 (b)(3)(a): should be changed to read "The disruption or failure of public utilities that has the effect of potentially putting 10 or more customers out of service;". This will provide critical utilities/ telecommunications providers with the flexibility to restore services in a timely manner.

§20-1404 (i): Verizon respectfully requests that this item should be deleted as it addresses specific language that is covered and negotiated during the collective bargaining process.

#### **Intro 947**

§2: In the case of utility safety employees covered by a valid collective bargaining agreement in effect on the effective date, this local law takes effect on the stated date of the expiration of such agreement.

Verizon welcomes the opportunity to meet to discuss these issues in more detail.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1724 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Amy Ming Tsai  
Address: 3215 Bainbridge Avenue 45E Bronx NY  
I represent: Citywide Council for District 75  
Address: 400 First Avenue New York NY 10030

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1812 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JON ORCUTT  
Address: \_\_\_\_\_  
I represent: BIKE NEW YORK  
Address: 475 Riverside Drive

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 446-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 12/16/18

(PLEASE PRINT)

Name: Stann Etkiniani  
Address: 42 Broadway  
I represent: Dept of Consumer Affairs  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Monty Dean

Address: Chief of Staff to the COO

I represent: NYC DOT

Address: 55 Water St NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0946 Res. No. 2018

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: WILLIAM SMITH

Address: 5 W 3757 New York NY 10018

I represent: UWUA Local 1-2

Address: 5 W 3757 New York NY 10018

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 946 Res. No. 947

in favor  in opposition

Date: 12/16/19

(PLEASE PRINT)

Name: AIRUSSO + XAVIER MAYNARD

Address: 80 Pine St.

I represent: Communications Workers of America

Address: District One

**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: \_\_\_\_\_

Name: Jean Souliere (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Bus Patrol

Address: 8540 Cinder Bed Rd. Lorton, VA 22079

**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: \_\_\_\_\_

Name: Joshua Benson (PLEASE PRINT)

Address: DC Traffic Operations

I represent: NYC DOT

Address: 55 Water St. NY NY

**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: \_\_\_\_\_

Name: Sean Quinn (PLEASE PRINT)

Address: Ass. Comm. for Street Imp. Projects

I represent: NYC DOT

Address: 55 Water St. NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CHARLOTTE BEATHE

Address: \_\_\_\_\_

I represent: CHEKPEDE

Address: 342 W 38

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1812, 1313, 1724 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/16/19

(PLEASE PRINT)

Name: Erwin Figueroa

Address: 1084 Nostrand Ave, Brooklyn, NY

I represent: Transportation Alternatives

Address: 111 John St, New York, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 746-17 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/16/19

(PLEASE PRINT)

Name: Stann Attorneys

Address: 42 Broadway

I represent: Dept of Consumer Affairs

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Coley Muirhead

Address: \_\_\_\_\_

I represent: Logan Bus Co.

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. 1824 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/16/2019

**(PLEASE PRINT)**

Name: ERIC ZDUNDI

Address: 405 W 263rd St, Bronx, NY 10471

I represent: New York Pediatric Alliance

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1724, 1812, 1813 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/16/19

(PLEASE PRINT)

Name: ERIC McCLURE

Address: 423 4<sup>th</sup> St. Brooklyn 11215

I represent: Streets PAC

Address: 17 Battery Place 204, NY NY 10004

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1812/1813 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/16/2019

(PLEASE PRINT)

Name: ERIC ZOUNDI

Address: 405 W 263<sup>rd</sup> St, Bronx, NY 10471

I represent: New York Pedicab Alliance

Address: \_\_\_\_\_

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