

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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September 9, 2020  
Start: 10:15 a.m.  
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HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Ydanis Rodriguez  
Chairperson

COUNCIL MEMBERS: Ydanis Rodriguez  
Fernando Cabrera  
Andrew Cohen  
Chaim Deutsch  
Ruben Diaz, Sr.  
Robert F. Holden  
Peter A. Koo  
Stephen T. Levin  
Mark Levine  
Carlos Menchaca  
I. Daneek Miller  
Antonio Reynoso  
Donovan J. Richards  
Deborah L. Rose  
Carlina Rivera

## A P P E A R A N C E S (CONTINUED)

Polly Trottenberg  
Commissioner  
New York City Department of  
Transportation

Rebecca Zack  
Assistant Commissioner for  
Intergovernmental and Community Affairs  
New York City Department of  
Transportation

Eric Beaton  
Deputy Commissioner  
Transportation Planning and Management  
New York City Department of  
Transportation

Margery Perlmutter  
Chair  
Board of Standards and Appeals

Robert Englert

Rachel Jones

Marco Conner DiAquoi

Rose Uscianowski

Christine Berthet

Patrick McClellan

Regina Fojas

Dawn Sith

Melody Bryant

Nula O'Doherty Naranjo

Stephanie Mansfield

Noel Hidalgo

Jeffrey LeFrancois

Jim Burke

Jackson Chabot

Laura Shepherd

HP Schroer



1  
2 SGT. LUGO: At this time will all  
3 Sergeants at Arms please start your recordings.  
4 Sergeant Kitwoski, you may begin with your opening  
5 statement.

6 SGT. KITWOSKI: Good morning and welcome  
7 to today's remote New York City Council hearing of  
8 the Committee on Transportation. At this time would  
9 everyone please turn on their video. Please place  
10 electronic devices on vibrate or silent. If you wish  
11 to submit testimony you may do so at  
12 testimony@council.nyc.gov. That is  
13 testimony@council.nyc.gov. Thank you. We're ready  
14 to begin.

15 CHAIRPERSON RODRIGUEZ: Hello? Should I  
16 begin? OK. Thank you all for joining, eh, in our  
17 hearing on DOT's Open Streets Program. Their  
18 response to COVID-19 and private streets legislation,  
19 eh, first of all, eh, I'm going to turn it over to  
20 our committee counsel to go over some procedure  
21 items.

22 COMMITTEE COUNSEL: Thank you. I'm  
23 Elliott Lynn, counsel to the Transportation  
24 Committee of the New York City Council. Before we  
25 begin I want to remind everyone that you will be on

1  
2 mute until you are called on to testify. Then you  
3 will be unmuted by the host. Please listen for your  
4 name to be called. I will be periodically announcing  
5 who the next panelist will be. The first panelist in  
6 this hearing will be from the Department of  
7 Transportation, Commissioner Polly Trottenberg,  
8 Assistant Commissioner for Intergovernmental and  
9 Community Affairs, Rebecca Zack, and Deputy  
10 Commissioner for Transplantation Planning and  
11 Management Eric Beaton. During the hearing if  
12 council members would like to ask a question please  
13 use the Zoom raise hand function and the chair or I  
14 will call on you in order. We will be limiting  
15 council member questions to five minutes. Please  
16 also note that for ease of this virtual hearing we  
17 will not be allowing a second round of questioning.  
18 Thank you.

19 CHAIRPERSON RODRIGUEZ: Thank you. Good  
20 morning, everyone. Today the Committee on  
21 Transportation convenes the remote hearing to hold  
22 this conversation, this conversation oversight topic,  
23 how DOT is working on the open, with the Open Streets  
24 Program and how the agency responds to COVID-19. Of  
25 course, I gotta say that all I have is great

1  
2 experience working with the DOT commissioner and I'm  
3 here from Dyckman between Broadway and Seaman in the  
4 open street that thank you to you, thank you to  
5 Rebecca, thank you to the whole team, we made that a  
6 reality, that, eh, the business owner in this area,  
7 the pedestrian, the cyclist, they've been enjoying  
8 the benefit of open street in the [inaudible] at  
9 Dyckman between Broadway and Seaman. And I think  
10 that this is the type of experience that we need to  
11 look at and see what we can learn, the good and thing  
12 that also can be approved, eh, improved. As the  
13 pandemic took hold in the city our normally busy  
14 streets and roads became deserts as sheltering in  
15 place orders took effect and New Yorkers began to  
16 practice social distancing. This unusual situation  
17 became the perfect opportunity to implement important  
18 and creative measures to ensure that people have  
19 adequate space for exercising and enjoying the  
20 outdoors, all while social distancing. Also, today  
21 we need to look and see how did the agency and the  
22 city work with the MTA to improve bus services,  
23 especially the bus ways, how did we expand City Bike  
24 during this process, what did we learn about  
25 improving safety for Rebel and the home office

1 industry in the City of New York? In April the  
2 committee heard Intro number 1933, introduced by  
3 Council Member Carlina Rivera, which would have  
4 provided the city with 75 miles of temporary open  
5 street for cyclists and pedestrians to utilize during  
6 the pandemic. Shortly after the hearing the  
7 administration announced they would be providing 100  
8 miles of open street throughout New York City. The  
9 program began on May 2, 2020, and as June 24 they  
10 have been 67 total miles of open streets. Of course,  
11 we want to be positive. We want to see what is the  
12 plan to continue expanding. I propose that we expand  
13 on this [inaudible]. We had, we has revitalized and  
14 opened our streets for New Yorkers to use and enjoy.  
15 DOT will look into ways that they can set up a  
16 department that will focus on the Open Street  
17 Program. That's my idea. I introduced language  
18 already for the potential LS request that would like  
19 to make the open street permanent in the City of New  
20 York. Therefore, I hope that we can work with DOT,  
21 especially the commissioner, to make that a reality.  
22 We need to study the mechanism that are in play and  
23 who will stand to benefit from this important  
24 program. Additionally, I also believe that the  
25

1  
2 Department of Transportation and the city should  
3 explore the possibility of making many of these open  
4 streets, eh, eh, a experience where business owner,  
5 pedestrians, and cyclists come together to plan the  
6 future of use of our street in our city. I have no  
7 doubt that this initiative will get us to the goal of  
8 the being the most pedestrians and cyclists friendly  
9 city in the world, something that I have been  
10 advocating for since elected in 2009 and for the last  
11 seven years as the chairman of this committee. In  
12 today's hearing we hope to hear from the  
13 administration regarding the status of this program  
14 and other measures taking response to COVID-19 as  
15 well as their plans to continue rethinking the way we  
16 use our valuable street space. The Open Streets  
17 Initiative has helped many small businesses,  
18 struggling to stay open this challenging time. I  
19 hope to hear from the administration as to how they  
20 were able to work alongside the mom and pop shop who  
21 wanted to apply to outdoor dining and, most  
22 important, what is the mechanism, the mechanism that  
23 we have in play to do the assessment on how the  
24 program is working, benefitting restaurant, but also  
25 pedestrian, cyclist, and all New Yorkers. We also

1 hope to hear from advocate and community member  
2 regarding issues with the program and ways it could  
3 be improved in the future. In addition to this  
4 oversight topic, the committee will consider two  
5 bills introduced by Council Member Matteo by request  
6 of the Staten Island borough president related to  
7 private street. Intro number 2051 is a local law in  
8 relation to establishing permit, requirement for  
9 private street to be mapped on Staten Island, and  
10 Intro number 2051 is a local law in relation to  
11 redefining and regarding private streets on Staten  
12 Island. I will now call on Minority Leader Matteo to  
13 give an opening statement on his bills.

14  
15           MINORITY LEADER MATTEO: Thank you, Chair  
16 Rodriguez, and good morning everyone. Um, I'm here  
17 to try to speak on the two bills that I introduced  
18 with Borough President Oddo that address long-  
19 standing issues with the construction and maintenance  
20 of private roads on Staten Island. These pieces of  
21 legislation are the culmination of a public  
22 discussion that has been going on in our borough for  
23 some time now. For many years the process for  
24 receiving [clears throat], excuse me, private road  
25 waivers from the New York City Board of Standards and

1 Appeals was considered pro forma. However, that has  
2 since changed. The result has been that private  
3 roads are no longer, um, private road requests are no  
4 longer assured. In fact, the norm seems to have  
5 become the opposite. It is now incumbent upon us in  
6 government to provide a path of private roads to be  
7 built to proper and safe standards and to see that  
8 they are added to the city map. For too long Staten  
9 Island's road network was subject to piecemeal  
10 development that often did not adequately protect  
11 community interest, and at the same time the existing  
12 mapping process did not offer a straightforward path  
13 for developers. These bills seek to provide a road  
14 map for private roads on Staten Island so that  
15 developers can proceed with construction that will  
16 give quality road access to emergency and other  
17 vehicles. Additionally, we are creating a true  
18 responsibility for existing and future private roads  
19 so that their maintenance is never again neglected  
20 moving forward. I look forward to working with all  
21 the stakeholders in this legislation so that we can  
22 finally get private roads done right. Thank you.

24

25

2 CHAIRPERSON RODRIGUEZ: I will now have  
3 our moderator and committee counsel call on the  
4 administration to testify and to administer the oath.

5 COMMITTEE COUNSEL: I will now call on  
6 members of the administration. First, in the  
7 Department of Transportation, Commissioner Polly  
8 Trottenberg, Deputy Commissioner for Transplantation,  
9 Planning, and Management Eric Beaton, and Assistant  
10 Commissioner of Intergovernmental and Community  
11 Affairs Rebecca Zack. I will now read the  
12 affirmation and then I will call on each individual  
13 to confirm their response on the record. Please  
14 raise your right hand. Do you affirm to tell the  
15 truth, the whole truth, and nothing but the truth in  
16 your testimony before the committee and to respond  
17 honestly to council member questions? Commissioner  
18 Trottenberg.

19 COMMISSIONER TROTTEBERG: I do.

20 COMMITTEE COUNSEL: Deputy Commissioner  
21 Beaton.

22 DEPUTY COMMISSIONER BEATON: I do.

23 COMMITTEE COUNSEL: Associate  
24 Commissioner Zack?

25 ASSISTANT COMMISSIONER ZACK: I do.

1 COMMITTEE ON TRANSPORTATION 13  
2 COMMITTEE COUNSEL: Thank you. You may  
3 begin when ready.

4 COMMISSIONER TROTTEBERG: Ready for me  
5 to do my testimony, Mr. Chairman? OK. Good morning,  
6 Chairman Rodriguez, members of the Transportation  
7 Committee. I'm Polly Trottenberg, commissioner of  
8 the New York City Department of Transportation. I'm  
9 joined here by my colleagues. Thank you for the  
10 opportunity to testify on behalf of Mayor Bill de  
11 Blasio on DOT's response to COVID-19 and the  
12 administrations Open Streets Program. These last six  
13 months have been some of the hardest our city has  
14 ever faced. We've lost far too many family members,  
15 friends, neighbors, and colleagues to COVID-19,  
16 including fellow workers in city government and the  
17 MTA. And we've seen too many New Yorkers lose their  
18 jobs and too many beloved businesses close their  
19 doors. As we all know, communities of color have  
20 been disproportionately hurt by this public health  
21 and economic crisis. And we've all experienced a  
22 summer of racial justice and police brutality  
23 protests, sparked by the murders of George Floyd,  
24 Breonna Taylor, Ahmaud Arbery, and others. At DOT  
25 we're engaged in the urgent and critical work of

1 ensuring our programs, projects, contact, contracting  
2 processes, and agency culture and practices are more  
3 equitable. While this has been a focus of the de  
4 Blasio administration from the outset the work is far  
5 from over. This summer we worked with our employees  
6 of color on a number of new initiatives, including  
7 launching an executive level equity and planning  
8 working group that will be tasked with evaluating the  
9 impact of DOT's programs and services on communities  
10 of color, low-income communities, women, and people  
11 with disabilities, and identifying areas where we can  
12 do better. We're continuing our internal efforts to  
13 foster a workplace free from racial discrimination,  
14 harassment, and retaliation. Building on the work  
15 we've done already to enhance diversity, equity, and  
16 inclusion at DOT, we're launching a structured hiring  
17 guide consistent with citywide equal opportunity  
18 employment regulations with new oversight procedures  
19 for the hiring process. And this fall we're  
20 expanding training on racial justice and implicit  
21 bias for all DOT senior managers. We're proud of  
22 this work thus far, but we know there's much more to  
23 do both personally and professionally to combat the  
24 structural racism that pervades our society and our  
25

1 city. I'll now turn to our agency's response to  
2 COVID-19. When the virus overtook the city in March  
3 DOT worked to keep its employees safe while  
4 fulfilling the agency's critical functions. We  
5 maintained the city's transportation system, making  
6 emergency repairs to roadways, bridges, sidewalks,  
7 and traffic operations infrastructure. We continued  
8 to run the Staten Island Ferry 24/7 and as some New  
9 Yorkers took advantage of nearly empty streets to  
10 speed recklessly we kept our Speed Cameras and  
11 continued to expand the program. In fact, just last  
12 week we announced that we activated cameras in all  
13 750 school zones, as authorized by the state, and  
14 lowered speed limits on nine of the city's most  
15 crash-prone corridors. We did all this despite  
16 tremendous operational challenges, employees falling  
17 ill, quarantining, and, sadly, some losing their  
18 lives, and we certainly mourn their loss. We  
19 transitioned many staff to teleworking, redesigned  
20 all our major operations for the COVID era, and  
21 worked closely with our union partners to ensure that  
22 our work force remains socially distanced, well-  
23 equipped, and focused. Sorry, it looks like my mute  
24 button hit there. Um, and we at DOT have answered  
25

1 the call, working tirelessly to keep New Yorkers safe  
2 and moving, maintain our infrastructure, and quickly  
3 grow innovative programs on our streets. As it is  
4 for all agencies, the current financial climate for  
5 DOT is very difficult, especially after so many years  
6 of steady growth. Between the executive and adopted  
7 fiscal year 21 plans, DOT is implementing 125 million  
8 dollars in budget cuts, representing 12% of our 1.1  
9 billion expense budget. And we expect to face  
10 additional budget cuts this year, particularly if the  
11 federal government does not give the city additional  
12 stimulus funding or the state does not grant us long-  
13 term borrowing authority. Further, after three years  
14 of a partial hiring freeze we've had a nearly  
15 complete freeze since March and are now also facing  
16 potentially a sizeable layoff scenario of existing  
17 employees. These staffing constraints are enormous  
18 challenge for DOT, one of the most diverse and  
19 complex agencies in city government, with a list of  
20 popular programs and projects that has grown every  
21 year. We now have an 8% vacancy rate with hundreds  
22 of positions unfilled and that list is growing every  
23 money. I'm so grateful to the current DOT staff, who  
24 are performing miracles of endurance and creativity  
25

1 to execute on our current initiatives, but the  
2 current fiscal reality means that every public dollar  
3 must be put towards the highest priority programs and  
4 projects. This means that while we focus on our core  
5 charter mandated operations and critical responses to  
6 COVID, we face challenges in implementing the many  
7 new programs enacted in recent years, including the  
8 Streets Master Plan, the Reckless Driver  
9 Accountability Program, and the Shared E-Scooter  
10 Pilot Program. These new programs would collectively  
11 require roughly 20 additional staff and cost nearly 9  
12 million in fiscal year 21. In fiscal year 22 they  
13 would scale up dramatically to 300 additional staff  
14 and cost almost 200 million as the programmatic for  
15 the master plan is scheduled to be underway fully.  
16 These new programs are all knowingly enacted without  
17 the necessary budgetary resources and unfortunately  
18 unless the city's fiscal situation improves these new  
19 programs will have to be greatly reduced in scope or  
20 delayed, or funding and head count will have to be  
21 shifted from other priorities. That being said, let  
22 me discuss some of the incredible work our agency has  
23 been doing to reimagine and repurpose our streets.  
24 First, under the mayor's leadership with the council,

1 advocates, and others urgently calling for more space  
2 for pedestrians and cyclists to socially distance,  
3 DOT, NYPD, Parks, and community partners created the  
4 largest open streets program in the country, with  
5 over 75 miles of streets citywide. Nearly 50% of the  
6 open streets are in ZIP codes with the highest rates  
7 of COVID-19 in the city, mostly communities of color,  
8 and nearly 60% are in census tracts that are low to  
9 moderate income. This summer we implemented two  
10 programs to help children play and everyone stay  
11 cool. Our Play Streets Initiative provided families  
12 with safe, structured activities on 14 open streets  
13 and neighborhoods most impacted by COVID-19. We also  
14 designated 16 open streets in the most heat-burdened  
15 communities as cool streets, locations in DEP's Cool  
16 Hydrant and Spray Cap Program. All of this could not  
17 have been possible without the support of many BIDs  
18 and community groups and I want to thank them for all  
19 their commitment to this program. To improve the  
20 program for communities of color and COVID-impacted  
21 neighborhoods going forward, we're still actively  
22 seeking additional community partners and we  
23 encourage council members to refer interested groups.  
24 And, of course, we value and seek your input as we  
25

1 plan for the programs' long-term future.

2 Implementing open streets taught us a lot and enabled

3 us to continue to creatively rethink how we use our

4 streets, including helping our city's struggling

5 restaurant industry. Under the mayor's leadership

6 and as codified in Council Member Reynoso's bill to

7 allow outdoor dining, the city put forth the Open

8 Restaurants Program at record speed. The program

9 allowed restaurants to self-certify and begin taking

10 advantage of sidewalk and street space outside of

11 their establishments in time for phase 2 of the

12 city's reopening. To date, over 10,000 restaurants

13 have applied to take advantage of the program and

14 serve customers outdoors, making Open Restaurants, we

15 believe, the largest program of its kind. This

16 enormously popular program has supported jobs for

17 approximately 100,000 people, a diverse work force

18 from all five boroughs, and generated much-needed

19 economic activity and tax revenue. We're grateful to

20 all our partners in this monumental effort, which

21 required creativity, problem solving, and breaking

22 down agency silos. I want to thank our sister

23 agencies, including SBS, MOME, the Office of Night

24 Life, as well as BIDs and industry partners like the

25

1  
2 New York City Hospitality Alliance, the New York  
3 State Latino Restaurant Bar and Lounge Association,  
4 Rockwell Group, Novel Wilson, the Chinatown  
5 Partnership, and many others. And we've successfully  
6 combined two popular programs with Open Streets and  
7 Open Restaurants, allowing New Yorkers to visit some  
8 of their favorite restaurants as they safely dine  
9 outdoor on [inaudible] streets as the chairman of the  
10 committee is doing even as we speak. We look forward  
11 to discussing with the council ways to make elements  
12 of the Open Restaurants Program a permanent fixture  
13 in our city and the mayor has already announced its  
14 return next summer. And now we're once again  
15 answering the call to use our city streets to help  
16 our kids learn and exercise outdoors. Together with  
17 the Department of Education, Parks, and other agency  
18 partners we've identified and improved outdoor  
19 learning space for almost 800 schools across the five  
20 boroughs, including on almost 160 streets. We've  
21 worked hard, quickly identifying and assess these  
22 spaces, prioritizing schools in communities of color  
23 and those hardest hit by the pandemic. Now I'm going  
24 to turn to the agency's work to keep New Yorkers  
25 moving and keep freight flowing during the crisis as

1 we work to help keep the city recovering. First,  
2 buses have served a critical role in transporting  
3 essential front-line workers and members of the  
4 communities hardest hit by the pandemic. In June the  
5 mayor announced the Better Buses Restart Program  
6 with nine major bus, bus way, and bus lane projects  
7 in all five boroughs to give New Yorkers safe,  
8 reliable, and fast public transit options as the city  
9 reopens. Since then we've already completed four bus  
10 projects, the bus way along Jay Street in Brooklyn,  
11 bus lanes extensions on East 14th Street in  
12 Manhattan, and Malcolm X Boulevard in Brooklyn, and a  
13 major bus lane on 149th Street in the Bronx, ah,  
14 right near Lincoln Hospital, a critical lifeline for  
15 front-line healthcare workers. In addition, DOT is  
16 currently constructing bus lane on E. L. Grant  
17 Highway in the Bronx, Hylan Boulevard in Staten  
18 Island, as well as bus improvements on Rockaway Beach  
19 Boulevard. By the end of the year we hope to have  
20 installed more bus mileage than we've completed in a  
21 single year, and many focused in communities of color  
22 throughout the city. And in August, along with our  
23 partners at the MTA, we announced the expansion of  
24 the Bus Lane Camera Enforcement Program with  
25

1 stationary cameras activated on nine new corridors  
2 and MTA bus-mounted cameras on three new routes.  
3 Finally, DOT has been rolling out transit signal  
4 priority to bus corridors faster than ever before and  
5 we've already exceeded our 2020 goal of 300  
6 intersections. We will continue to add more TSP  
7 corridors throughout the rest of the year. Next,  
8 we've also seen a cycling boom as many New Yorkers  
9 shift trips from public transit. Since April on  
10 average we've seen 26% more cyclists on protected  
11 lanes and bridges throughout the city than in the  
12 same period last year, and with weekend cycling up  
13 57%. In response to this boom and building on safety  
14 improvements and guiding principles laid out our  
15 Green Wave Plan, DOT is installing protected bicycle  
16 lanes with a focus on closing important gaps in the  
17 bike network, supporting trips made by essential  
18 workers, facilitating interborough trips, and  
19 encouraging neighborhood access to parks and open  
20 space. To date, DOT has installed nine miles of  
21 permanent and temporary protected bike lanes during  
22 the crisis with several more temporary lanes under  
23 way. We expect to install over 25 miles of permanent  
24 protected bike lanes this year, more than the number  
25

1 installed on previous years, despite unable to be  
2 work fully for the first half of our usual  
3 construction season due to the pandemic. And in June  
4 we celebrated 100 million City Bike ride and the  
5 system 1000th station since its launch in 2013. We  
6 installed it up in the South Bronx. In addition,  
7 City Bike's critical worker membership program has  
8 provided 18,000 critical workers with more than  
9 500,000 free bike trips to date. Though much of our  
10 attention during these last few months has rightfully  
11 been on addressing the COVID-19 crisis, our agency  
12 has continued to look ahead at the city's  
13 transportation needs for recovery and beyond. Prior  
14 to the onset of COVID-19 we were seeing some  
15 challenging trends with vehicle ownership and midtown  
16 congestion rising, more deliveries, and a continued  
17 decline in transit ridership. These past six months  
18 have shown just how critical our transportation  
19 system is in keeping the city running, helping  
20 essential workers get to their jobs, as well as  
21 accommodating increased free activity. To help DOT  
22 and the city meet these critical needs and plan for  
23 the future, Mayor de Blasio named members of a  
24 Surface Transportation Council in May. We thank  
25

1 these members for their service and are proud to have  
2 partnered with them as we've led the nation in  
3 operationalizing many of their key recommendations,  
4 from Open Streets and Open Restaurants to outdoor  
5 learning and the dramatic expansion of bus ways and  
6 bike lanes. We know that some members of the council  
7 hope to hear more from us we will continue to engage  
8 with them in the coming months. And of course our  
9 work is far from over. This fall as the city  
10 continues to reopen and the school year begins we're  
11 closely monitoring traffic and transit ridership  
12 trends. Our experience from previous crises,  
13 including the 1980 and 2005 transit strikes, 9/11,  
14 and Hurricane Sandy shows the necessity of strong  
15 traffic management strategies during significant  
16 shifts to driving. Despite much lower levels of  
17 economic activity in the Manhattan central business  
18 district, vehicle traffic volumes into Manhattan have  
19 been steadily increasing since April and are now  
20 within 3% of pre-pandemic levels. As the mayor said,  
21 we need to be ready for every eventuality. Thus,  
22 we're evaluating potential traffic management  
23 strategies to respond to increased congestion,  
24 including HOV and license plate-based restrictions.  
25

1 We would not take implementing such complex  
2 strategies lightly, but as we saw following 9/11 and  
3 Hurricane Sandy such measures can successfully  
4 counter gridlock and may once again be necessary to  
5 help the city recovery. Now I will turn briefly to  
6 touch on the two bills before the committee today,  
7 Intros 2051 and 2051, on mapping and other  
8 requirements for new private streets in Staten  
9 Island, as well as maintenance requirements for their  
10 paving, signage, and plowing of all private streets  
11 in the borough. While we're still in the process of  
12 reviewing these bills and, of course, talking to  
13 Council Member Matteo, Borough President Oddo, and  
14 others, we understand that their main concerns around  
15 the issue of private streets and look forward to  
16 discussing the legislation further. I will say that  
17 new agency reviews of private street plans as well as  
18 inspection and enforcement of maintenance  
19 requirements, which the legislation has drafted,  
20 would create, could not be done without additional  
21 resources. And as we all know, resources are  
22 extremely tight amidst the current fiscal crisis. In  
23 conclusion, COVID-19 has transformed our city in ways  
24 that were unimaginable only six months ago. I'm  
25

1  
2 proud of the work that the men and women of DOT have  
3 done to meet the changing needs of New Yorkers and  
4 the many demands on our streets. I look forward to  
5 continuing to work with the council to help our city  
6 recover, as we all know it will. Thank you for the  
7 opportunity to testify, and I welcome your questions.

8 COMMITTEE COUNSEL: Thank you. We have  
9 been joined by Council Members Matteo, Cohen, Diaz,  
10 Holden, Koo, Yeger, Reynoso, Cabrera, Levin, Levine,  
11 Menchaca, and Deutsch. Chair Rodriguez?

12 CHAIRPERSON RODRIGUEZ: Thank you. Thank  
13 you, Elliott and the whole, eh, eh, staff of the  
14 lawyer and analyst of this great committee. Eh, I, I  
15 would like to give the opportunity first to, eh, eh,  
16 eh, Council Member Matteo to ask any questions on, on  
17 his bills so that, eh, after we address all the  
18 private street then we move on the other, eh,  
19 questions related to COVID-19 and Open Streets.

20 MINORITY LEADER MATTEO: Thank you, Chair  
21 Rodriguez, I appreciate that. Um, Commissioner, how  
22 are you? Ah, it's good to see you on Zoom.

23 COMMISSIONER TROTTEBERG: Good to see  
24 you, Council Member.

1  
2           MINORITY LEADER MATTEO: Ah, thank you  
3 for your communication always and your staff. We may  
4 not always agree, but, ah, I appreciate your, um,  
5 willingness to, to work and communicate with myself  
6 and my office. Um, you know how I feel about Borough  
7 Commissioner Tom Cocola, ah, a great borough  
8 commissioner and, ah, a good man for Staten Island.  
9 So I want to thank your, your staff as well...

10           COMMISSIONER TROTTEBERG: Thank you.

11           MINORITY LEADER MATTEO: ...and Rebecca  
12 and the rest of your team. Um, again, especially,  
13 you know, on issues we don't agree you're always, um,  
14 professional and, and it's much appreciated. So, you  
15 know, I want to get into private streets and I know  
16 you didn't have, um, many, much substantive comments  
17 on it and legislation we're certainly going to have  
18 to discuss further, um, and obviously, and we all  
19 know, especially with me, any resources that have to  
20 come with legislation always important to me and it's  
21 something we obviously will have to address and  
22 discuss down the line. Um, I just mentioned that,  
23 obviously, because you mentioned it on your  
24 testimony. But, um, you know, private streets have  
25 become more and more of an issue, especially on

1 Staten Island, um, and we're trying to come up with,  
2 um, a map, a platform to, to make this process better  
3 in terms of mapping streets. Um, so just a few  
4 questions. Again, I know you haven't, um, really  
5 talked much about the substance. But can you tell  
6 me, do you know how many private streets are in the  
7 borough or in the city?

9 COMMISSIONER TROTTEBERG: Yeah, I'm  
10 going to actually, while I'm, um, while I'm saying,  
11 you may remember the council had required us, um, to  
12 engage in an exercise where we actually tracked all  
13 that...

14 MINORITY LEADER MATTEO: I remember.

15 COMMISSIONER TROTTEBERG: You know, I  
16 just found it. Here we go.

17 MINORITY LEADER MATTEO: All right, good.

18 COMMISSIONER TROTTEBERG: Um, and  
19 remember, the way this, the way this process worked  
20 is each of the borough presidents were supposed to  
21 provide us with a number and then City Planning  
22 provided their own number. The two numbers did not  
23 match, and in the case of Staten Island we didn't get  
24 the number from the borough president, but the City

2 Planning number for private streets as of 2017 was  
3 1588.

4 MINORITY LEADER MATTEO: Total?

5 COMMISSIONER TROTTENBERG: And for the  
6 city total it's, um, according to, um, Department of  
7 City Planning it's 2715.

8 MINORITY LEADER MATTEO: OK.

9 COMMISSIONER TROTTENBERG: The numbers we  
10 got from the borough presidents, minus Staten Island,  
11 which we didn't get, was 911. So there's obviously a  
12 big disparity...

13 MINORITY LEADER MATTEO: Yep.

14 COMMISSIONER TROTTENBERG: ...in  
15 [inaudible].

16 MINORITY LEADER MATTEO: Yeah, so about  
17 15, 16 hundred on, on Staten Island, is that what you  
18 said?

19 COMMISSIONER TROTTENBERG: That's what  
20 City Planning reports.

21 MINORITY LEADER MATTEO: OK, that's fine,  
22 that's fine. So, um, so what are the common issues  
23 that DOT sees and hears with, with private streets  
24 and, and the concerns that, that the agency has, ah,  
25 regarding private streets?

1  
2                   COMMISSIONER TROTTEBERG:  And, and look,  
3 Council Member, we certainly share the, the, the  
4 concerns about private streets.  They are a big  
5 problem from the city's point of view and, look,  
6 Staten Island clearly has the most, but other  
7 boroughs do as well, and I've certainly heard from  
8 some of your colleagues, ah, who are experiencing  
9 some of the same issues.  You know, unfortunately, I  
10 think we particularly see this in Staten Island.  You  
11 know this well.  Developers were granted the right to  
12 put up their developments and build roadways that  
13 were not mapped city streets, that did not meet the  
14 city's standards for drainage and quality, and as the  
15 years have gone by many of these roads, you know,  
16 they're substandard and they're in a state of  
17 deterioration in Staten Island.  I don't need to tell  
18 you this.  Flooding is a huge issue with some of  
19 these private roads.  The challenge is, you know, for  
20 the city to sort of absorb that inventory, it's  
21 enormously costly.  It's billions and billions of  
22 dollars to build all those roads up to city  
23 standards.  I certainly understand the frustration on  
24 Staten Island and I think we are, you know, very  
25 committed to working with you all to see what we can

1 potentially do. We, we certainly agree that it is a  
2 real problem, and, and most of in your borough. But  
3 there are private streets in other boroughs, too.

4  
5 MINORITY LEADER MATTEO: Understood.

6 And, um, and understanding the existing private  
7 streets and the issues with that, and I think in  
8 terms of talking about the frustrations, you know,  
9 how do we move forward? How do we come up with a  
10 mapping strategy that, um, is beneficial to everyone,  
11 ah, the community, the agency, developers, um, all  
12 the stakeholders involved, because I think, and  
13 especially the number you just said about what it  
14 would take to deal with some of the issues of the  
15 existing private streets it's, it's overwhelming. So  
16 we're trying to come up with a process going forward  
17 that, you know, deals with those issues. Because you  
18 all know and my colleagues know and anyone who has a  
19 private street, you know, one, some of them don't  
20 even know they're on a private street. That's, they  
21 should know or they should be when they buy a, a  
22 house or condo or whatever they're in, they should  
23 know. The reality is they don't. They call us when  
24 it's not plowed or when they're in an area where DOT  
25 is repaving streets and obviously they're not going

1  
2 to repave the, the private streets. Um, [inaudible]  
3 issue, just normal population, these are the issues  
4 that, that certainly, um, arise. So we're trying to  
5 understand how do we make the process better. So in  
6 terms of mapping a street, right, if, if we're going  
7 to move away from having private streets as is, we  
8 want to go into a mapping process, from my  
9 perspective I'd like to make that as clear and  
10 effective and [inaudible] as possible. So with that  
11 said, in terms, you know that how, how many maybe  
12 requests that your agency has, or, you know, are  
13 there a lot of mapping requests that, that you are  
14 looking at now in terms of...

15                   COMMISSIONER TROTTEBERG: Yeah, that,  
16 maybe, I'll have the team check on that while we're  
17 talking. I don't think we get a lot, but let me see  
18 if I can, I can hunt that number down.

19                   MINORITY LEADER MATTEO: OK. So if, if I  
20 am in the process of trying to map a street, right,  
21 um, you know, I've looked at this, I've had my staff  
22 look. You know, you go on the City Planning, ah,  
23 website and they can give you some, some things on  
24 what to do normally. But it's not a clear-cut  
25 strategy, in my opinion. But what is DOT's role and

1 when does DOT step in in a mapping process currently?  
2 Is it, you know, based on when, when another agency  
3 just says, OK, we're, we're in the process and we  
4 have this request, what's DOT's thoughts? Like where  
5 does DOT fit into the current process of trying to  
6 map a street?  
7

8 COMMISSIONER TROTTEBERG: Right, it's,  
9 it's a good question, and look, I would say I don't  
10 disagree with you that it's a complicated process and  
11 obviously it involves DOT and BSA and Department of  
12 City Planning, and I think sort of any discussion  
13 about how we improve it going forward, we probably  
14 need to get all those...

15 MINORITY LEADER MATTEO: Yeah, I would  
16 even add DEP as well and FDNY, you know.

17 COMMISSIONER TROTTEBERG: Yeah, exactly.  
18 There's, you know, there can be what we've seen in  
19 Staten Island where you're sort of doing green field,  
20 um, construction and developers, ah, you know, apply  
21 to the BSA for a waiver. I think DOT has an ability  
22 to weigh on whether we approve it or not, um, and  
23 we've certainly worked with, with some of elected  
24 officials on Staten Island various times, and  
25 [inaudible] comes to mind as one, ah, you know, where

1 we certainly didn't want see private streets. But I  
2 think all the players involved, we have certain sort  
3 of legal restrictions on how much discretion we have.  
4 I would also say that, you know, sometimes I have  
5 elected officials who come to me and they don't want  
6 to allow it to be a private street and sometimes they  
7 do, so it, it is not a good process, I'm the first to  
8 admit. We would be happy to work with you...

10 MINORITY LEADER MATTEO: Right.

11 COMMISSIONER TROTTEBERG: ...to try and  
12 make it something better.

13 MINORITY LEADER MATTEO: Right, and, and  
14 that, I guess that's the frustration. So if, if  
15 you're not, if, if someone is not getting a, a GCL36  
16 waiver and it was denied and we want to push to map  
17 the streets, nine out of 10 people will come to, and  
18 this is just from my perspective, saying I have no  
19 idea how to go through this process of mapping a  
20 street and, two, it seems the timeframe is way too  
21 long, um, and, and that's a concern to me, too,  
22 because if we're going to go down a road, which I  
23 think we should in terms of, um, mapping streets for  
24 better projects, for better, so we don't have to deal  
25 with private street issues anymore, we have to make

1 that process, I think, um, efficient, and I think  
2 that's incumbent of us working with you and the  
3 agencies to do that, and that's the goal, from my  
4 perspective, to come with this, this, this game plan  
5 that you can say OK, now I understand. You know,  
6 something with, with legitimate and rationale  
7 timeframes and where each agency then has a role.

8  
9 COMMISSIONER TROTTEBERG: Yeah.

10 MINORITY LEADER MATTEO: And, and that's,  
11 for me, that's extremely important for us to get this  
12 right.

13 COMMISSIONER TROTTEBERG: I, I'm happy  
14 to work with you on it. I will just say honestly  
15 that I sometimes have seen, I think is particularly  
16 true on Staten Island, um, and not to say that the  
17 process can't be faster and easier, but it's  
18 expensive to build streets up to the standards that  
19 are required for a mapped roadway, and I think a lot  
20 of developers don't necessarily, ah, you know, they  
21 kind of balk at that expense. So, you know, there's  
22 process improvements but it does raise the cost when  
23 you build a mapped street that has the proper  
24 drainage, the proper quality, you know, all the  
25 things we would look for in a, in a city street.

1  
2           MINORITY LEADER MATTEO: Right, so just,  
3 and, understood and I appreciate that, and obviously  
4 costs are always, ah, important, um, and something  
5 we, we need to, to discuss and address. So you said  
6 DOT is involved when there's a request for a waiver,  
7 right? So that, that request for you to involved  
8 comes from BSA or you, you see the application and  
9 you respond.

10           COMMISSIONER TROTTEMBERG: Yeah.

11           MINORITY LEADER MATTEO: I guess how is  
12 that, how is your agency involved in, you know, just  
13 the regular BSA, ah, waiver requests?

14           COMMISSIONER TROTTEMBERG: Yeah, I can,  
15 and, and I'm gonna have to get back to you. I want  
16 to make, I'm not sure I'm totally immersed in the  
17 weeds of the details. I think the requests go to  
18 BSA. They come to DOT for our signoff. We have sort  
19 of a bunch of criteria that we double check. And,  
20 look, as you know, 'cause this has happened, you  
21 know, several times on Staten Island. That process  
22 can become very, you know, very contentious, very  
23 complicated, um, and, and certainly stands room for  
24 improvement.

2 MINORITY LEADER MATTEO: OK. Ah, I don't  
3 mean to interrupt, but Rebecca, I thought I, did you  
4 have, she's on mute. Can someone unmute Rebecca  
5 Zack, if you don't mind, Commissioner, I think  
6 Rebecca has a...

7 COMMISSIONER TROTTEBERG: Yeah,  
8 Rebecca...

9 ASSISTANT COMMISSIONER ZACK: No, I was,  
10 I was just gonna say, Council Member, that, or I can  
11 follow up with you on all your questions about, um,  
12 the mapping requests, ah, the mapping process, and  
13 the...

14 COMMISSIONER TROTTEBERG: Well, I think,  
15 I think about the mapping requests, we get about four  
16 or five requests a year. I just [inaudible].

17 MINORITY LEADER MATTEO: OK, four or  
18 five? OK, OK.

19 COMMISSIONER TROTTEBERG: Not that many.

20 MINORITY LEADER MATTEO: Um, so, listen,  
21 I, we're trying to, you know, pardon the pun, but,  
22 but come up with this correct road map of going  
23 forward and, and again, I know you don't have, um, a  
24 lot of substance to talk about, but there are a lot  
25 of details in this bill that we're going to have to

1  
2 all come together and follow up, because I think it's  
3 incumbent on us to get this process right, even with  
4 all these issues, because, um, the issues we're  
5 seeing now with private streets and constituents,  
6 constituent issues with private streets, not to  
7 mention, um, you know, if, if waivers aren't going to  
8 be, um, approved we have to come up with, with the  
9 right plan, and, ah, I'm, I'm committed. I know the  
10 borough president obviously is committed, and I want  
11 to thank him for his leadership on, on this issue,  
12 um, and understanding the complexity of this issue.  
13 I know his office will, will provide some testimony  
14 later on. But it's something that we really need to  
15 come together and sit and discuss, ah, the details,  
16 and I hope that you're committed to do that with  
17 Borough President Oddo, myself, and, and the rest of  
18 the stakeholders.

19 COMMISSIONER TROTTEBERG: Indeed.

20 MINORITY LEADER MATTEO: And I appreciate  
21 the beginning conversation of this. Obviously a lot  
22 more to talk about. So thank you, Chair Rodriguez,  
23 thank you for giving me the opportunity to, um, to  
24 lead off the, the hearing with my thoughts and  
25 questions. I'll send it back to you, Chair.

1                   CHAIRPERSON RODRIGUEZ: Thank you, eh,  
2                   Council Member. So let me get into a few questions  
3                   and then I know that all my colleagues, they also  
4                   have raised their hand to ask question.  
5                   Commissioner, I'm pretty sure that this has been a  
6                   new experience, the one of creating the opening  
7                   street, and I know that there, you also required for  
8                   you and your team to work in collaboration with other  
9                   agencies, you know, Park, NYPD, SBS, so what, what is  
10                  the mechanism that the city has right now, led by  
11                  you, DOT, when it comes to open streets and what  
12                  mechanism, mechanism is in place to do the assessment  
13                  of how the program is working and have any initial  
14                  assessment have been made identifying how the program  
15                  is working, the challenges, and the opportunity for  
16                  the program to be permanent in our city?  
17

18                  COMMISSIONER TROTTENBERG: Um, I think  
19                  I'll talk, Mr. Chairman, a little bit about sort of  
20                  open streets, and I think you were also alluding to  
21                  open restaurants, and, look, no question, as I said  
22                  in my testimony. Um, both sets of programs involve a  
23                  lot of agency players as well as community groups,  
24                  BIDs, business associations, and thank you, so many  
25                  of you on the council who have shown such great

1 leadership and partnership. You know, I sort of  
2 joking particularly about open restaurants because,  
3 you know, prior to COVID DOT was not really in the  
4 restaurant business and, and now we are, um, and, you  
5 know, it's involved breaking down a lot of silos, and  
6 I think forming some really good relationships with  
7 sister agency on open streets and, agency, we, we  
8 thank the council for this and the advocates and,  
9 and, Speaker Johnson for really pushing the city to  
10 envision a new model, you know, as I like to have a  
11 much more nimble model, much less labor intensive.  
12 You know, did not have what had traditionally been  
13 the city's approach to open streets, which was to  
14 have a lot of NYPD both manning the barricades, um,  
15 and I think that's been a breakthrough. Um, and  
16 look, you know, there's certainly places where it's  
17 worked better than others and we're going to be  
18 producing for you all, I think, sort of a list of  
19 places where we saw big success, and I guess we're  
20 measuring success by popular usage, sites are well  
21 maintained, you know, we're hearing good feedback  
22 from the community, but obviously we'll take any  
23 input you all have on that, and in some places where  
24 frankly we didn't see great success, where they were  
25

1 not well used by the community, particularly as  
2 playgrounds and summer camps opened up. I think some  
3 of the sites started to become less used. We noticed  
4 that the barricades, you know, were sort of drifting  
5 away. So we will sort of be sharing with you all our  
6 assessment of that. But clearly it's a whole new  
7 model. It involved PD and FDNY, but also Parks  
8 Department, DOT, and, as I said, a lot of local  
9 community groups. I think going forward, um, we're  
10 gonna be talking about how we design that program in  
11 a more permanent way and, of course, we want to work  
12 closely with you all in that design. On open  
13 restaurants, this was definitely new territory, ah,  
14 for DOT and New York City and, again, I want to thank  
15 the council and, and Council Member Reynoso, um, for  
16 really working with us, I think to go big. I don't  
17 know that I heard of any other city that has done  
18 the, the amount of, you know, roadway and sidewalk  
19 dining that we have done in such a short amount of  
20 time. And it also, you know, produced, I think, a  
21 very fruitful, um, partnership, again with us, with  
22 Small Business Services, with Commissioner Jonnel  
23 Doris, who is, as many of you know, on the front  
24 lines of trying to help small businesses, ah, with  
25

1  
2 the Mayor's Office of Movies and Entertainment, the  
3 Office of Night Life, the Sheriff, you know, on the  
4 sort of the enforcement and compliance side, the  
5 Sheriff's Office, NYPD. We even for a time had  
6 Department of Buildings pitching in to help us. So,  
7 you know, another area where the whole city family  
8 came together. Um, gotten a tremendously good  
9 response and nice to see you sitting out a restaurant  
10 and, you know, the mayor has already announced, you  
11 know, we're extending potentially the program even  
12 further into this year and starting it up again next  
13 year. Another area where, again, we want to work  
14 with you all to codify the details, but, um, it has  
15 been a true interagency partnership and, and I think  
16 a really fruitful one. Not to mention Hospitality  
17 Association, New York State Latino Restaurant Owners,  
18 like a lot of other industry players as well, and  
19 individual restauranteurs who have brought their  
20 input, their leadership, their enthusiasm.

21 CHAIRPERSON RODRIGUEZ: Well, as, as you  
22 can see, I'm here at Dyckman and Broadway,  
23 [inaudible] sit in the restaurant, but just to be  
24 sure that we can highlight, you know, one of the  
25 models that we have in our city where, you know,

1 closing this block we gave more opportunity to  
2 pedestrians, cyclists, resident of this community,  
3 and the restaurant to use is common space. And I  
4 think that and, look, I appreciate again, as I have  
5 said, you know, I know that it is more easy to go and  
6 go after things that we disagree, or go after, you  
7 know, in this particular time, eh, the administration  
8 has a lot of challenges, instead of comparing where  
9 we were before and other advancement that we been  
10 able to make. So I'm all about focusing about things  
11 that we can accomplish, especially in the last couple  
12 of months that we have ahead of us in this  
13 administration because we don't know type of  
14 mentality, whoever will come [inaudible] January 22  
15 they will have about making the city more pedestrian  
16 and cyclist friendly. So what is your goal when you  
17 came to, and, of course, and as you know I know about  
18 and I appreciate, you know, how your team, Rebecca  
19 and the rest of you guys are working to be sure also  
20 that the, the, the institutions that are here in  
21 Dyckman they can get information to see how can this  
22 start applying to turn these areas a permanent  
23 [inaudible]. But more than it's a local model, eh,  
24 is the city's DOT now looking to expand, you know,  
25

1 the opportunity to create more plaza, eh, as, as, you  
2 know, as a way to have a better use of our streets?

3  
4 COMMISSIONER TROTTEBERG: And, and, and,  
5 look, I, I just, you know, 'cause you're sitting  
6 there on, on Dyckman and obviously I've gotten to  
7 know the restauranteurs on that, that particular  
8 block and, again, I just want to thank, I mean, I  
9 think one thing that, you know, particularly those of  
10 us in the transportation business didn't know what we  
11 were getting into in some ways and to see the energy  
12 and the creativity of the restaurant community in New  
13 York City, and just the beautiful spaces they've  
14 created. And, look, we would concede, you know,  
15 early on in the program there were some promises. We  
16 got things set up and made sure it was safe. But I  
17 think in, in recent weeks we have seen just beautiful  
18 outdoor setting and the ability to do it on closed  
19 streets in particular has proved so popular. I'm  
20 glad you're doing it on Dyckman. Ah, right near  
21 where I live in Brooklyn on, on Vanderbilt Avenue  
22 it's become a beautiful place, where people not only  
23 eat in the restaurants but just come out and have  
24 picnics. Ah, it's, it's, it has really transformed  
25 the public space and, of course, Mr. Chairman, ah,

1  
2 you know, and the mayor has, I think, been very  
3 enthusiastic and hands-on on this program and, and is  
4 really pushing us not only to find ways to expand it,  
5 but to make sure, as, as you mentioned, that next  
6 year we have a permanent structure in place. You  
7 know, we will be working very closely with you and  
8 the council on this, as well as, again, I think all  
9 our sister agencies, civic groups, BIDs, and private  
10 sector partners, who we could not have done all this  
11 without you.

12                   CHAIRPERSON RODRIGUEZ: Commissioner,  
13 what about, eh, as you know that when we look at  
14 sidewalk, eh, one thing that I know that I also have  
15 a conversation with your team and I'm hoping again, I  
16 know that there's a bill that, eh, I don't want to,  
17 you know, ask you right now [inaudible] yes or no  
18 because, you know, I don't, that bill is not part of  
19 this, but one thing that I want to do is to be sure  
20 that everything to sidewalk is led by DOT, because  
21 right now when there's been some question related to  
22 sidewalk sometimes it's the Department of Buildings,  
23 sometimes it involved the Department of Sanitation,  
24 it involved the Department of Consumer Affairs, but  
25 one thing that I can tell you that is happening in

1  
2 the underserved community is also that the issue of  
3 sidewalk, especially related to so many garbage can  
4 full and, and no one going there to pick it up,  
5 especially in, in, in the low-income community, it's  
6 like a everyday experience. Eh, is DOT working, by  
7 any chance, in coordination with the Department of  
8 Sanitation to be sure that what is happening in lower  
9 community because I'm pretty sure that that doesn't  
10 happen in the Upper East Side and Upper West Side.  
11 The issue of so many garbage can full for days in our  
12 street is a issue that should not be a concern only  
13 of the Department of Sanitation, but also the  
14 Department of Transportation because all the road  
15 that the agency have when it comes to be sure that  
16 sidewalk are clean, that sidewalk are, you know, eh,  
17 eh, eh, always, eh, used by pedestrians. So what is  
18 your, any conversation between you, Sanitation to  
19 address with this issue?

20                   COMMISSIONER TROTTENBERG: Yes, and, and,  
21 and I think you also prior to the pandemic, and I'm  
22 gonna confess, I'll have to have the staff check on  
23 exactly where things are right now, and obviously  
24 we're sadly losing my, my dear friend and, and  
25 colleague at Sanitation as of yesterday, but we were

1  
2 putting together a pilot project where we were gonna  
3 work with local BIDs to potentially create, as some  
4 of you may have seen if you've been to Europe, I  
5 think you can see them in Spain and, ah, and in  
6 London and other places, put, you know, hopefully,  
7 attractive garbage collection systems that would be  
8 in the street, not on the sidewalk. Um, we were  
9 putting together a pilot project to start looking at  
10 doing that here in New York. Again, I'm gonna check  
11 on the status of it. Obviously, a lot of things, ah,  
12 got on hold during the, you know, the bad months of  
13 coronavirus. But we certainly think that that's  
14 something the city should be doing more of. You  
15 know, that would make the sidewalks more attractive,  
16 give people more room for access, potentially, you  
17 know, consolidate the garbage, put in a spot where,  
18 you know, it's more out of the way, um, and I think  
19 we're still keen to have that, to have that pilot,  
20 ah, unfold, but, again, just maybe someone will  
21 double check for me. I think maybe the RFP was just  
22 about to go out, but we'll have someone double check.

23 CHAIRPERSON RODRIGUEZ: OK. And, and I  
24 have just one more question, although my colleague  
25 also is waiting for other question. It's about buses

1 and, and, and you, you know, you spoke on  
2 relationship to why you've been doing coordination  
3 with MTA when it comes to the buses but, as you know,  
4 one of the thing that we've been advocating for the  
5 council is to, eh, the DOT to put more technology  
6 across the five boroughs so that the buses they will  
7 have priority when they cross, when they cross  
8 intersections. Are, are you, you know, the agency,  
9 taking a look at this and see how we can make  
10 progress since buses became, you know, eh, so  
11 important, especially during this pandemic?

13 COMMISSIONER TROTTEBERG: Yes, and, and,  
14 and as I, I said in my testimony, again, I want to, I  
15 want to thank the council and you, Mr. Chairman, and  
16 the advocacy community for pushing us on how we could  
17 be faster and more efficient in installing TSP,  
18 transit signal priority. As you said, and let those  
19 buses go faster down streets, get a head start for  
20 intersections. I'll admit we had a, we had a process  
21 that was, you know, because we were doing very  
22 careful engineering, um, that was taking too long and  
23 we weren't sort of having the output we need. This  
24 year, even despite the pandemic, we've done transit  
25 signal priority at 300 locations, which is actually

1 more than we thought we would get to this year, and  
2 we're gonna continue. So I think we probably picked  
3 up that pace almost tenfold, ah, and, you know,  
4 again, while, while not sacrificing the good  
5 engineering and making sure that we're installing the  
6 technology, you know, in intersections in parts of  
7 the city where we know it can do the most good.

9 CHAIRPERSON RODRIGUEZ: Thank you. And,  
10 and I'm sorry, on this, what is DOT, how is DOT  
11 looking at the issue related, and I just went back to  
12 open street, especially with a restaurant, eh, eh,  
13 with, with a restaurant with the whole thing is  
14 about, eh, being sure that as a restaurant they use  
15 sidewalk and space in the street, what about the  
16 safety of pedestrians, since a few crashes happened,  
17 have happened in the last couple of weeks. How is  
18 the agency assuring that the business owner, also the  
19 restaurant owner, that they also put the necessary  
20 measure in place in order to protect, eh, those who  
21 sit in their, in their business.

22 COMMISSIONER TROTTEBERG: Yeah, it's,  
23 it's a good question and, again, I think part of  
24 early on when we started the program and the behest  
25 of the council and certainly at the mayor's direction

1 we created a self-certification process that I think  
2 was among the quickest, ah, I've ever heard of. I  
3 think one of the downsides is something we learned  
4 along the way, as I think for a lot of restaurants  
5 they really didn't understand the guidance about how  
6 to create a, a safe setup in the street and what you  
7 needed to do to make it sturdy. And so, admittedly,  
8 we sort of had to go back and retool, ah, and make  
9 sure we have now done, I think it's 14,000 , um,  
10 inspections and visits to restaurants. We've done an  
11 online tutorial. We're doing all kinds of hands-on  
12 coaching, ah, helping restaurants know, and we've  
13 done it in multiple languages, helping restaurants  
14 know how to build and design a safe setup in the  
15 street. Um, and I have to say I, I think, you know,  
16 certainly we've seen some incidents, you know,  
17 luckily nothing serious, but I've seen, you know, as  
18 I've walked the streets and talked to restauranteurs  
19 over the past couple months a big evolution in how  
20 much restaurants have improved their setup and made  
21 them safer. I would say to you council members if  
22 see places, we, we do need, this is such a big  
23 program, it's hard for us to manage it without you  
24 all being our eyes and ears. If you see in your  
25

1  
2 districts places where you have concerns, where you  
3 think restaurants are not doing a good job, they need  
4 a tutorial, they need us to come and out help them,  
5 please, please, come to our borough commissioner's  
6 office, tell us, and we will be there, again, not to  
7 fine them, not to punish them, but to have our  
8 experts come and help them, you know, explain in  
9 whatever language we need to explain how to build a  
10 safe setup, what kind of materials to use, etcetera.  
11 We very much want to work closely with restaurants.

12                   CHAIRPERSON RODRIGUEZ: Thank you,  
13 Commissioner, and thank you, Rebecca and the rest of  
14 the team. And now let's go to the counsel that they  
15 have questions. That will go back to the team so  
16 that they call the colleague and give them the  
17 opportunity. We're giving five minutes each and, and  
18 the team who is on control of whoever are having  
19 raising the hand they gonna be calling, eh, the  
20 council member based on the order that they are, that  
21 they raised their hand.

22                   COMMITTEE COUNSEL: Thank you, Chair  
23 Rodriguez. Ah, first, we have also been joined by  
24 Council Members Rose, Richards, and Rivera. Ah,  
25 we'll now call on council members in the order that

1 they have used the Zoom raise hand function. Ah,  
2 council members, as the chair noted, please keep your  
3 questions to five minutes. The Sergeant at Arms will  
4 keep a timer and will let you know when your time is  
5 up. Ah, Council Member Cabrera will be first. His  
6 hand was raised previously before being lowered by  
7 staff. Ah, Council Member Cabrera will be followed  
8 by Council Members Reynoso and Koo. Ah, Council  
9 Member Cabrera.  
10

11 COUNCIL MEMBER CABRERA: Thank you so  
12 much, and also thank, ah, the Chair, ah, and  
13 Commissioner, thank you, and also Commissioner  
14 Navarro, like in the Bronx during COVID-19, ah, for  
15 every issue that we brought up, ah, was given  
16 [inaudible] attention. So I want to, I want to thank  
17 you for that and for your leadership. I wanted to  
18 ask you about a couple of things. You covered quite  
19 a bit in your opening statement. Ah, but I wanted to  
20 ask you, ah, three quick questions. Number one was  
21 in regards to, ah, how are we doing with the, ah,  
22 micro mobility [inaudible], ah, E-scooters, over 50  
23 [inaudible] supposed to come out, ah, about a money  
24 from now. Second question I had was in regards to,  
25 ah, just a follow-up regarding restaurants, ah, that

1 the chair mentioned, very concerned, ah, about our  
2 restaurants, and if you have any conversation  
3 [inaudible] you're having direct conversations with  
4 the governor's office. I think we need to finally  
5 allow people to go inside in restaurants. People  
6 right here in the Bronx, they're just jumping to  
7 Westchester County. I literally could drive an hour  
8 away, I'm right there, anybody could just jump. So  
9 we're losing millions of dollars. Ah, a lot of my  
10 people work in the restaurant business, people from  
11 my district, so I'm very curious to know if something  
12 is going to happen, because realistically we're  
13 [inaudible] be out there in freezing cold, ah, trying  
14 to have a nice meal, especially in the evening. Um,  
15 it's just, it's unrealistic. Ah, so if there is  
16 technology for getting any type of, ah, [inaudible]  
17 as to what the state's gonna do, and also, ah, from,  
18 ah, demonstrations here. And the last question, if  
19 you can, is on regards to the impact of COVID-19 on  
20 the capital projects, ah, specifically like rezoning,  
21 for example Jerome Avenue rezoning or any other  
22 rezonings that took place. I know you had a lot of  
23 capital projects coming online. Did these speed up  
24  
25

1  
2 or stay the same, other projects that are, ah, or  
3 they're just placed on hold?

4 COMMISSIONER TROTTEBERG: All right.

5 Thank you, Council Member Cabrera, good to see you.

6 I'll, I'll take each of your questions in turn, ah,

7 starting with E-scooters. And I did reference them

8 in my testimony. Um, the solicitation is supposed to

9 come out mid March and I, I mean, excuse me, mid

10 October, and we're on track to do that. But overall

11 we are going to be challenged to run this program,

12 and I want to talk a little bit about why, um, and

13 sort of put this back on the council to think about.

14 Um, we are right now, I'm proud to say, we have been

15 this summer, you know this summer, ah, you're up in

16 the Bronx, we've been working on, you know, a massive

17 expansion of City Bike, both up into northern

18 Manhattan, into the Bronx. We're doing infill in

19 Manhattan. Um, that has taken a lot of staff

20 bandwidth. On top of that, I think a lot of you know

21 this summer, um, that the fatalities and the safety

22 issues with Rebel, my agency is now going to be

23 taking a much bigger role in overseeing and

24 regulating them. Ah, and I think to do an E-scooter

25 pilot well we also want to make sure that we have the

1  
2 bandwidth, the people, the resources [clears throat],  
3 excuse me, to manage it well. We don't want a pilot  
4 where things aren't safe or scooters are being  
5 scattered all over the streets. So I, I just sort of  
6 flagged for the committee, um, in the current budget  
7 crisis that we're in what, we really have a, a  
8 challenge here. I don't really have the personnel,  
9 ah, I think, to do all these programs as well as I  
10 would like to. We're not gonna resolve that today,  
11 but I just want to flag for you all. Um, it's real  
12 issue. Micro mobility, to do it well, to, to track  
13 the data, to make sure it's safe and orderly, to  
14 respond to community concerns and questions, as we  
15 always have with these programs, that does require  
16 personnel and resources. But, but we will be getting  
17 the solicitation out next month. On the indoor  
18 dining and speaking to the state, I would say that I  
19 would just, I'm sorry to say that one is kind of  
20 above my pay grade. Um, you know, DOT's role has  
21 obviously been in trying to do the best we can with  
22 outdoor space. I know that the mayor's office and  
23 City Hall has been in discussions with the governor's  
24 office but I'm, I'm not able, unfortunately, to  
25 characterize, ah, where those stand. I certainly

1 know myself from talking to many restaurants, from  
2 talking to Andrew Rigie from the, from the  
3 Hospitality Association, obviously what, what a big  
4 issue this is, and I know the mayor has said in  
5 recent days that he is taking a look at it this  
6 money, so.

8 SERGEANT AT ARMS: Time expired.

9 COMMISSIONER TROTTENBERG: So, obviously,  
10 we'll certainly convey that it's, it's high, and we,  
11 and we certainly know, we're hearing it, obviously,  
12 in Staten Island and Queens and the Bronx, you know,  
13 parts of the city where neighboring jurisdictions are  
14 allowing indoor dining that, that restaurants can  
15 see, ah, you know, that it feels especially unfair.  
16 So I hear you on that. On capital projects, um, you  
17 know in addition to the big, you know, budget cuts  
18 that we're experiencing on the expense side of  
19 [inaudible], basically our operating budget, you  
20 know, we are certainly going to be slowing down  
21 capital spending, and I think largely pushing  
22 projects out into out years. And some of you who  
23 were in the Bloomberg years kind of know that that's  
24 what happened back about 10 years ago. You know,  
25 projects that were supposed to happen in this fiscal

1 year got, got pushed out a couple fiscal years.  
2 We're certainly looking at that process right now.  
3 Um, and, again, I think it's gonna be another  
4 dialogue with the council, um, with a lot of big  
5 capital needs that the city has, how do we best  
6 prioritize in the years to come? And, you know,  
7 again, I think that will that will also very much be  
8 dependent on what happens at the federal level. If  
9 there's local aid for city and state, if we perhaps  
10 have a change in administration it's no secret that  
11 the, ah, you know, if it's Vice President Biden, he's  
12 a big enthusiastic believer in infrastructure, um,  
13 and I think, you know, potentially maybe we would see  
14 more and more resources at the federal level.

16 COUNCIL MEMBER CABRERA: I've run out of  
17 time, ah, Commissioner. Um, if we could have an  
18 offline conversation about the E-scooters. Um, you  
19 know, we gave, ah, early negotiation was to give that  
20 extra time that you needed, so we'd love to, ah, have  
21 that conversation as [inaudible] same page. I've  
22 literally run out of time. So thank you.

23 COMMISSIONER TROTTEBERG: Yeah, no, and  
24 I would be happy to have that conversation. I do  
25 just want to say we flagged at the time, we needed

1  
2 the time, but we, we did also need resources to, to  
3 manage this program well. But, ah, Council Member  
4 Cabrera, happy to have that discussion offline.

5 COUNCIL MEMBER CABRERA: Thank you so  
6 much, Mr. Chair.

7 COMMITTEE COUNSEL: Thank you, Council  
8 Member Cabrera. Ah, next we will hear from Council  
9 Member Reynoso, followed by Council Member Koo and  
10 Cohen. Ah, Council Member...

11 SERGEANT AT ARMS: Time.

12 COMMITTEE COUNSEL: Reynoso.

13 SERGEANT AT ARMS: Time begins now.

14 COUNCIL MEMBER REYNOSO: Thank you so  
15 much. Ah, just want to, ah, thank the commissioner  
16 for, for being here. I've been joined by my son,  
17 Alejandro, um, who wants me to make slime with him.  
18 Ah, I don't know how successful we were, but we're  
19 trying to make it happen out here. Um, one second.  
20 Ah, I wanted to ask a questions regarding outdoor  
21 dining and I just want to thank you, 'cause I  
22 actually think it's been a great success and I think  
23 a lot of it has to do with the fact that we've  
24 admitted, ah, the chefs in the kitchen when it came  
25 to how exactly that was gonna get done. I want to, I

1 want to as diplomatic as possible, um, and I hope,  
2 ah, Commissioner, that you see the value of allowing  
3 for, you know, these businesses, um, that want to do  
4 right by the City of New York and that are just  
5 trying to survive. Um, what happens when the city  
6 just allows for some folks to, to, to try to figure  
7 it out on their own and limit so much input to, to  
8 the level of paralysis in a lot of the work that we  
9 need to get done? I want to move out of that type of  
10 work, um, not only in the restaurants area, but  
11 everywhere else, like bike lanes, where we know they  
12 are, um, increase safety and allow for more safety.  
13 Um, they, both infrastructure encourages more bike  
14 ridership, everything that you already know,  
15 Commissioner. Um, if you were to have the same type  
16 of, I guess, standards of process for that that you  
17 do with restaurants then we would be a different city  
18 already. Um, so I just want to give you that, um,  
19 and, and you did it against all politics. There were  
20 a lot of members that were very concerned about the  
21 lack of input from, let's say, community boards  
22 related to open dining. And I would, I would argue  
23 that there's not one council member that's gonna get  
24 up and say that that was a problem. Um, they're all,  
25

1 they are now happy and it's been successful with  
2 literally no tinkering in the edges. We were able to  
3 make that a very successful program because of your  
4 work, um, but also because, um, we allowed, we just  
5 kind of let data and experts, ah, take, take that on.  
6 So I just want to let you know. I thank you for that  
7 and hope they use that model more often. Ah, City  
8 Bike, ah, a lot of members have, they saw one, they  
9 saw one case where we had a long-standing restaurant  
10 that needed a movement of a City Bike dock, um, to be  
11 able to use outdoor dining. And, look, we're New  
12 Yorkers, we want everybody to succeed and we want to  
13 figure ways that we can make that happen in a  
14 meaningful way. But I want to treat the City Bike  
15 docks the way we treat bus stops, right? We have to  
16 note that City Bike is transportation infrastructure,  
17 meaningful transportation infrastructure that moves a  
18 lot of us around, um, when we need it. And if we're  
19 just going to start moving these docks at the behest  
20 of, ah, businesses or, or individual, ah, ah, people,  
21 ah, then I think it's gonna be a problem because  
22 we're gonna be moving a lot of these stations. Ah,  
23 are people gonna start forgetting where they were or  
24 having to move their, their work-around, but  
25

1 ultimately, ah, is it public transportation or is it  
2 not? We've got to finally be very clear with the  
3 general public, um, about what City Bike is. So I  
4 want to be very clear that I think that we should  
5 have a, a process, um, when it comes to moving docks  
6 that is, that is very, is tougher, I guess, um, or  
7 that we think about it, ah, as permanent  
8 infrastructure. Um, and then the, I'm sorry, ah, the  
9 open streets. First, Berry Street should be, ah, a  
10 bus way both ways, no cars, ah, just buses, express  
11 buses, ah, whatever the BQX wanted to do in bus  
12 format, I think it's the way we need to make that  
13 happen. I really think that, I just want you to know  
14 I endorse it. Um, so, and I only got one more  
15 minute, I'm making a lot of comments and suggestions  
16 that you already know because we talk so much. Um,  
17 and then also, yes, the movement of the bike racks  
18 concern me because it means that you're not moving  
19 other bike racks into communities, right, because  
20 those trucks are now having to pick them up, move  
21 them to another location when those trucks are gonna  
22 be bringing in new docks and putting them in the  
23 Bronx, um, and expanding them out in Brooklyn or in  
24 Queens. So I just want to make sure that we use our  
25

1  
2 resources wisely and that we don't succumb to, to, to  
3 anecdotes and public pressure that doesn't, is not  
4 related to data. Ah, and outside of that, oh, moving  
5 temporary bus stops on Nostrand Ave. is still  
6 something I really want to talk to you about. Um,  
7 but I really, go-ahead.

8           COMMISSIONER TROTTEBERG: I think, I  
9 think we fixed your, the one on Nostrand Avenue.

10           COUNCIL MEMBER REYNOSO: No, I think you  
11 fixed one on Fulton. But it's OK. The, the, we'll  
12 catch up. But I do want to say...

13           COMMISSIONER TROTTEBERG: [inaudible]  
14 Claudette said we fixed Nostrand as well.

15           ASSISTANT COMMISSIONER ZACK: I thought  
16 so, too. I'll follow up with her.

17           COMMISSIONER TROTTEBERG: Yeah. That's  
18 what she told me last time you reached out to me on  
19 it and she was gonna call you. It's all right.

20           SERGEANT AT ARMS: Time expired.

21           COMMISSIONER TROTTEBERG: I'll can, I'll  
22 take all your questions in order.

23           COUNCIL MEMBER REYNOSO: No, it's OK. As  
24 of now, um, I got to call back [inaudible] businesses  
25 and they said there wasn't, there wasn't movement.

2 COMMISSIONER TROTTENBERG: Oh, OK.

3 ASSISTANT COMMISSIONER ZACK: We'll  
4 check.

5 COUNCIL MEMBER REYNOSO: [inaudible]

6 COMMISSIONER TROTTENBERG: Well, that's  
7 not what I heard. All right, we'll check on that,  
8 Council Member.

9 COUNCIL MEMBER REYNOSO: But, but for me  
10 it's mostly to, to let you know that I'm really  
11 grateful for the work that you've done. I always  
12 think we can do more because I think we're a great  
13 city and we talk about exceptionalism. That's what I  
14 think about is doing more, but I don't want to take  
15 away from the fact that we've expand the restaurant  
16 work that we've done the streets, ah, the closed  
17 street, oh, the open streets, I think we should do  
18 more of that, maintenance of that is what I really  
19 want to talk about. Ah, my, my community is putting  
20 up their own barricades, fixing barricades, ah,  
21 barricades that are being hit by cars, barricades  
22 that are being moved by cars, and I just think if we  
23 had a more, a more, ah, a more sustainable, um,  
24 system, ah, that, that the open safe streets would be  
25 something that my residents would like even more.

1 Ah, but outside of that, thank you very much, and I'm  
2 sorry, um, I took so much time, ah, but I really  
3 appreciate it, ah, and I saw the Deputy Commissioner  
4 being with his child as well, beautiful, ah, it's  
5 nice to see family, um, on these Zoom chats. These  
6 are parts of our lives that we would never be able to  
7 see, um, and it really humanizes the work that we do.  
8 Um, I love you all dearly, um, and peace.

10 COMMISSIONER TROTTEBERG: Well, thank  
11 you, Council Member. And it is certainly nice to see  
12 Alejandro. I seem to remember a town hall, I think,  
13 in which you proudly announced you were going to be a  
14 father, and, ah, look at you now, what a beautiful  
15 boy. It is, I agree with you, it is fun to actually  
16 get a glimpse of people's children and their cats and  
17 their dogs and their spouses and, ah, we do see a  
18 little side of each other that, um, we didn't know  
19 before the, the pandemic. Let me sort of take, um...

20 COUNCIL MEMBER REYNOSO: And  
21 Commissioner, I'm about to have a second baby, so  
22 just a heads up.

23 COMMISSIONER TROTTEBERG: Oh,  
24 congratulations. That's fantastic.

1 COMMITTEE ON TRANSPORTATION 65  
2 COUNCIL MEMBER REYNOSO: Well, not, not  
3 me, my wife is about to have a second baby. So six  
4 months, six months [inaudible].

5 COMMISSIONER TROTTEBERG: It's strange,  
6 during, during COVID we've had a bit of a baby boom  
7 at New York City DOT.

8 COUNCIL MEMBER REYNOSO: Oh [laughs].

9 COMMISSIONER TROTTEBERG: [inaudible]  
10 babies born. And we've had in, in our time in our  
11 office, three sets of twins, so we're a twin factor  
12 here. Just in case anyone who wants to come work who  
13 wants twins.

14 ASSISTANT COMMISSIONER ZACK: Or not  
15 [laughs].

16 COMMISSIONER TROTTEBERG: Just to talk a  
17 little bit about what you said, and first of all,  
18 obviously, I want to start on open restaurants by  
19 thanking you for your leadership. You have been a  
20 terrific partner. You were on this issue from day  
21 one and, you know, it was terrific to work with you  
22 on the council and the codifying the program and  
23 getting the unanimous support of your colleagues I  
24 think really made a big difference. And, you know, I  
25 hear what you're saying. We, you know, for, for open

1  
2 restaurants we did, we sort of threw out all the  
3 traditional city processes, and you're correct that  
4 it was a big leap of faith, and some of your  
5 colleagues and many people out in the city were  
6 worried about we're not letting community boards sign  
7 off and, you know, we're not having architectural  
8 drawings and all the things we traditionally, yeah,  
9 look, we're still working for [inaudible] Council  
10 Member, you know, Rodriguez has, are we sure it's  
11 safe? I mean, you know, this has been a real work in  
12 progress, the old cliché that we're, ah, we're  
13 building the airplane as we fly it has, has  
14 definitely been true. Um, and I understand, I think  
15 I'm hearing it from all quarters, why can't we do  
16 more of that with bike lanes and bus lanes? Why  
17 can't we throw out some of our traditional  
18 procedures? You know, I'll sort of put it back a  
19 little bit on the council. Um, a lot of what we do  
20 with those projects requires, ah, you know, working  
21 with community boards and notification processes. We  
22 have to do that, for example, provide infrastructure,  
23 we have to give community boards a [inaudible] day  
24 notification. That's a council mandate. So, I mean,  
25 I think we've learned this summer about kind of

1  
2 changing the rules and, you know, I hear you. I  
3 think we would like to explore doing more of that on  
4 some of these other types of projects. I think open  
5 restaurants in particular has really, you know, to  
6 take a program, you know, from sort of zero to 10,000  
7 restaurants, ah, in the span really of just a couple  
8 months, I think it's, it's certainly from where my  
9 agency sits is pretty impressive. And, again, thank  
10 you, you know, for your leadership and vision on it.  
11 I want to touch for a sec on the issue of the moving  
12 of the city bike docks. And you are right, we did  
13 move it in the case of one restaurant. It's a  
14 restaurant which I think, it is, it is no secret  
15 that, that the mayor, um, he's a lover of things that  
16 are, you know, very historic, and that was a 100-  
17 year-old restaurant. We have generally not done  
18 that, though. It has not been our practice to move  
19 City Bike docks. I'll not say that we never do it,  
20 but, but I think we do very much adhere to what  
21 you're saying. It's, it's only in very rare  
22 exceptions. And, by the way, that can many of your  
23 colleagues very unhappy, um, so, you know, we've  
24 often been pretty strict about that and, and we  
25 intend to continue to be, but I, this is New York

1 City and I've learned, ah, now through seven years of  
2 experience there are, you know, occasionally  
3 exceptions to the rule. But in the case of moving  
4 City Bike docks, as you say, as we're trying to  
5 expand further out into Manhattan, into the Bronx,  
6 into Brooklyn and question, and add more docks into  
7 Manhattan so that folks from the outer boroughs will  
8 have a place, ah, to park their bikes when they get  
9 into the center city, we're not in the business of  
10 doing too much moving of bike, ah, of docks. You and  
11 I had talked about Berry Street and, and I will say I  
12 agree with you. It has been one of our most  
13 successful open streets. I've been out there. It is  
14 terrific. And, and you certainly raise, I think, the  
15 question that we've grappled with this summer, um,  
16 which is sort of the sustainability of maintenance.  
17 And that is a real challenge. Early on, again, I  
18 think a credit to the council and the speaker and the  
19 advocates for pushing the city to change our model,  
20 for it no long being sort of NYPD heavy month. And  
21 that freed us up in ways that, you know, I will  
22 agree, we're overdue. We, we couldn't have done 75  
23 miles of open streets if we had to have NYPD manage  
24 every barricade. But, you know, that has meant we're  
25

1  
2 sort of trying to grapple with the new model. If we  
3 don't have city officials standing there all day long  
4 we do require some degree of community engagement and  
5 investment and, believe me, we totally recognize  
6 social capital and the ability to do that is not  
7 evenly distributed around the city and lower-income  
8 communities, you know, and communities of color, that  
9 can often be harder to do. So, you know, we need to  
10 work with you all. We need to find a model. But I  
11 think we're all in agreement, the days of sort of  
12 having NYPD stand at every barricade, we're not gonna  
13 do that anymore. They don't have the bandwidth and  
14 the, the people power, and neither do we, um, and so,  
15 you know, working with community groups and you all  
16 that's, that's gonna be the model going forward and  
17 there may be places where, you know, again, where  
18 there isn't that community resources, we're gonna  
19 have to work together to figure out how to keep, you  
20 know, that system well maintained. But, you know,  
21 particularly, again, in a time of a real fiscal  
22 crisis that's not an easy equation. As I said in m  
23 testimony, um, I'm already down 8% in terms of my  
24 vacancy rate in my agency. You know, if we don't get  
25 state borrowing authority that, that could look a lot

1  
2 worse. You know, we don't have the same resources of  
3 people, I think, in the next couple years as, as  
4 we've had in the past. Um, but, I'll guess I'll  
5 close by saying we, we recognize we need to find  
6 solutions and we certainly, and I know from the mayor  
7 on down everybody wants to continue with open streets  
8 and open restaurants, to make them safe, to make them  
9 accessible, and to make sure that they are in every  
10 neighborhood of the city, you know, regardless of how  
11 much resources that neighborhood has.

12 COMMITTEE COUNSEL: Thank you. We will  
13 now hear from Council Member Koo, followed by Council  
14 Members Cohen and Holden. Council Member Koo.

15 SERGEANT AT ARMS: Time begins now.

16 COUNCIL MEMBER KOO: Thank you.

17 Commissioner Trottenberg, how are you?

18 COMMISSIONER TROTTEBERG: I'm well,  
19 Council Member, how are you?

20 COUNCIL MEMBER KOO: Yeah, I want to  
21 thank you for your, for you and your, all the staff  
22 for the very good job you did in the city in  
23 transportation issues. You know, transportation is  
24 one of the most important issues in any city. It's  
25 like our circulation in our body. So if you don't

1 manage well you have a stroke or you have heart  
2 attack. So, um, I have two issues, two questions.  
3 One is the bus lane, which we talked about before, so  
4 I'm not gonna talk about it anymore here. But you  
5 know, ah, New York City is a big city. Ah, one size  
6 doesn't fit all. Bus lane in other parts might work  
7 well, but it won't work in downtown Flushing because  
8 we are different. We have so many supermarkets,  
9 doctors' office, you know, beauty salons, massage  
10 parlors, ah, all these special schools for coaching,  
11 ah, swimming, for tennis, for learning SAT, all these  
12 things are family things, and they all come,  
13 families come on one day to do all those things  
14 together, their shopping, to have a massage. So they  
15 spend a lot of time in Flushing and they all come by  
16 car, you know. They spend half a day to a whole day  
17 here. Ah, that's why, ah, these people create a lot  
18 of vitality for the local businesses. So that's in  
19 my culture, so bus space is very important. We don't  
20 want it, ah, at least for now, during the pandemic.  
21 People is so uncertain about the future. They don't  
22 have money to pay rent. So this morning I received a  
23 call from the landlord, a building landlord, asking  
24 me whether they evict a restaurant, because he says  
25

1 all the restaurants have been doing businesses for a  
2 long time, but [inaudible]. And they haven't been  
3 paying rent. And I said, Ernie, it's not a good time  
4 to evict tenants, right? But he said, what about my,  
5 the landlord has to pay, I have a lot of bills to  
6 pay, he said, a big water bill. And if they don't  
7 pay a water bill, the, the property tax exemption,  
8 the city is gonna put a lien on the building, right?  
9 So this is a very difficult situation. So we want to  
10 make the city support all businesses. If you support  
11 the businesses, business owners, ah, the land owners  
12 will have income, too, to pay your tax. So it's a  
13 circulation problem. When does he get money? The  
14 other ones don't get money, too. So this is how the  
15 economy works. So the best thing for the city to do  
16 is how to help all the business, ah, to make money,  
17 to get back to normal, ah, so that they can pay rent,  
18 pay tax, ah, and etcetera. So my, this is my, my, my  
19 environment. The second part is, ah, my complaint is  
20 about, ah, open street restaurants. We have a lot of  
21 restaurants situated in the basements, or third  
22 floor, second floors, and some more buildings or even  
23 in some other buildings, office buildings, they might  
24 have a restaurant on the top floor. Ah, that's in  
25

1 the, the city and also in Queens here. So right now  
2 they, they cannot do any like open street dining  
3 because they're on the second floor or third floor,  
4 or in the basement. So I, I, I want to like ask the  
5 city to find some ways for them, ah, to operate take-  
6 out, you know. Some, some [inaudible], they can do  
7 it on street, hey, you know, and then they could call  
8 upstairs, right, and they deliver the food downstairs  
9 to them, because they are forbidden to enter the  
10 building. Right now that some [inaudible] are open  
11 now, but I'm talking, I was talking about before.  
12 But they still have, they need a [inaudible] to, to  
13 do business. Ah, at least some business. So there's  
14 my second thing. I hope, ah, you'll find some ways  
15 to take care of it as soon as possible. Thank you.

17 CHAIRPERSON RODRIGUEZ: All right, thank  
18 you Council Member. And, and thanks for talking with  
19 me the other day about the bus way. I don't,  
20 probably not a lot we'll, we'll agree on here today,  
21 but, again, you have our commitment. We're gonna  
22 keep talking to you and, and, ah, you know, as you  
23 know, I was out there myself and heard loud and clear  
24 from many of the local business owners. We have some  
25 town halls planned. So we're gonna, and we're going

1  
2 to be doing them in multiple languages, um, and we'll  
3 continue to take that input. Let's turn to that  
4 second question, which I, I know has been an issue  
5 out in Flushing and in other parts of the city. And  
6 I will say when we got the Open Restaurants Program  
7 open and running one challenge we faced is how do we  
8 get something up as fast as we can to help as many  
9 restaurants as possible. There are about 27,000  
10 restaurants in New York City, and as you say, in a  
11 bunch of different circumstances - on the second  
12 floors, in malls, some with tiny storefronts, some  
13 that do have the City Bike or bus stop or the fire  
14 hydrant in front of them. I think in this first  
15 round, you know, we tried to just open it up to, to  
16 restaurants that had space in front and, and that's,  
17 again, helped 10,000 restaurants. Not everybody, but  
18 I think, you know, a good selection of restaurants.  
19 We are certainly talking right now in the city family  
20 and within City Hall, ah, how we get to that next  
21 group, you know, adjacent space and other ways that  
22 we can get more restaurants into the program. I  
23 know, again, that this is certainly a priority of the  
24 mayor's and I know, you know, we've been talking to  
25 you about some of the circumstances in Flushing and

1 we'll continue to do so. I think 10,000 has been a  
2 great start. When we started the problem we thought  
3 it would only be 5000. It's now more than double  
4 that. But we obviously would like to make it work  
5 for as many restaurants as we possibly can.

7 CHAIRPERSON RODRIGUEZ: And before,  
8 before we go to the next colleague, I would like to  
9 say to the first part of the council member coming is  
10 that there's a guy that is responsible for the small  
11 business, not getting the support that they need.  
12 And that guy is sitting there in [inaudible] Avenue.  
13 You know, there's, there's a bigger, there's a bigger  
14 proposal when it comes to, you know, the city,  
15 especially the 11 New York City congressional  
16 delegation and, and, and the whole Democratic  
17 congressional body asking for more federal support,  
18 and the guy has been holding that support. So I  
19 think that we have to be clear that a lot isn't in  
20 the, the state when it come to future, not only  
21 Washington, D.C., but also the future of the state  
22 and the City of New York, especially for the small  
23 business to get more financial support, and also I  
24 should say the property owner also to be able to get  
25 some support, too, to deal with the debt that they

1  
2 have. And when it come to the, eh, eh, eh, opening  
3 restaurant I agree with the colleague, even though we  
4 focusing on, on open streets that's a [inaudible] of  
5 this, you know, the focus of this hearing today. But  
6 no doubt that we want for the city to continue  
7 opening more, not only opening restaurant at the  
8 capacity that keep the social distance and protect  
9 the safety of those who, the consumer, but also  
10 opening the indoor pool, opening other area that are  
11 so important for a city. But I think that today we  
12 are focusing on, you know, what we have, which is the  
13 opening of street, the buses, the City Bike, and all  
14 the infrastructure related to the transportation and  
15 how we've been doing so far when it comes to the  
16 agency responsibility, eh, when it comes to the  
17 COVID-19.

18 CHAIRPERSON RODRIGUEZ: Thank you. Next  
19 we will hear from Council Member Cohen, followed by  
20 Council Members Holden and Rivera. Council Member  
21 Cohen.

22 COUNCIL MEMBER COHEN: Ah, thank you.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER COHEN: Ah, good morning,  
25 Commissioner. Good to see you.

1                   COMMISSIONER TROTTENBERG: Good to see  
2  
3 you.

4                   COUNCIL MEMBER COHEN: Ah, I got to tell  
5 you, though, I'm having a little trouble reconciling  
6 your testimony in, in response to Council Member  
7 Matteo, ah, and our own conversations that we've had  
8 about private streets in my district. You know, my  
9 office, somehow, even though everybody's working  
10 virtually, like I wrote you a letter in June of 2019  
11 about, ah, private street status, um, and you sent me  
12 a letter back in November of '19, ah, with a lovely  
13 little handwritten note that you're trying to solve  
14 this, but there's been no progress, and it didn't  
15 sound to me in your answers to, and you were talking  
16 about a global solution for private streets. I know  
17 that, you know, in the Bronx we have the problem, in  
18 Queens we have the problem, in states it's obviously  
19 significant. I didn't hear anything that we actually  
20 made any progress, like I thought there was a plan  
21 coming out for how we were going to deal with these  
22 private streets. I have streets that were, you know,  
23 that are very, very old, that there may have been  
24 community associations set up at some point to  
25 maintain them. Nobody knows who they are. There are

1  
2 no resources anymore. And I have constituents, you  
3 know, some of, not that paying property tax should be  
4 dispositive here, but they are paying significant  
5 property tax and, ah, it looks like a, a bomb went  
6 off on their streets and we can't, you know,  
7 previously we used to be able to what they called  
8 strip paving. I've got nothing. The streets are  
9 really, really dangerous. And nobody seems to care.

10 COMMISSIONER TROTTEBERG: Well, I, I  
11 think, um, I think was sort of making that point to  
12 Council Member Matteo and I certainly had you in  
13 mind, that the issue of, ah, private streets is in  
14 all five boroughs. Ah, it's not just a Staten Island  
15 phenomenon. And I think what we talked about, and  
16 I'll admit, I think the city, ah, sort of never came  
17 to a conclusion about it is, you know, do we  
18 potentially, for example, create a program, now we're  
19 sort of talking about two separate problems. One is  
20 the sort of these legacy streets and how can maintain  
21 them and perhaps get them up to standards, and then I  
22 think what Council Matteo is also talking about,  
23 which is going forward, how do we make sure, perhaps,  
24 that we don't add to the inventory, that we, at least  
25 we don't make the hole any deeper, ah, and that we

1 don't add a lot more private streets to the city's  
2 inventory knowing, as you pointed out, that as the  
3 years go by and the mists of time whoever owned this  
4 developer, you know, built a crappy street, has  
5 pocketed their profits and, and left the scenario.  
6 I, I think what we had talked about, and, again, I  
7 think this, you know, something for the council to  
8 grapple with. You know, as you and I discussed, it's  
9 a lot of money to fix all these streets. You know,  
10 one could potentially envision a program, um, where  
11 you would evaluate them all. You would sort of pick  
12 the ones that are in the worst condition, you know,  
13 perhaps in the lowest-income neighborhoods, ah, you  
14 know, and create some kind of a pool to start  
15 repairing them. I'll admit, I think, we, we talked  
16 about that idea and it didn't come to fruition. You  
17 know, we, we do, um, I'm happy, you know, in the  
18 streets you're talking about there are cases when we  
19 can do, you know, some minor repairs. But one of the  
20 challenges we have, just, 'cause we talking agency  
21 budgeting right now, is if it's it not a matched  
22 street I can't use city capital funds to do the work.  
23 I have to use my expense funds, my operating funds.  
24 As I said in my testimony, I've already seen my  
25

1 operating funds, ah, cut by 12%, 125 million dollars,  
2 and, and more cuts to come. So just a, a problem  
3 which was already a sort of challenge for us  
4 financially is even a more severe challenge now.  
5 But, look, I think, you know, from you and your  
6 colleague, you know, there's no doubt that the city  
7 has not come up with a good solution for these  
8 streets, I think in part 'cause it is just an  
9 enormous expense to do so.

11 COUNCIL MEMBER COHEN: I mean, is, is  
12 your testimony that's, you know, as time winds down,  
13 my time is winding down maybe sooner than others but  
14 this is a problem we're gonna kick down the road to  
15 the next administration?

16 COMMISSIONER TROTTENBERG: Ah, I mean,  
17 again, I sort of it put it back to you all. I mean,  
18 is this a problem we want to, you know, in this sort  
19 of time of fiscal challenge dedicate some resources  
20 to? I mean, I think in the past it, the sort of, we  
21 haven't done that, but, you know, not, that's, I  
22 think, a sort of a budgetary discussion, ah, you  
23 know, for all parties to have. I think there's no  
24 question, obviously, if we can get borrowing  
25 authority up in Albany or, you know, some kind of

2 federal relief that will make some of these, you  
3 know, some of these fiscal challenges a little  
4 easier. I don't think we can, you know, we know the  
5 answer how that's gonna turn out at the mom.

6 COUNCIL MEMBER COHEN: I suspect that  
7 there are scenarios, if we apply our title in these  
8 streets then they could be capital-eligible. Um, but,  
9 and again, you know.

10 COMMISSIONER TROTTEBERG: But we, we  
11 can't acquire title until the streets are improved up  
12 to our standards. That's the [inaudible].

13 COUNCIL MEMBER COHEN: By law?

14 COMMISSIONER TROTTEBERG: Yes. I mean,  
15 that's, the city doesn't...

16 SERGEANT AT ARMS: Time expired.

17 COMMISSIONER TROTTEBERG: ...add them  
18 into our inventory until they've achieved our  
19 standards.

20 COUNCIL MEMBER COHEN: I mean, I, if the  
21 situation is a mess and it's dangerous, um, people  
22 don't have, you know, it's, in terms of emergency  
23 vehicles, I, I can't tell you how frustrated I am  
24 that this is, you know, that we just have not made  
25 any progress going, you know, with a plan to go

1 forward on this. Ah, Chair, if you'll indulge me for  
2 just one more second. I just wanted to say on, on  
3 street dining I am impressed about how well, you  
4 know, I will concede, ah, I was one of the people  
5 concerned about having community involvement, ah, in  
6 the roll-out of this program, ah, to Council Member  
7 Reynoso's point, and it's true that by and large, um,  
8 I think it has been incredibly successful. Ah, I  
9 will say, and I think it's been addressed. Ah, the  
10 one challenge I've gotten is actually from restaurant  
11 owners about compliance with conflicting regulations,  
12 you know, and inspections where, you know, in the  
13 morning FDNY, ah, the Fire Department would come, in  
14 the afternoon DOT would come and there would be  
15 conflicting, um, you know, rules about how to be in  
16 compliance and that was really a challenge, and  
17 sometimes they were getting fined. Ah, but it's my  
18 understanding I think that there's been some, ah,  
19 relief on that front.

21 COMMISSIONER TROTTEBERG: Well, let me  
22 respond to that, and just to be clear, the city has  
23 not fined, we haven't, DOT has not fined any  
24 restaurants for roadway setups. Ah, I will concede  
25 your, your point, Council Member, and I, I certainly

1 apologize for, again, as we were flying the plane as  
2 we were building it, I think as I said in response to  
3 a question, one thing perhaps we weren't prepared for  
4 is when restaurants went out into the streets a lot  
5 of them clearly did not understand our guidance about  
6 how to set up safely. And I'll admit, we mobilized  
7 very quickly, we brought in sister agencies to help  
8 us. I'm appreciative, you know, FDNY and Department  
9 of Buildings and DEP, to do the inspections. I know  
10 there are a probably a period of a few weeks where  
11 restaurants were, were hearing from a lot of city  
12 officials and I apologize for that. The goal was to  
13 try and get everything as safe as possible, and I'm  
14 happy to say the overwhelming majority of  
15 restaurants, I'd say, within those few weeks got good  
16 setups that are safe, and I think the program has  
17 been pretty smooth since then. Now, I will admit  
18 there's also state inspectors coming. That side of  
19 the house we don't control, but the State Liquor  
20 Authority, it's no secret, has been out. I can't  
21 speak to their effort. But on the city side I think,  
22 you know, with the scramble to get the program up and  
23 running there were definitely some growing pains and,  
24 and we apologize for that. But I think now, I'd  
25

1 probably say at least for the past month and a half  
2 things have been running pretty smoothly, and, you  
3 know, again, if you have restaurants that feel like  
4 they have questions, concerns, they're getting  
5 inspectors coming, please, you can always obviously  
6 come to us, come to the borough commissioners'  
7 offices and, and we will troubleshoot. And, and I  
8 will just say to your point, I know you were a bit of  
9 skeptic about whether we would sort of just do this  
10 without the community boards and, and thank you for  
11 acknowledging it's worked, and I want to say, we  
12 have, even though we have not done a formal community  
13 board process we have, of course, been in  
14 communication with community boards, with you council  
15 members, with civic groups. I mean, we have  
16 certainly tried, even absent that formal process, to  
17 work as closely as we can with all of you. And we do  
18 appreciate in a lot of cases you all have been great  
19 leaders and helped troubleshoot and, and mediate.  
20 So, I think even without that formal process it's,  
21 it's been a good partnership.

22  
23 COUNCIL MEMBER COHEN: I, I can't argue  
24 with you. Thank you, thank you, Chair. Thank you,  
25 Commissioner.

1 COMMITTEE ON TRANSPORTATION 85  
2 COMMITTEE COUNSEL: Next we will hear  
3 from Council Member Holden, followed by Council  
4 Members Rivera and Levin. Ah, I'm sorry, go ahead,  
5 Council Member Holden.

6 COUNCIL MEMBER HOLDEN: OK. Thank you,  
7 Commissioner.

8 SERGEANT AT ARMS: Time begins.

9 COUNCIL MEMBER HOLDEN: Thank you,  
10 Commissioner, for all your hard work. Ah, the  
11 restaurant roll-out, the open streets was terrific.  
12 I was a skeptic. I've never seen the city operate so  
13 well on, on a program, so I want to you, ah, and your  
14 staff. I know it was a difficult task. Um, I just,  
15 I don't want to be a dead horse, ah, Commissioner,  
16 but I want to talk about private streets 'cause you  
17 know that's a concern I brought up to you before.  
18 Um, and I have some particular, um, ideas for it, um,  
19 if you'll allow me. Um, you know, obviously most  
20 private streets are next to a city mapped street. So  
21 they have an impact no city streets. Obviously  
22 there's no drainage. Like I have a street behind me  
23 on a hill, it's not a mapped street, there's no catch  
24 basin, so we have a river in any kind of rainstorm,  
25 thunderstorm, coming down into, obviously, a mapped

1 street, so into, into catch basins, um, on, on mapped  
2 streets. So they do have a direct impact. In fact,  
3 many of the private streets don't have, um, curbs and  
4 sidewalks.  
5

6 COMMISSIONER TROTTEBERG: Um-hmm, or  
7 drainage.

8 COUNCIL MEMBER HOLDEN: Nor catch basins.  
9 So we're in a, we're in a kind of Catch-22 here  
10 because I promised the, the constituents that we'll  
11 try to get them relief, ah, we'll try to do something  
12 with that, um, and each year goes by, and I've been  
13 doing this since I was a civic president, way before,  
14 30 years ago, before I was a councilman. We've been  
15 trying to address this, and we keep banging our heads  
16 against the wall. We did have a creative, ah, I  
17 think it was a Queens commissioner, Tony Fasulo, who  
18 even though on city mapped streets where there were  
19 no, you know, um, curbs or sidewalks, he would  
20 install them. In fact, we still have what Tony  
21 Fasulo installed 30 years. Right across the street  
22 from house he installed a, um, a metal curb that  
23 still exists today, in house. It was all done in  
24 house because there were no curbs, and so he  
25 installed that and it works. So we have to get

1  
2 creative possibly in improving some of streets,  
3 whether they're mapped or otherwise, but I do have  
4 mapped streets, Commissioner, without sidewalks, many  
5 of them without sidewalks or curbs. And I can't  
6 understand that in the 21st century we're improving  
7 streets over and over again, we're building new  
8 curbs, we're fixing curbs or fixing sidewalks when  
9 some in my community never had one, never had a curb  
10 or a sidewalk. So I, I would just like to know, is  
11 there any plan, not only to address the, and I know  
12 you mentioned ah, ah, obviously, um, the private  
13 streets, but improvement on just city streets, um,  
14 why today that we don't have, ah, curbs or, or  
15 sidewalks on many of my streets that are city mapped  
16 streets?

17 COMMISSIONER TROTTEBERG: Well, I'll,  
18 I'll take a crack at that. And, and thank you,  
19 Council Member, ah, for your kind words on  
20 restaurants. If, if you were a doubter and, and we  
21 made you, ah, a bit of a believer then, ah, I  
22 consider that high praise, really, to the team, ah,  
23 for their good work. Um, I, I think, quite frankly,  
24 and this is a challenge, again, I'm, I'm gonna sort  
25 of bring it back to you all, too. I, I think in a

1 lot of ways the, the challenge you're talking about  
2 is a budgetary one at this point. Um, you know, the,  
3 the cost of, you know, particularly for a mapped  
4 street, as you say, you know, to bring us, a, a  
5 private street, you know, into the state of good  
6 repair of a mapped street, what you're saying for  
7 most of these that means installing drainage systems  
8 and sidewalks. It's very, very expensive. Um, and I  
9 think, you know, it has been a question of  
10 priorities. I mean, again, I think something we need  
11 to talk to the council about, particularly now, you  
12 know, as the city's capital budget, we have made a  
13 lot of big commitments, as you all know, in recent  
14 years in the city's capital budget, big projects.  
15 Um, jails and coastal resiliency and, you know, for  
16 example in southeast Queens a, a part of the city  
17 very prone to flooding, massive new efforts to  
18 install, ah, water and sewer infrastructure, um, big  
19 schools, but, just, just, I think a lot of big  
20 capital needs that the city has. You know, I'm  
21 hearing from a lot of you and, and perhaps, you know,  
22 this requires more conversation, ah, offline, you  
23 know, you think that, particularly I think for the  
24  
25

1  
2 worst of these private streets we need to make them a  
3 higher priority and I...

4 COUNCIL MEMBER HOLDEN: Yeah, I'm not  
5 even talking, let's, let's put aside the private  
6 streets, because you did mention, you know, that  
7 there are challenges. But certainly city streets,  
8 mapped streets, that don't have sidewalks and curbs,  
9 or some catch basins, should be a priority. I'm not,  
10 I'm not saying that, you know, we, we should have  
11 some kind of regular program. Just before my time  
12 expires I just want to get in one, ah, I know you  
13 said your work force was down 8%. Um, and it was a  
14 lot of the budget and the COVID certainly. Um, do  
15 we, can we expect even longer waits, 'cause I'm  
16 waiting for years for, ah, speed bumps, I'm waiting,  
17 um, three years, almost...

18 SERGEANT AT ARMS: Time expired.

19 COUNCIL MEMBER HOLDEN: ...almost three  
20 years for traffic signal timing improvements, um,  
21 turning lanes improvements that were mistakes and now  
22 it's taken years to correct. Ah, so I got a host of  
23 issues that seem to be going nowhere, and what's  
24 going on my district is that I have a lot of, um,  
25 backed-up traffic because of these issues, ah, and

1 causing more pollution and frustration. Even during  
2 the COVID. So I, I want to work with, with your  
3 office, but I, there are certain simple fixes that I  
4 think we could do without waiting years. Thank you,  
5 Commissioner.

6  
7 COMMISSIONER TROTTEBERG: Ah, I'll just  
8 say, Council Member Holden, you know, happy to go  
9 through that list with you. But to answer your  
10 question writ large, yes. There are going to be  
11 longer waits for everything.

12 COUNCIL MEMBER HOLDEN: OK, thank you.

13 COMMISSIONER TROTTEBERG: Um, you know,  
14 a, a 12% cut in my expense budget, ah, and, you know,  
15 already down 8% in my work force with more coming,  
16 and particularly for my agency, remember, I'm a very  
17 complicated agency with a lot of different, I'm not  
18 gonna take, you know, deck hands from the Staten  
19 Island Ferry and have them go do traffic signals. I  
20 have a lot of different pots and programs and, you  
21 know, those kind of cuts, it's a deep impact. I, I  
22 don't want anyone to be misled about that. And, and  
23 I'm afraid, unfortunately, everyone's gonna feel it a  
24 bit. As we're seeing in other things, in garbage  
25 collection and all kinds of things. You know, we

1  
2 were very fortunate in the city. We had basically 10  
3 years of budget growth and it, it meant, you know, we  
4 were able to accomplish a lot of things and now,  
5 obviously, we're in a much more difficult fiscal  
6 situation.

7 COUNCIL MEMBER HOLDEN: Thank you.

8 COMMITTEE COUNSEL: Next, we'll hear from  
9 Council Member Rivera, followed by Council Member  
10 Rose. Council Member Rivera.

11 SERGEANT AT ARMS: Time begins now.

12 COUNCIL MEMBER RIVERA: Thank you so  
13 much. Hi, everyone, good to see you. I'm gonna  
14 blaze through these, um, as much as a I can. I thank  
15 you for all your answers, ah, thus far. So just  
16 generally, do you think that the current Open Streets  
17 Program effectively addresses concerns around equity,  
18 and would you say that as we move towards a more  
19 equitable program, um, you know, I still have my  
20 legislation in the council. It can be amended to  
21 address a number of concerns, and based on what I  
22 heard today is your concern in making the Open  
23 Streets Program permanent, which I wholeheartedly  
24 support, a resource issue?

1                   COMMISSIONER TROTTEBERG:  Yeah, and, and  
2                   Council Member, I want to apologize.  I know you, you  
3                   wrote me a letter raising some of these issues, and  
4                   I'm sorry, I have a response drafted and we didn't  
5                   get it out the door in time.  You, you will get it  
6                   shortly.  Um, you raise some very good questions and,  
7                   and I think I want to talk about it a little bit, and  
8                   I have to say, I think, you know, again, as with all  
9                   these programs we learned a lot as we went along.  
10                  Um, with open streets, you know, when the mayor  
11                  announced it we tried very much to make it an open  
12                  process.  We did have an online portal.  I had my  
13                  borough commissioners contact each of your offices,  
14                  contact all the community boards, contact local civic  
15                  associations.  I mean, we tried to do as much  
16                  outreach as we could.  We tried to make sure we were  
17                  doing it in multiple languages.  Um, and I will say,  
18                  quite honestly, you know, there was support for the  
19                  program all over the city, but it was not the same  
20                  all over the city.  Um, I think some council members,  
21                  I'll just say perhaps in more affluent, ah, kind of  
22                  transit-rich districts, came to me with a list of,  
23                  you know, 40 streets they wanted to make open  
24                  streets.  Some council members told us they didn't  
25

1 want any. So, you know, it was not sort of  
2 necessarily the same appetite for it in every part of  
3 the city. But that said, you know, we, we certainly  
4 tried. For example, we created the list of all the  
5 COVID neighborhoods and sort of made an extra effort  
6 to reach out again to council members, to community  
7 boards, to some case, you know, NYCHA associations,  
8 and I will say I'll, I'll send you the list and my  
9 response. I think we got a little bit of an unfair  
10 rap. In the end we did hit many, many neighborhoods  
11 throughout the city, including almost all the, the  
12 COVID neighborhoods. That said, the challenge we  
13 have, and you raised it, it is a resource issue. In  
14 those more well-resourced neighborhoods, um, you  
15 know, again in a model where we're not trying to rely  
16 on NYPD or heavy city, you know, city worker  
17 staffing, it really helps when you have community  
18 partners that can help...

20 COUNCIL MEMBER RIVERA: And I am, yeah, I  
21 understand that. I just don't have a lot of time,  
22 Commissioner. I don't mean to interrupt you, but I,  
23 I know it's communication, it's coordination, it's  
24 language, and I also realize that open streets  
25 doesn't work in every single neighborhood. I think I

1 said that in my opening testimony when we first heard  
2 my legislation many, many months ago. And so I know  
3 that in my district, for example, they really set the  
4 model for bringing communities together to kind of  
5 manage those open streets and pretty much take those  
6 tasks away from the NYPD and it was replicated in  
7 north Brooklyn, and considering that there is a  
8 resource issue, um, you know, it's kind of hard to  
9 replicate that in other neighborhoods, where I think  
10 it can be beneficial to the Open Streets Program. So  
11 hopefully Open Streets Program. So hopefully we can  
12 get to a place where DOT can work with those  
13 community groups to provide them a little bit more  
14 than, than, than what is happening right now. So do  
15 you think that the open, there's another program that  
16 I wanted to, to bring up. Um, do you think the city  
17 should pursue an essential places program, similarly  
18 to Oakland, California, where their department of  
19 transportation works with communities to provide  
20 temporary street improvements in areas with already  
21 very, very frequent community activity?  
22

23 COMMISSIONER TROTTEBERG: Yeah, I, I  
24 sort of feel like we're doing that. Perhaps we do it  
25 a little more piecemeal, but I think between open

1 streets, open restaurants, our plaza program, now  
2 we're doing outdoor learning, um, you know, I think  
3 we are kind of opening our streets up for a whole  
4 bunch of community purposes and, again, very much  
5 driven on a, you know, open application process, um,  
6 looking for a lot of community partnerships.  
7

8 COUNCIL MEMBER RIVERA: And we're happy  
9 to help with that. Um, I wanted to, again, I think  
10 that, yeah, with all these programs and then open  
11 street schools it can be very, very successful, but  
12 just identifying these kinds of places I think it  
13 helps with the equity issue. So I just want to  
14 commend the new temporary lanes you added to the  
15 Upper East Side on 68th and 61st Streets, where  
16 you're including delineators, marking adjustments and  
17 signs, and I hope that that kind of treatment is  
18 going to be added to other temporary bike lanes, and  
19 as we work to expand the program, hopefully make more  
20 connections to larger bike networks. So, um...

21 SERGEANT AT ARMS: Time expired.

22 COUNCIL MEMBER RIVERA: I just wanted to,  
23 I hope to, ah, receive the response to my letter very  
24 soon. Um, I don't know what date you gave me, but  
25 I'm expecting it's going out the mail any minute and,

1  
2 um, looking forward to hopefully implementing some  
3 version of the Office of Active Transportation since  
4 you did mention micro mobility a lot and we want to  
5 prevent anything through tragedies on our  
6 streetscape. I'm looking forward to working with you  
7 on that. Thank you, Mr. Chair.

8 COMMITTEE COUNSEL: Next we will hear  
9 from Council Member Rose. Council Member Rose.

10 SERGEANT AT ARMS: Time begins.

11 COUNCIL MEMBER ROSE: Thank you. Um,  
12 thank you. Ah, ah, Commissioner, um, I'm sorry if  
13 I'm being repetitive. It's good to see you. I have  
14 a little technical difficulty today, um, getting in.  
15 Um, so maybe, I'm sure [inaudible], ah, covered a lot  
16 of the, um, private street, ah, questions that I had.  
17 But I just wanted to know, when a developer, um,  
18 requests, ah, permits to do private streets are there  
19 specific standards that [inaudible] and does it have  
20 to [inaudible], you know, comply with the same  
21 standard that, um, our streets, public streets have  
22 to do? And is there any, um, maintenance enforcement  
23 for these private streets? Um, you know, we have  
24 private streets where the craters are so deep that,  
25 um, um, get access to, ah, um, depict the [inaudible]

1  
2 emergency services so, um, ah, it becomes almost, um,  
3 inaccessible, even the people who live on those  
4 streets, parking on, on [inaudible] road streets  
5 because they can't, they're owned. Um, and then I  
6 just want to tell you, I know you [inaudible] has  
7 been a little special on Staten Island and, um, we  
8 [inaudible] really, um, [inaudible] we had hoped, um,  
9 we could and, um, there's a problem, the streets that  
10 have did this made it open, there's no, there is, um,  
11 there's no barricades, there's nothing there that is  
12 an open street. Um, and so, um, it is baffling, um,  
13 and one of our open streets are in, is in a  
14 [inaudible] and there's a lot of dumping and, and the  
15 street itself is in, um, bad repair. I'm just  
16 wondering, you know, um, with the coordination, the  
17 police department doesn't even acknowledge a couple  
18 [inaudible] open streets, um, there's nothing there  
19 to even indicate that it is. So, um, I, I know  
20 that's a lot, and I know [inaudible] special  
21 [inaudible] with our issues, but, um, I thought, I  
22 was hoping that you could, ah, give me some, some  
23 answers to those.

24 COMMISSIONER TROTTEBERG: I, I will,  
25 I'll take them in reverse, Council Member, and I

1  
2 apologize, your bandwidth is a little low so I'm not  
3 sure I quite heard everything you said, but I'll,  
4 I'll answer best I can.

5 COUNCIL MEMBER ROSE: Oh, I'm sorry.

6 COMMISSIONER TROTTENBERG: I, I'm sorry  
7 to hear that there's a problem with the open streets.  
8 I'll get for you, maybe I'll have my staff call you  
9 afterwards, ah, and let's go to the location. I  
10 mean, obviously if we need to work on the barricades  
11 and coordinating with PD, ah, let's, lets make sure  
12 we do that. I, I know it was, it was hard-fought to  
13 get those streets in Staten Island and, and we want  
14 to make sure they're successful.

15 COUNCIL MEMBER ROSENTHAL: Yeah.

16 COMMISSIONER TROTTENBERG: I think on the  
17 larger question of the private streets, your, your  
18 questions get at the heart of the issue. They are  
19 not required to be built to the same standard as city  
20 streets, with the same levels of quality construction  
21 and drainage. That's why developers like them,  
22 'cause they get to do them very cheaply, and in the  
23 end, you're right, it's the local residents and the  
24 city that sort of wind up paying the bill some years  
25 down the road. I'm certainly hearing today that this

1  
2 has become a growing issue and I think after this  
3 hearing, um, we kind of need to convene some of you  
4 all and, and talk through potential solutions. We  
5 obviously don't want there to be streets with craters  
6 that are dangerous and impassable, you know,  
7 [inaudible] you all. We got to talk about solutions.

8 COUNCIL MEMBER ROSE: Yeah, I, I mean,  
9 like, um, right, I mean, like Sanitation, when  
10 there's an [inaudible] unhealthy or, um, unsafe  
11 situation, um, they have a process that they go  
12 through and they will eventually [inaudible] and  
13 clean it up and take care of the problem. Any, is  
14 there any sort of [inaudible] that, um, DOT has that  
15 indicative of, you know, like we need to now  
16 intervene, we need to go in and, and [inaudible] and,  
17 and then maybe work through, um, the cost, fighting  
18 with, you know, the developer or owner associations.

19 SERGEANT AT ARMS: Time expired.

20 COUNCIL MEMBER ROSE: Is there some point  
21 that, you know, that, that there's some metric or  
22 some point where, you know, DOT just we need to, we  
23 have to, it's a matter of public safety. The Fire  
24 Department couldn't even get down the street to, you  
25 know, to do whatever needs to be done.

1  
2           COMMISSIONER TROTTEBERG: Yeah, we, we,  
3 it's a good question, Council Member Rose. And, and  
4 we do go in and, obviously, we'll, we'll take any  
5 request that you all get for where we see  
6 particularly dangerous conditions. I think, and we  
7 will do emergency [inaudible]. One of the challenge  
8 we has is some of the roads are so substandard,  
9 they've been flooded so many times, that when we go  
10 in to patch them it's just sort of sticking a Band-  
11 Aid on top of a Band-Aid. But, um, you know, it  
12 sounds like we need to kind of refocus on some of  
13 these very worst streets, maybe some short-term  
14 solutions and then some longer-term solutions.

15           COUNCIL MEMBER ROSE: Thank you.

16           COMMITTEE COUNSEL: Next we will hear  
17 from Council Member Deutsch. Council Member Deutsch.

18           SERGEANT AT ARMS: Time begins.

19           COUNCIL MEMBER DEUTSCH: Thank you. Ah,  
20 thank you, good afternoon, Commissioner. Um, so I  
21 just want to get some clarity on the outdoor seating  
22 for restaurants, um, which I'm a little unclear  
23 about. So I'll give an example. I have a restaurant  
24 in my district, I'm going to use this restaurant as,  
25 um, as an example. Um, so when the guidelines

1 originally came out for outdoor seating they were  
2 very vague and they weren't really, um, um, they  
3 didn't come out with the guidelines like right away.  
4 It took some time and like there's this restaurant  
5 that put out the barriers that DOT uses and they  
6 filled it up, you know, you fill it up water, and DOT  
7 came in, ah, several weeks later saying that those  
8 barriers are not good, that it doesn't meet the  
9 specs. My question for that is, is that if DOT uses  
10 those same barriers for construction sites, in front  
11 of construction sites for walkways, um, why is good  
12 for that and not good for restaurants to keep the  
13 customer safe? That's number one. Number two is  
14 that the DOT inspector came down saying that they  
15 need a handicap ramp for wheelchair going from the  
16 curb to the street. So according to the ADA  
17 compliance, um, if you have 5% dedicated seating for  
18 people with disabilities then that's all you need.  
19 So why a restaurant that has, let's say, 60% seating  
20 on the sidewalk and 40% on the streets, why would  
21 they need that ramp? That's number two. And number  
22 three, ah, in order to properly social distance and  
23 to make sure businesses succeed sometimes they need  
24 to extend above their property line. So this  
25

1  
2 specific restaurant got permission from the neighbor  
3 and has an additional five feet that goes beyond  
4 their property line, and they received a 24-hour  
5 notice to remove two tables.

6           COMMISSIONER TROTTEBERG: So, um, I'll  
7 take those questions in order. And I think on the  
8 one you're mentioning about what's called the  
9 Yodocks, the barriers with water. I think, as I said  
10 early on, and, again, I apologize for this, we had a  
11 bunch of different agencies who kind of quickly  
12 jumped in to try and inspect all the restaurants and,  
13 you know, there was not perfect consistency. We do  
14 allow those barriers if they're filled with water.  
15 So if this restaurant is still having an issue with  
16 that, um, please let me know. In some cases we saw  
17 that the barriers were empty. So I don't know the  
18 particular circumstances of this...

19           COUNCIL MEMBER DEUTSCH: All right, so,  
20 so what happened was the restaurant removed the  
21 barriers and it cost them \$2500 just last week.  
22 They, ah, bought, um, they bought new, ah, barriers  
23 and it was an extra cost of \$2500. And they were,  
24 they were, um, asked to remove them.

2 COMMISSIONER TROTTEBERG: So I'd like to  
3 get the particulars of that , um, who asked them to  
4 remove them, what the circumstances were.

5 COUNCIL MEMBER DEUTSCH: Ah, DOT, DOT.

6 COMMISSIONER TROTTEBERG: Well, so,  
7 maybe you could get us some of that paperwork and  
8 connect us with the restaurant?

9 COUNCIL MEMBER DEUTSCH: OK, excellent,  
10 OK.

11 COMMISSIONER TROTTEBERG: OK.

12 COUNCIL MEMBER DEUTSCH: Because  
13 according to the specs, as they go up they're  
14 supposed to be a little wider and those barriers and,  
15 ah, those barriers that DOT uses is a little narrower  
16 on top, so it didn't meet exactly the specs that you  
17 have in your guidelines. So they were asked to  
18 replace them.

19 COMMISSIONER TROTTEBERG: All right,  
20 well, let us take a look. And, and I would just say  
21 to you and sort of any other members, if you're  
22 hearing from restaurants who have concerns, obviously  
23 our borough commissioners' offices were there to  
24 help...

2 COUNCIL MEMBER DEUTSCH: I reached out,  
3 no, I reached out.

4 COMMISSIONER TROTTENBERG: ...were there  
5 to help [inaudible], um...

6 COUNCIL MEMBER DEUTSCH: I reached out to  
7 the borough commissioner and I was told whatever the  
8 guideline says that's what you have to do.

9 COMMISSIONER TROTTENBERG: OK, well, I  
10 will...

11 COUNCIL MEMBER DEUTSCH: OK, so that's  
12 number one.

13 COMMISSIONER TROTTENBERG: ...we'll get  
14 back to you to [inaudible]...

15 COUNCIL MEMBER DEUTSCH: The second, ah,  
16 the second one, OK, so forget that...

17 COMMISSIONER TROTTENBERG: ...is the, is  
18 the wheelchair ramp.

19 COUNCIL MEMBER DEUTSCH: Yeah, correct.

20 COMMISSIONER TROTTENBERG: Um, I think we  
21 just thought it was, it was sort of too complicated  
22 to parse it out like that. I think most restaurants  
23 it's been pretty easy. They've just, they've either  
24 taken a little metal ramp or they built a little  
25 something out of wood. Hopefully nobody has found

1  
2 that requirement too complicated. I actually haven't  
3 heard any complaints about it.

4 COUNCIL MEMBER DEUTSCH: It actually, it  
5 takes away seating when you have to put a ramp. It  
6 takes one table. So that's why this restaurant had  
7 to, ah, exceed two feet...

8 COMMISSIONER TROTTEBERG: Well, most  
9 restaurants, since they're supposed to keep their  
10 tables six feet apart they put the ramp right in the  
11 middle.

12 COUNCIL MEMBER DEUTSCH: Well, it depends  
13 on the layout. OK. So, so that is, OK, that's not a  
14 big deal. And then the third part, the third  
15 question was...

16 COMMISSIONER TROTTEBERG: The permission  
17 from the neighbor.

18 COUNCIL MEMBER DEUTSCH: Yeah.

19 COMMISSIONER TROTTEBERG: So, so that is  
20 not actually yet an official part of the program.  
21 Right now restaurants are only legally entitled under  
22 Open Restaurants Program to have the space right in  
23 front of their storefront on the sidewalk and on the  
24 street. I recognize that, that restaurants have  
25 started to spread out and it's certainly something

1  
2 City Hall is looking at and, and seeing how, you  
3 know, we can sort of accommodate. But technically  
4 right now that's, that's not part of the program.

5 COUNCIL MEMBER DEUTSCH: Yeah, and that's  
6 an issue. Ah, that's an issue for the small  
7 businesses.

8 COMMISSIONER TROTTEBERG: I know, I  
9 understand.

10 SERGEANT AT ARMS: Time expired.

11 COUNCIL MEMBER DEUTSCH: In order to  
12 properly social distance...

13 COMMISSIONER TROTTEBERG: I think the,  
14 you know, we're, we're talking about how to  
15 potentially, um, codify that part of the program.  
16 But it does, it does sort of add to the challenges of  
17 getting permission from the establishments next door,  
18 making sure no one feels pressured to, to, you know,  
19 perhaps pay for the privilege. So we're sort of  
20 looking at those details. And, look, as I said, one  
21 of the challenges we have with this program, it's not  
22 necessarily, unfortunately, going to work for every  
23 single one of the 27,000 restaurants in New York  
24 City. We're trying, ah, to make it work for as many  
25 of them as we possibly can.

1  
2 COUNCIL MEMBER DEUTSCH: OK, so I'll  
3 reach out to you. I have, I have one more, I have  
4 one more issue. Um, the city is doing handicapped  
5 ramps which, um, ah, we know that the city is a 9  
6 billion, well, a 9 billion dollar deficit and they're  
7 redoing handicapped ramps, ah, at the corners, um, so  
8 you would see, um, ramps that are really not, you  
9 know, in disarray or damaged and the city is going  
10 around and redoing them. So why is that considered  
11 essential right now and why is the city spending  
12 money on that? And number two, is that when I have  
13 ponding conditions that the city has deemed that they  
14 need to fix it, it's been water sitting there for,  
15 for many, many weeks and when I reached out to DOT  
16 they told me that's not essential, and literally you  
17 have like pools of water, and I have like three  
18 locations that have been really bad for the last four  
19 years and I'm still waiting for to get done. But  
20 they were supposed to be done already, but the city  
21 is saying that's not essential, but redoing  
22 handicapped ramps when we are in a deficit, that's  
23 essential.

24 COMMISSIONER TROTTEBERG: So, Council  
25 Member, you probably remember that the city was sued

1  
2 by a coalition of disability groups over the lack of  
3 ped ramp access. Um, the lawsuit was enjoined by the  
4 Department of Justice and the US attorney for the  
5 Southern District, um, and, you know, clearly there  
6 was a sense, um, you know, amongst the, the sort of  
7 the top officials of the DOJ that the city was not  
8 doing a sufficient job in complying with the  
9 Americans with Disabilities Act. Um, and so the city  
10 settled that case and as part of that settlement  
11 committed to, admittedly, a massive, massive program  
12 to make every ped ramp in New York City fully  
13 compliant with the ADA. Um, and I understand  
14 probably...

15 COUNCIL MEMBER DEUTSCH: Yeah, do you  
16 have the cost of that?

17 COMMISSIONER TROTTEBERG: Ah, I do.  
18 It's multiple billions of dollars. Ah, it's an  
19 enormously expensive, um, undertaken, again, mandated  
20 to us by the Department of Justice, ah, and I have a  
21 feeling if, if I talk to all your colleagues on this,  
22 ah, on this panel some would think, um, it's  
23 absolutely essential, some may question it, but we  
24 nonetheless under a consent decree with, with DOJ.  
25 Um, you know, that said, I don't, you know, I think

1  
2 it's, it will probably be a discussion with the court  
3 at some point about how the city continues, you know,  
4 full compliance with that given all the physical  
5 challenges. But we are currently under a, a very  
6 ironclad, ah, legal mandate to continue making very  
7 robust investments in the ped ramp program. That is  
8 required under the law, the Americans with  
9 Disabilities Act.

10 COUNCIL MEMBER DEUTSCH: I appreciate, I  
11 appreciate the answer. I appreciate that. Ah, could  
12 we make, ah, ponding conditions essential? The fact  
13 that we have, have mosquitos and, and ponding  
14 conditions.

15 COMMISSIONER TROTTEBERG: [laughs] Well,  
16 I don't know if you can the [inaudible] the US  
17 Department of Justice behind that, but I'm happy to  
18 talk to you also about places where you're seeing  
19 ponding.

20 COUNCIL MEMBER DEUTSCH: Yeah, and  
21 they're both, they're both at walkways, so it brings  
22 the same issue and, ah, also with all the mosquitos  
23 and, ah, West, ah, West Nile virus. And I think  
24 it's, ah, important to, to get these rectified. So  
25

2 I'll reach out to your office and give you those  
3 locations.

4 CHAIRPERSON RODRIGUEZ: Thank you,  
5 Council Member.

6 COUNCIL MEMBER DEUTSCH: Gracias. Thank  
7 you.

8 COMMITTEE COUNSEL: Thank you. Next we  
9 will hear from Council Member Levin, followed by  
10 Council Member Yeger. Council Member Levin.

11 COUNCIL MEMBER LEVIN: Thank you very  
12 much. Ah, thank you, Chair, thank you, Commissioner.  
13 Um, ah, I, I want to, ah, concur with all of my  
14 colleagues how successful the, um, the restaurants  
15 have been. Um, I think that's it been a real  
16 lifeline to small businesses, um, that they're able  
17 to set up, um, you know, a few, ah, a few seats out  
18 there and with the weather being as nice as it's  
19 been, um, it's been very, um, you know, it's kept a  
20 lot of them in business, um, especially with the kind  
21 of mixed messages that the city and state are sending  
22 around indoor dining. Um, ah, I do, I am concerned  
23 about what happens when the weather, ah, gets colder,  
24 um, and what is, what is DOT, um, what are the  
25 conversations between DOT and DOB around, um, ah,

1  
2 having, ah, gas heating, ah, in these spaces when the  
3 weather gets cold?

4                   COMMISSIONER TROTTEBERG: Um, I, and I  
5 think some of you have probably heard the mayor has,  
6 has been asked about this and talked a bit about it  
7 in some of his morning press briefings. Um, you  
8 know, City Hall is certainly leading an interagency  
9 effort. It involves us and Department of Buildings  
10 and FDNY to look at how we could continue this  
11 program further into the winter, you know, how we  
12 would potentially do heating and, and make sure  
13 that's it's safe, and, and I think we're gonna have  
14 more to say on that soon, but there is an interagency  
15 group looking at that for sure. And, and we  
16 recognize, um, you know, a lot of these businesses  
17 would like to keep operating, you know, even as the  
18 weather turns cold.

19                   COUNCIL MEMBER LEVIN: The, ah, and...

20                   COMMISSIONER TROTTEBERG: We want to  
21 make sure we do it safely, hence DOB and FDNY...

22                   COUNCIL MEMBER LEVIN: Right, right.

23                   COMMISSIONER TROTTEBERG: ...are being  
24 involved in the discussions.

1  
2 COUNCIL MEMBER LEVIN: OK, yeah, I mean,  
3 I think, you know, I would, um, ah, urge the city to  
4 move, to move as quickly as possible and to  
5 communicate as, as much as possible with the  
6 restaurants because, you know, they have to figure  
7 out whether to stay in business or not, or whether  
8 to, you know, ah, followed. So it's, you know, they  
9 have to be able to plan. So, um, I would just urge,  
10 ah, ah, quick action on that. Um, I, I was  
11 encouraged that you said that, um, you said, I think,  
12 around 160 schools, um, streets around schools have  
13 been closed.

14 COMMISSIONER TROTTEBERG: Um-hmm.

15 COUNCIL MEMBER LEVIN: Um, you know, this  
16 is, this is a potential solution, um, for COVID  
17 transmission that, um, ah, really, ah, we shouldn't,  
18 um, it's hard to, it's hard to oversell how important  
19 this is, ah, in terms of limiting COVID infection  
20 for, um, in-person learning. Um, it is, it's, you  
21 know, the science is pretty clear that, um, fresh  
22 air, um, really prevents, um, infection and, um, you  
23 know, I, well, 160 is a, is a promising number. I, I  
24 would hope that that would be a much higher number,  
25 um, because I know that there is, you know, every,

1 every, most school buildings have at least one other  
2 frontages that are, um, on a less-traveled street  
3 that probably could, you know, with the proper  
4 signage and, um, coordination and configuration be  
5 closed off and not really have a major impact on, on  
6 vehicular traffic patterns. Um, and so I'm, I would  
7 hope that that number would be, you know, five or six  
8 or seven times more than that. Is there, is there,  
9 um, are you working with the DOE to, ah, increase  
10 that number?  
11

12 COMMISSIONER TROTTEMBERG: Well, I think,  
13 as, as you heard in my testimony, DOE did a wide-open  
14 process. They invited every principal in the school,  
15 not just city public schools, but charter schools and  
16 private schools to apply for outdoor learning space,  
17 um, and, you know, what, what DOE did ask them to do,  
18 'cause remember the management of this sort of is  
19 going to fall on school officials, was to first look  
20 at what their own facilities were and, look,  
21 throughout New York City you know there's a huge  
22 variation. Some schools have big beautiful fields.  
23 Some schools are right on the middle of an urban  
24 street, ah, without a lot of outdoor space. But DOE,  
25 you know, particularly focused first on schools that

1 had no outdoor space, um, you know, looked first to  
2 park areas, which are obviously in some ways the  
3 safest and easiest for kids, and then looked at, at,  
4 um, you know, public streets after that, with the  
5 particular prioritization, appropriately so, of  
6 COVID-impacted neighborhoods. So, you know, but any  
7 school could apply. Over 800 applied, um, and this  
8 is how the space has been allocated. The application  
9 process is still open.  
10

11 COUNCIL MEMBER LEVIN: Um-hmm.

12 COMMISSIONER TROTTEBERG: Any school's  
13 principals can come to DOE and apply for that public  
14 space. But, you know, I think, just to remember,  
15 particularly, for example, for classroom learning  
16 some [inaudible]...

17 SERGEANT AT ARMS: Time expired.

18 COMMISSIONER TROTTEBERG: ...um, in doing  
19 it on a roadway, ah, you know, which potentially can  
20 be a bit easier, you know, in a park where you don't  
21 have to deal with barricades, moving vehicles,  
22 etcetera.

23 COUNCIL MEMBER LEVIN: Um-hmm. Thank you  
24 so much, Commissioner. Thank you.

1 COMMITTEE ON TRANSPORTATION 115  
2 COMMITTEE COUNSEL: Next we will hear  
3 from Council Member Yeger. Council Member Yeger.

4 SERGEANT AT ARMS: Time begins now.

5 COUNCIL MEMBER YEGER: Thank you very  
6 much. Ah, thank you, Mr. Chairman. Commissioner, I  
7 just, it's a very brief follow-up on Councilman  
8 Deutsch's question, because I've seen the same thing  
9 on those pedestrian ramps and I know that, ah, the  
10 city is doing this as a result of the settlement or  
11 the consent decree. Um, your reference to that some  
12 time in the future there may be an opportunity to go  
13 and revisit that. Has there [inaudible] any  
14 conversation about going to the court and, and, ah,  
15 and reopening the case and showing the progress  
16 that's been made and asking for, say, a two-year  
17 delay? Before you answer, I want to give you the  
18 context. In my neighborhood, which borders Chaim's,  
19 ah, Council Member Deutsch's, what I'm seeing is  
20 very, ah, ah, pedestrian ramps that are in very good  
21 condition but may not meet the exact specs because  
22 they don't have the, the bumpy red portion, but they  
23 do have the lined, ah, cement portion. So it's  
24 there, and a lot of this is in residential  
25 neighborhoods where there isn't really a lot of foot

1  
2 traffic. But because you have this consent decree  
3 that you're required to do it, you're kind of forced  
4 to do every single one no matter what, whether it's  
5 necessary or not. Ah, and so my question really is  
6 whether or not you can, you're in a position where  
7 you can go back and say this is what we've done, this  
8 is what we're facing, this is the cost of the  
9 program, and we will commit that, you know, in an, in  
10 an outer year capital program we're gonna get back to  
11 this, but we need a break.

12                   COMMISSIONER TROTTEMBERG: So and, and I  
13 appreciate the question, um, and at this point in  
14 time, you know, again, as part of the consent decree  
15 and the way DOJ is looking at this, and I hear, you  
16 can have your opinion on it, I may have mine as well,  
17 um, the ped ramp must meet every single detail of the  
18 specs put out by DOJ and US DOT and they are very  
19 exact.

20                   COUNCIL MEMBER DEUTSCH: But, right...

21                   COMMISSIONER TROTTEMBERG: The  
22 [inaudible], the planes, the truncated domes, the  
23 color contrasts, ah, and, and so, you know, it is an  
24 exacting standard to me.

25

2 COUNCIL MEMBER DEUTSCH: Commissioner, if  
3 I may...

4 COMMISSIONER TROTTEBERG: The way, yeah.

5 COUNCIL MEMBER DEUTSCH: [inaudible]

6 shorter than yours. Um, I don't think [inaudible]

7 saying. I know that, that you, I don't want to use

8 the terms [inaudible] head, but you do, they, they

9 have the standards, you have to comply with what

10 they've said. You have to meet them, whether I like

11 the pedestrian ramp or not, whether it's necessary or

12 not, whether you think it's necessary or not is

13 really irrelevant 'cause you're stuck with this order

14 that the city did because it had to, it had to enter

15 the agreement. My suggestion, though, I'm not

16 expert, you are, ah, but my suggestion would be

17 whether or not you and the corporation counsel could

18 have a conversation over the next day or two about

19 what steps need to take place to, to go back to DOJ

20 and say can we reopen this, let's have those

21 conversations, perhaps there are members of the

22 council who would support this and give you a letter

23 of support and say this is what we're doing in the

24 city right now. This is the problem, these are the

25 problems we have, and at least start the

1 conversation, because this is a multi-million dollar,  
2 a multi-hundreds of millions of dollar expenditure  
3 every single...

4  
5 COMMISSIONER TROTTEBERG: It's billions,  
6 billions. And, Council Member, I've already had many  
7 conversations with the corporation counsel about  
8 this, starting back in March, ah, 'cause you may  
9 remember, at first we suspended a lot of our  
10 operations during the height of the pandemic and  
11 obviously we are very sensitive to the budget  
12 condition, and now the very dire competing, ah,  
13 priorities. So let me just reassure you. Yes, we  
14 have been in communication with corp counsel, ah, you  
15 know, our lawyers are formulating a legal strategy  
16 and, and, you know, might some support from council  
17 members be helpful? I, I may take you up on that  
18 offer. So thank you.

19 COUNCIL MEMBER DEUTSCH: My next, very  
20 quick, ah, ah, question relates to the second piece  
21 of, of Councilman Deutsch's question regarding the,  
22 I'm not going to get into the particular restaurant,  
23 because I happen to know that restaurant and its  
24 problems as well, um, but the general topic of  
25 restaurants in some of our neighborhoods where, ah,

1  
2 they have, they are in residential areas or above  
3 residential areas and it's relatively simple, this is  
4 not midtown Manhattan, this is actually one of the  
5 conversations I had where the city was doing this  
6 program at the beginning. The mayor announced it  
7 before we did a bill so the mayor was actually there  
8 ahead of us on this, and, ah, the one piece I think  
9 that, that you, you and Council Member Deutsch  
10 alluded to is dealing with the neighbor permission  
11 thing. Um, I, I believe, notwithstanding whatever  
12 statute we give the mayor on this topic, the, the  
13 department can institute some sort of program where  
14 if there's a letter of no objection from a neighbor,  
15 um, you know, if there's a shoe store or a home or  
16 something else, a department building next door to a  
17 restaurant, or an unoccupied business because the  
18 business is unoccupied, I mean, I have restaurants  
19 that are literally next door to, to stores that are  
20 available for lease. Um, whether there could be some  
21 kind of letter of no objection process where the  
22 neighboring, you know, but not in an official crazy  
23 way, but the same way that you're doing it now with,  
24 with, ah, this streamlined immediate OK approval  
25 process.

2 COMMISSIONER TROTTEBERG: We are,  
3 Council Member, certainly...

4 SERGEANT AT ARMS: Time expired.

5 COMMISSIONER TROTTEBERG: We are  
6 certainly trying to figure out. Just, just one  
7 challenge I will flag is part of how we made this  
8 program work is we were able to get an agreement with  
9 the State Liquor Authority. And I think one thing  
10 about sort of codifying allowing restaurants to  
11 further expand is the State Liquor Authority was  
12 comfortable with the space that was sort of adjacent  
13 and right in front of an establishment. It's a,  
14 maybe a more involved negotiation to try and expand  
15 it. But we hear you, we know a lot of restaurants  
16 want to do. Frankly, some have already gone off and,  
17 and done it and, and we are trying to figure it out  
18 as quickly as we can.

19 COUNCIL MEMBER DEUTSCH: [inaudible]  
20 permission, ah, to go one with one more question.  
21 Can I make a suggestion on that topic, is that if you  
22 can, if you can sort of force the issues maybe and  
23 leave those restaurants that have liquor licenses  
24 aside and let the, you know, pizza shops, burger  
25 places, places that are not serving alcohol, maybe

1  
2 there can be a separate kind of, ah, you know, OK  
3 there and then the SLA would be fine with it.

4                   COMMISSIONER TROTTEBERG: A good  
5 suggestion.

6                   COUNCIL MEMBER DEUTSCH: [inaudible] I  
7 want to, we're running out of, you know, I've made  
8 this, ah, this in various different ways, but we're  
9 running out of time on the lifeline of restaurants.  
10 I know you know that because I know you've seen this  
11 and that's why you, you've been, ah, pushing this for  
12 a long time. But until we're at the point where  
13 we're going to reopen them to some capacity, we're  
14 letting them rely on this tiny little sliver that  
15 they have and they're dying everyday, they're just,  
16 they're shutting down. So if we can give them an  
17 extra five, six, seven tables and give them the will  
18 to, you know, soldier on for another month or two or  
19 three and hopefully get them back open, maybe that's  
20 the solution to, to not killing all of them. That's  
21 all for me. Thank you, Mr. Chairman. Thank you,  
22 Commissioner.

23                   COMMISSIONER TROTTEBERG: Thank you.

24                   CHAIRPERSON RODRIGUEZ: Thank you, thank  
25 you. Commissioner, I, I just have a few question

1  
2 before you will go and we will continuing listening  
3 from the other panels. Eh, one is, as you know, when  
4 we do [inaudible] unfortunately, you know, what  
5 happened this year we couldn't do it, eh, eh, but  
6 when we, we [inaudible] what can we, local entity or  
7 [inaudible] before closing the street, you know, you  
8 need to check with the NYPD because there's also  
9 matter related to safety. Eh, does NYPD check with  
10 you, I mean DOT, when they close particular blocks,  
11 and what is the procedure that they follow to reopen?

12                   COMMISSIONER TROTTEMBERG: So and, and  
13 look, I want to, I want to be carefully, obviously  
14 this summer we had some extraordinary circumstances  
15 and, and I know, um, obviously, I got the letter, ah,  
16 you know, that was addressed to Commissioner Shea  
17 from, from Borough President Brewer talking  
18 particularly about the issue of some streets in  
19 Manhattan closed down around precincts. And I would  
20 certainly say I think, you know, we try and work  
21 closely with NYPD and communicate and coordinate  
22 about street closures. It is not a seamless system.  
23 I will readily conceded that and I, um, you know,  
24 recently talked to, to, you know, um, ah, Deputy, ah  
25 Chief, ah, Fausto Pichardo particularly about this

1  
2 issue of the streets closed around precincts and I  
3 know Commissioner Shea addressed yesterday and I  
4 think PD is committing, um, to try and get as many of  
5 those streets open as quickly as they can, and we are  
6 gonna try and do a better job of coordinating, but I  
7 think sometimes NYPD, for operational reasons, and  
8 obviously the summer protests there were a bunch of  
9 things going on, um, you know, they did sometimes  
10 close streets. I'm, I'm not gonna say we always, we  
11 always were, knew about it in, in real time, but  
12 we've, we've pledged to try and have better  
13 communication and I think, you know, he and I talked  
14 about, you know, for DOT our goal, obviously, we want  
15 all the streets, or many of the streets as possible  
16 open for pedestrians, for bikes, you know, for the  
17 movement of New Yorkers, and, and just, you know,  
18 we're gonna work with them to find that balance in,  
19 in places where they think there's a, there's a  
20 public, ah, a public safety issue.

21 CHAIRPERSON RODRIGUEZ: Yeah. I, I just  
22 hope that, again, that we get to reopen those streets  
23 as soon as possible.

24 COMMISSIONER TROTTENBERG: Yep.

25

1  
2                   CHAIRPERSON RODRIGUEZ: And, as you know,  
3 like, I can say the vast majority of New Yorkers  
4 support the peaceful protesters. Only the crazy D.C.  
5 is the one who wants to use, you know, those images  
6 to move his own agenda. Unfortunately, he would not  
7 be able, you know, to win on his, that platform. Eh,  
8 eh, but we definitely need to act to see how we can  
9 reopen those streets. You know, as I agree with you,  
10 these have been challenging time, eh, eh, I, as  
11 everyone know we support all the good police officer,  
12 that they're doing their job, but also we know that  
13 there's a bad apple everywhere, not only the NYPD,  
14 but also in government, private, public, all sectors.  
15 So I, I think that, you know, as a city that has  
16 always welcomed peaceful demonstration, eh, eh, I  
17 hope again that we can be able to, you know, be in a  
18 better place, when it come to better relationship.  
19 But I think that those street that have been closed  
20 they should be reopened as soon as possible.

21                   COMMISSIONER TROTTEBERG: We, we agree  
22 with you, Mr. Chairman.

23                   CHAIRPERSON RODRIGUEZ: And, and, and my  
24 other question is about, you know, the cyclist. As  
25 you know, we saw the tragedy there with assistant

1  
2 district attorney, eh, Sarah Pitts, after, you know,  
3 she was, eh, struck, eh, by a bus, again by no mean,  
4 meaning that all bus drivers or all buses, right,  
5 they are bad, you know, individual or entity, but  
6 this is about, you know, improving safety. And, and  
7 we stand together on there, you know, with you  
8 leading the press conference in the Bronx, also  
9 about, eh, eh, Speed Camera and other [inaudible]  
10 that you work and so beside what you already have  
11 done so far, what is the future of improving safety  
12 for cyclists that you see that we need to do still in  
13 our city?

14 COMMISSIONER TROTTENBERG: Yeah, and, and  
15 look, I honestly want, want to say about Sarah Pitts,  
16 a terrible tragedy and, and look, I'm gonna say  
17 we're, we're grieving about, um, this past Labor Day  
18 weekend. It was not a good weekend on our roadways,  
19 um, there were a lot of crashes, a lot of fatalities,  
20 several involving motorcycles, a couple involving  
21 cyclists, um, it seemed it was just a very bad  
22 combination. Nice weather, a lot of people out, you  
23 know, too my joyriding, in my opinion. You know,  
24 I've, I've talked about some of the things we tried  
25 to do this summer, even as at times our agency was,

1 was really trying to shut down. We've continued to  
2 expand the, the Speed Camera program. We hit the,  
3 you know, the state target of 750 schools. We now  
4 have over 1000 Speed Cameras around the city. And,  
5 you know, I think some of you know, we've reported  
6 the data. We've seen tremendous speeding this  
7 summer. It's been kind of one of the tragic side  
8 effects of COVID-19. And, by the way, it's not just  
9 New York. Cities all around the country are  
10 experiencing the same phenomenon. People kind of  
11 went into the lockdown and as they've taken back to  
12 the streets there's just been, unfortunately, a lot  
13 of reckless driving. In the case of motorcycles  
14 some, some reckless riding. So we're gonna continue  
15 to build on that Speed Camera program. We recently  
16 announced reducing speed limits on nine more  
17 arterials and, you know, the city is starting to talk  
18 about, you know, as we continue to build our bike  
19 network and Vision Zero projects what potentially are  
20 our, um, our next set of legislative initiatives  
21 might be on Vision Zero. I'm not gonna talk about  
22 those today 'cause I think we want to consult with  
23 you all, but, you know, we're gonna be, as the mayor  
24 has always said, looking at always what is the next  
25

1 level for Vision Zero and obviously, unfortunately,  
2 um, this past weekend has reminded us again that  
3 there's so much more we still need to do. We  
4 certainly grieve over Sarah Pitts and, and the other  
5 lives lost.  
6

7 CHAIRPERSON RODRIGUEZ: And, and what  
8 about, Commissioner, with, with, when it comes to the  
9 open street, eh, and the surrounding school area?  
10 Eh, what role is DOT playing, eh, eh, coordinating  
11 with DOE and other agency and City Hall? And, and  
12 why should we visualize will happen when the school  
13 is open, eh, in the city and how they will be using  
14 those additional resources? And I ask that question  
15 because, eh, I remember when my daughter, she was in  
16 kindergarten, the West Side Montessori School, you  
17 know, they were using the street, they took the kid  
18 to the hippo park and, you know, they used whatever  
19 resources around the neighborhood, and I think that  
20 when we talk about the use of streets in front of the  
21 surrounding school area, I think New Yorkers think  
22 about that there's gonna be chair and tables in  
23 those, in those location. And for me what I  
24 visualize is that teacher and principal they will be  
25 able to use those resources, to work with the student

1 outside, to do math, counting, how many cars,  
2 pattern, you know, like visiting the local small  
3 business. Here in places like in northern Manhattan  
4 we have, we are the second-largest green area, 550  
5 acres of land, the second one after central park when  
6 you look at High Bridge, Inwood, and Fort Tryon Park  
7 together. So I think that I definitely would like to  
8 see the day when teachers spend more time with the  
9 student outside the classroom. But I think that so  
10 far when parent think about how the city will be  
11 using the open street close to the school, I think  
12 that [inaudible] a chair and, and table will be  
13 outside there. What is the planning that is going on  
14 when it come to the use of open street in front of  
15 the school and what should parent expect will happen  
16 there?  
17

18 COMMISSIONER TROTTEBERG: It's, it's a  
19 good question, Mr. Chairman. I think it's a little  
20 bit of, um, all of the above. But, again, as I said  
21 in my testimony, I think, you know, when the mayor  
22 and chancellor announced the program and we decided  
23 to very much make it driven by local schools, at the  
24 principal's discretion, the principal working with  
25 their own teachers, their, their PTA, their parents,

1 their local community. And, you know, we created, I  
2 think a very wide-open application process,  
3 interagency, you know, mainly involving Department of  
4 Education, Parks Department, and then of course also,  
5 you know, NYPD and FDNY to make sure everything we  
6 were doing is safe. And I think we've gotten a, a  
7 variety of approaches, some of them very creative.  
8 Um, so far over 800 schools, I think as I mentioned,  
9 over 800 schools have applied, a bunch are using park  
10 spaces, about 160 are using streets, although I think  
11 we, we certainly expect that number to grow. And,  
12 you know, I think, like so many things that have  
13 happened during this pandemic, um, you know, I think  
14 the teachers and the principals are going to get more  
15 and more creative as the program unfolds. I think  
16 we've had a very good partnership with DOE, really  
17 gotten to work closely with, um, ah, Deputy  
18 Chancellor Goldmark and the, you know, the Office of  
19 Pupil Transportation and, and my Office of Student  
20 Safety, run by Nina Hayman, so a good working  
21 partnership, interagency collaboration which, again,  
22 I think has been the key for a lot of the successful  
23 things we've done this summer and, you know, I think  
24 we'll take from you all as this program unfolds as  
25

1  
2 the school year gets underway, I think there's gonna  
3 be some trial and error, but let's learn from what  
4 works and we will do our part to try and encourage  
5 and disseminate the best practices everywhere we can.

6 CHAIRPERSON RODRIGUEZ: OK. Will, will  
7 those miles of street being closed in front of a  
8 school will be also counted as part of the 33 mile  
9 short that we are to complete the 100 miles?

10 COMMISSIONER TROTTEBERG: Um, ah, that's  
11 a good question. I, I don't know whether we're going  
12 to count them. We probably should. Thank you.

13 CHAIRPERSON RODRIGUEZ: OK, and, and,  
14 and, again, like you know, I, eh, I just hope that we  
15 can, my question is gonna be, you know, what is our  
16 plan to, eh, to gather all the additional [inaudible]  
17 miles that we short to and, and, and I get what you  
18 say, that there's a different, you know, way of how  
19 people feel about, you know, dedicating a street to  
20 pedestrian and cyclist and to use by local restaurant  
21 but, I, I just hope that we can continue planning to  
22 get that goal of getting to the 100 miles and, as you  
23 know, we still have some proposal that we are waiting  
24 for in northern Manhattan. I know that, as you say,  
25 that there is other that, eh, we have opposition. I

1  
2 hope that we can follow with you and your team to see  
3 where there is potential to go and close those 33  
4 additional miles to accomplish our goal.

5 COMMISSIONER TROTTENBERG: We, we  
6 certainly welcome the council's partnership on that.

7 CHAIRPERSON RODRIGUEZ: OK. And my last  
8 question is about mopeds. And, as you know, we  
9 cannot leave this hearing about the use of street and  
10 as everyone know we, I appreciate the expansion of  
11 City Bike and, and, and electrical bike and mopeds  
12 and I've been a big supporter. However, as you know,  
13 as I supported all the new innovation in  
14 transportation, the safety of pedestrian, especially  
15 senior citizen, for me is important. So, eh, eh, and  
16 as I have shared with you there is a bill that I  
17 already have introduced, I hope to work with you and  
18 your team to look at this bill, and the bill, as, as  
19 you know, for the purpose of everyone in this  
20 audience and whole New Yorkers is intended to do is  
21 to put more clarity of what should be required, not  
22 only by from Rebel but to any moped [inaudible], eh,  
23 private entity that would like to business in our  
24 street. So how things going with, with Rebel after  
25 they are back in business and, and, and how do you

1  
2 feel? Have you had the time to look at the build and  
3 will you be open to continue conversation to see how  
4 we also move that legislation?

5           COMMISSIONER TROTTEBERG: Right, so, um,  
6 thank you for the question. Rebel has been back on  
7 the streets for about two weeks and so far, honestly,  
8 I'd, I'd say the report's a little mixed. I think  
9 we're still seeing, you know, cases, particularly I'm  
10 getting some pictures of people not wearing helmets.  
11 I'm actually hoping, as I said earlier today, to be  
12 visiting with the Rebel leadership on Friday. Um,  
13 you know, we are also, as I said, we are, you know,  
14 getting the rule-making process under way, which I  
15 know, Mr. Chairman, is something your bill addresses  
16 and, of course, always happy to work with you on  
17 that. Um, you know, we do want to make sure we can  
18 that operation, ah, as safe as we can. But I will  
19 also say it, I know, I've heard from some of you, ah,  
20 you know, here today, some of you have big concerns  
21 about the safety of Rebel, but I've, I've heard from  
22 many on the council saying we love Rebel, you have to  
23 reopen them, we think they're an important piece of,  
24 of mobility, particularly at a time when we're trying  
25 to discourage auto usage. So we're trying to balance

1  
2 all those competing interests and, and part of the  
3 rule-making process, and it maybe would be something  
4 in their legislation, so I was making sure that we  
5 get public input, that we hear from all the voices,  
6 and we craft this out of regulations which are really  
7 gonna work, ah, if we're gonna have these mopeds on  
8 city streets.

9           CHAIRPERSON RODRIGUEZ: Yeah. Eh,  
10 definitely, you know, we, from the beginning we  
11 appreciated what they did it when they provided free  
12 services, eh, during the coronavirus, especially to  
13 essential workers in uptown, eh, however, there's  
14 always a, a lot of concern and, and I'm pretty sure  
15 that if I'm talking right now the constituency on  
16 northern Manhattan, where they expanded big time,  
17 they also will share a lot of concern beside what I  
18 can say, which are related to safety. So what I  
19 hope, again, is that we can address. I think that,  
20 you know, the, eh, eh, electrical bike, mopeds are  
21 important. However, as someone that have a, a  
22 license to drive a car I cannot drive a motor, a  
23 motorcycle unless I get a particular license for the  
24 motorcycle. And so one who get in the moped is as  
25 similar to use as a motorcycle. So I think that, you

1 know, being sure that, eh, safety measure are taking  
2 care should be something that I'm pretty sure that,  
3 eh, eh, Rebel or whoever else would like to bring  
4 them up into the city, they need to address. So I, I  
5 just hope that we can, again, talk about the bill and  
6 see how we can, as we have done before, you know, be  
7 able to look at, at, at a potential to bring  
8 legislation not only to Rebel but all the mopeds, eh,  
9 eh, services.

11 COMMISSIONER TROTTEBERG: Look, look  
12 forward to that discussion.

13 CHAIRPERSON RODRIGUEZ: OK. With the  
14 City Bike, and which is my last question, eh, by the  
15 way, we have a, a Inwood tour on the 20 with City  
16 Bike that I also would like to follow with your team,  
17 eh, eh, if that date work for you, great. I know  
18 that you have done it, we have done it before in  
19 Brooklyn and the Bronx, eh, eh, but I would like to  
20 follow to see and, I'm sorry, it's on the 19, but if  
21 that date doesn't work I'm more than happy to follow  
22 with your team.

23 COMMISSIONER TROTTEBERG: OK.

24 CHAIRPERSON RODRIGUEZ: Just to see how  
25 we can, you know, tour together. We see City Bike,

1  
2 up to Amsterdam and 179, eh, eh, I hope to see them  
3 coming very soon to Inwood, eh, because, as everyone  
4 said that, you know, the expansion of City Bike is so  
5 critical, especially in disadvantaged community that  
6 they had transportation deserts. So it's more, more  
7 than question. It's like hoping that we continue  
8 working with you and City Bike to expand their  
9 services here.

10 COMMISSIONER TROTTEBERG: And, and, I  
11 know, I'm sorry, we talked about that ride earlier  
12 this summer. I definitely want to get it scheduled.

13 CHAIRPERSON RODRIGUEZ: Great. Thank  
14 you. I see that Council Member Cohen has another  
15 question, so, Council Member Cohen if you got a  
16 question we give you your time for [inaudible] and  
17 then, eh, we will move to the next panel.

18 COUNCIL MEMBER COHEN: I'll, I'll be  
19 very, very brief, Chair. I appreciate it. Ah,  
20 Commissioner, it's just a follow-up to the Chair's  
21 question about, ah, the street closings around the  
22 precincts. Ah, do you know what the jurisdictional  
23 basis is for that? Who has the jurisdiction to close  
24 those streets?

1  
2                   COMMISSIONER TROTTENBERG: I mean, you  
3 know, I, I know there's a sort of this discussion  
4 that technically, you know, NYPD is supposed to apply  
5 to DOT. I don't, I don't know operationally that  
6 that's sort of particularly what happens. Obviously  
7 I think when PD thinks they have sort of a security  
8 situation on their hands they act quickly. But, as I  
9 said, I have been in communication with, you know,  
10 NYPD chief of operations, ah, Chief Fausto Pichardo.  
11 You know, knowing the concern, we've been hearing  
12 about the closures around the precincts and you know,  
13 he and I are gonna work together, you know, please  
14 come to either of us with particular concerns. You  
15 know, we've agreed, we, we share the desire to try  
16 and, wherever possible, minimize street closures.  
17 But, you know, I think if PD sees a safety and  
18 security issue, you know, I'm not really gonna be  
19 able to tell them, you know, stop and get permission  
20 from DOT. They're sort of gonna take action if they  
21 think they need to. That said, they shouldn't leave  
22 the streets closed for, for weeks on end. I think  
23 everyone agrees with that.

24                   COUNCIL MEMBER COHEN: Yeah, I mean, make  
25 it come due the day after and say yesterday we needed

1  
2 to close the street for an emergency situation, but  
3 I, I think that the process should be formalized, um,  
4 I think it's important that DOT retain ultimate  
5 jurisdiction over the accessibility of our streets.

6 COMMISSIONER TROTTEBERG: Well, I, I  
7 think, ah, happy to have more discussion about that.

8 COUNCIL MEMBER COHEN: Thank you, Chair.  
9 Thank you, Commissioner.

10 COMMITTEE COUNSEL: If there are no  
11 further questions for Commissioner Trottenberg, are  
12 there any further questions from council members?  
13 Seeing none, I will now call on Audrey Perlmutter,  
14 the chair of [inaudible].

15 CHAIRPERSON RODRIGUEZ: Elliott, if you  
16 don't mind, before the commissioner leave I also  
17 would like to, you know, end the highlighting how  
18 this area look like and thank [inaudible], eh, eh,  
19 everyone that work with this particular area, this  
20 [inaudible] is, I think that the first one that they  
21 also did apply with a new, eh, regulation that the  
22 city established to have a use of the street with  
23 social distance, but also to serve those individual  
24 that would like to enjoy a nice dinner here in  
25

1  
2 Dyckman between Seaman and Broadway, so, thank you,  
3 Commissioner.

4 COMMISSIONER TROTTEBERG: It, it looks  
5 beautiful, and after I...

6 CHAIRPERSON RODRIGUEZ: And they're gonna  
7 be...

8 COMMISSIONER TROTTEBERG: [inaudible]  
9 have dinner.

10 CHAIRPERSON RODRIGUEZ: And they're gonna  
11 be applying for, for a permanent plaza [inaudible].

12 COMMISSIONER TROTTEBERG: Understood.

13 ASSISTANT COMMISSIONER ZACK: I don't  
14 want a moment to go by without just giving a shout-  
15 out to Sean Quinn and Stephanie Levinsky, who are on  
16 this Zoom, too. They did a tremendous amount of work  
17 and their teams for Dyckman. So, um, thank you.

18 COMMISSIONER TROTTEBERG: Thank you,  
19 Rebecca.

20 CHAIRPERSON RODRIGUEZ: Thank you.

21 COMMISSIONER TROTTEBERG: It's an  
22 excellent point, yes. It took a lot of fantastic  
23 work from [inaudible], but obviously we're very  
24 pleased with the result.  
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CHAIRPERSON RODRIGUEZ: And the NYPD also, they deserve to be thanked because also as we say, I know everyone know, I've been, I will always be involved in civil disobedience, I will always be marching in peaceful protests, but I always say that everything is local and we also have a precinct here in northern Manhattan that they also have been very helpful, working with the local small businesses here to be sure that any issue of safety is addressed together. So, thank you, too.

COMMITTEE COUNSEL: Thank you, um, if no further questions for the commissioner we'll now call on Margery Perlmutter, the chair of the Board of Standards and Appeals. Chair Perlmutter, I will read the affirmation and then ask you to confirm your response aloud for the record. Please raise your right hand. Do you affirm to tell the truth, the whole truth, and nothing but the truth before this committee and to respond honestly to council member questions?

CHAIR PERLMUTTER: I do.

COMMITTEE COUNSEL: Thank you. You may begin when ready.

1  
2 CHAIR PERLMUTTER: Good afternoon, ah,  
3 Chairperson Rodriguez and members of the Committee on  
4 Transportation and other, others listening in. Ah, I  
5 just want to throw in that I'm a great fan of the  
6 Open Restaurants and Open Streets Program and I want  
7 to take this chance to just thank the council members  
8 who participated in it and, of course, Commissioner  
9 Trottenberg for the excellent work on the program.  
10 Um, I am, as was stated, the chair of the New York  
11 City Board of Standards and Appeals. And I present  
12 the following, um, BSA testimony in support of  
13 Introduction, Intro 2051-2020 and 2052-2020,  
14 concerning the regulation of private streets in  
15 Staten Island. Um, the testimony that follows is  
16 actually an excerpt and a direct quote from a BSA  
17 resolution on a case in Staten Island that was  
18 decided on February 25, 2020. Um, it concerned an  
19 application for a waiver under New York State General  
20 City Law, Section 36, which proposed a development on  
21 privately owned unmapped streets and the role of the  
22 homeowners' associations in constructing and  
23 maintaining such streets and related utilities and  
24 services, so this is the quote, "In recent years the  
25 board conducted site visits to developments on

1 unmapped streets and heard considerable testimony  
2 that these safeguards, um, safeguards from  
3 homeowners' associations, have proven inadequate.  
4 The office of the Staten Island borough president  
5 submitted an extensive amount of testimony,  
6 highlighting the issues concomitant with these  
7 developments as a myriad of such exist within its  
8 borough. Over the last several years the board has  
9 learned that problems arise because builders  
10 frequently abscond after sell-out of the development  
11 to new homeowners. Homeowners are not properly  
12 notified of their obligations under the homeowners'  
13 association agreement or aware that their properties  
14 are subject to the BSA's restrictions. Homeowners'  
15 associations have gone unfounded and unfunded.  
16 Ownership of the private roadways has gone unrecorded  
17 and chain of title has been lost. Access easements  
18 have never been granted. Parking restrictions have  
19 gone unenforced. Snow has gone unplowed. Trash has  
20 gone uncollected. Fire hydrants have gone  
21 uninspected. Damaged roadways have gone unrepaired,  
22 sidewalks unbuilt, and street lighting never  
23 installed. Emergency vehicles have been delayed by  
24 inconsistent house numbering, noncontinuous and  
25

1  
2 sometimes unidentified streets, and double or triple  
3 parking, blocking access. And homeowners and  
4 neighborhoods have been left with infrastructure in a  
5 state of disrepair and unplanned, unmapped roads that  
6 do not relate to or tie into existing roadway  
7 networks." And the submitted testimony actually has  
8 the link to that, um, that resolution available if  
9 you're interested in it. So the, the BSA believes  
10 that the proposed legislation will go a long way in  
11 preventing the above-described mismanagement of  
12 private roadways and permit the appropriate city  
13 agencies to regulate and enforce their proper  
14 management. The BSA is available to answer any  
15 questions you might have concerning Intros 2051-2020  
16 and 2052-2020, and I thank you for your time and for  
17 the opportunity to present the above testimony to the  
18 committee. And if I have another second I just  
19 wanted to correct, um, a little bit of, um,  
20 incorrect, um, responses about the DOT's role in, um,  
21 with respect to the GCL36 waivers. Um, the first is  
22 that the BSA is not a mapping agency. We are not  
23 involved in mapping at all. Ah, the second is that  
24 when there is an application for a GCL36 waiver we do  
25 reach out to the Department of Transportation for

1  
2 their advice, ah, and we do that with many, many  
3 other kinds of applications and the DOT has been  
4 fantastically helpful with those other types of  
5 applications where they have jurisdiction. Um, their  
6 staff is incredibly professional and skilled, and  
7 extremely well focused and, um, and, and we rely very  
8 much on their opinions. However, um, we are advised  
9 with respect to these unmapped streets that since DOT  
10 has no jurisdiction over them, ah, DOT will not  
11 review the unmapped portion of the application. They  
12 only review the portion where the unmapped street  
13 hits the mapped or CCO street and that's where  
14 because the builder's pavement is required by the  
15 Department of Buildings and so that's the only piece  
16 that they'll review. Other than that, everything  
17 else goes unreviewed by DOT. Um, that's my  
18 testimony, if you have any questions.

19 COMMITTEE COUNSEL: Are there any council  
20 members with questions for, ah, Chair Perlmutter?  
21 Ah, seeing none, ah, unless Chair Rodriguez would  
22 like to add anything we will turn to public  
23 testimony. OK. Thank you, Chair. Ah, we'll now  
24 turn to public testimony. Um, I'd like to remind  
25 everyone that unlike our council, our typical council

1  
2 hearings, we will be calling individuals one by one  
3 to testify. Um, council members who have questions  
4 for particular panelists should use the raise hand  
5 function in Zoom and then I will call on you after  
6 the panelist has completed their testimony. Um,  
7 first up we will hear from Robert Englert from the  
8 Staten Island borough president's office, followed by  
9 Amy Chong and Stephanie Mansfield. Robert Englert.

10 SERGEANT AT ARMS: Time begins now.

11 ROBERT ENGLERT: Good morning, Chair  
12 Rodriguez and members of the Transportation  
13 Committee. My name is Bob Englert. I am the  
14 director of land use planning and infrastructure of  
15 the Staten Island borough president, James Oddo. I  
16 will be presenting the borough president's testimony.  
17 Thank you for the opportunity to testify in support  
18 of Intros 2051 and 2052. But, please, allow me a  
19 moment to express my gratitude for the chance to come  
20 home, virtually at least. I was a proud part of this  
21 institution for more than two decades, first as a  
22 staffer, then as a council member. It was fitting,  
23 then, that the first time I am testifying here is in  
24 support of legislation that reflects the  
25 quintessential role of the council, the people's

1 house, addressing a unique local issue, made even  
2 more urgent by the city's agencies' refusals to act.  
3 How appropriate is it that the solution to a long-  
4 standing Staten Island issue, one that eluded then  
5 council members Mike McMann, Andrew Lanza, and me in  
6 2003 will now be resolved by this City Council in the  
7 year 2020. Today we seek your help in formalizing  
8 the long-overdue termination of one of the worst  
9 vestiges of wild, wild west era of irrational  
10 development and profiteering by developers. This  
11 legislation can be explained simply and directly in  
12 one sentence. Private streets must be mapped. It's  
13 simple as that. We do, we, why do we want that? So  
14 that community members and local council members may  
15 offer their input and to ensure that city agencies  
16 will answer, will be able to answer to the people and  
17 compelled to do a much more comprehensive review and  
18 in-depth analysis before construction is permitted on  
19 these private roads. For 20 years we have sought to  
20 change this land use process. Developers aided  
21 intentionally or inadvertently by city agencies have  
22 benefitted from the public's lack of understanding of  
23 the mechanics of the private road process and thus  
24  
25

1  
2 unable to coalesce into a cohesive group demanding  
3 specific changes. And so our constituents...

4 SERGEANT AT ARMS: Time expired.

5 ROBERT ENGLERT: And so our constituents,  
6 ignorant of the specific impact of private roads have  
7 found themselves consistently frustrated and angered  
8 by the end results - houses that are more expensive  
9 to maintain, negative quality of life issues for the  
10 community, and simply downright awful housing  
11 developments. They negatively impact existing  
12 communities and create unexpected and expensive  
13 headaches for those unsuspecting homeowners who  
14 bought into these new developments. You mean the  
15 city won't pave or plow our street? Worse still for  
16 Staten Island is that they have been allowed to  
17 continue, despite our efforts, because decision-  
18 makers and agencies and in other off-island parts of  
19 government embrace the status quo so detrimental to  
20 our borough simply by shrugging their shoulders and  
21 saying it's what we've always done. The legislation  
22 Staten Island Borough Hall has drafted in  
23 consultation with Councilman Matteo and Council  
24 Speaker Corey Johnson's team empowers city agencies,  
25 but it also demands more and better efforts from them

1  
2 aimed at benefitting the public. I would like to  
3 thank Minority Leader Steven Matteo and his chief of  
4 staff, David Carr, and acknowledge the efforts of the  
5 speaker, the speaker's staff, including Jason  
6 Goldman, Raju Mann, Angelina Martinez Rubio, Julie  
7 Lubin, Mark Chen, John Douglas, and Michael  
8 Whitesides. Thank you.

9 COMMITTEE COUNSEL: Thank you. Do any  
10 council members have a question for this panelist?  
11 OK, seeing none, ah, next we will hear from, ah,  
12 Stephanie Mansfield, ah, who will be followed by, ah,  
13 Rachel Jones and Marco Conner DiAquoi. Stephanie.

14 SERGEANT AT ARMS: Time begins now.

15 COMMITTEE COUNSEL: Is Stephanie  
16 available? OK, if we are having difficulty with  
17 Stephanie we can, ah, move ahead to Rachel Jones and  
18 circle back to Stephanie.

19 SERGEANT AT ARMS: Once again, time  
20 begins. Quiet.

21 COMMITTEE COUNSEL: Go ahead, Rachel.

22 RACHEL JONES: Good afternoon, um, City  
23 Council members and the transportation committee  
24 members. My name is Rachel Jones and I'm a member of  
25 Families for Safe Streets. We confront the epidemic

1 of traffic violence through advocacy and support. We  
2 are not a group that wants new members, but  
3 unfortunately we keep growing. As was mentioned  
4 earlier, just two days ago Sarah Pitts was killed  
5 while riding her bike in Brooklyn. Sarah was just  
6 like all of you, a city employee. She was an  
7 assistant district attorney in the Kings County  
8 prosecutor's office. District Attorney Eric Gonzalez  
9 said she was a brilliant and compassionate lawyer  
10 dedicated to seeking justice. We are overwhelmed by  
11 this sudden loss. Sarah was riding her bike when she  
12 was hit by the driver of a bus. She was rushed to  
13 Bellevue Hospital with severe head trauma, but she  
14 could not be saved. She was only 35. My spouse,  
15 Christine, was also a passionate, ah, a brilliant and  
16 compassionate lawyer like Sarah. Christine worked at  
17 the Schiller Foundation, the Innocence Project, and  
18 Amnesty International during her brief career. She  
19 was on her way to get grocery store near our house  
20 when she was, um, struck by a reckless truck driver.  
21 She was in the crosswalk with the light. She didn't  
22 die, but she suffered severe head trauma. She was  
23 only 41 years old when this happened. Thirteen years  
24 later she still grieves every day for her old pre-

1  
2 crash life. She still has many health complications  
3 from the crash and she isn't able to do the work that  
4 was her life's passion. Still, she is luckier than  
5 Sarah. Let that sink in. New York is at an urgent  
6 moment. We need more people biking, walking, taking  
7 public transportation. We do not need more people  
8 driving. But due to a lack of leadership from the  
9 mayor's office and from DOT New York is moving  
10 backwards, not forwards. Injuries like my wife's and  
11 fatalities like Sarah's are on the rise. It is time  
12 for the mayor and the council.

13 SERGEANT AT ARMS: Time expired.

14 RACHEL JONES: ...and the DOT to honor the  
15 many promises they have made to Families for Safe  
16 Streets and all the many other passionate street  
17 safety fighters who stand with us. Vision Zero is  
18 not just a slogan to us. We need all of you to take  
19 Vision Zero seriously. Otherwise, New York will  
20 continue to lose Sarahs and Christines. Please do  
21 not let that happen. Thank you.

22 COMMITTEE COUNSEL: Thank you. Are there  
23 any questions for this panelist? Seeing none, we  
24 will next hear from Marco Conner DiAquoi. Marco?

25 SERGEANT AT ARMS: Time starts now.

1  
2 MARCO CONNER DIAQUOI: Yes, good  
3 afternoon. My name is Marco Conner DiAquoi. I am  
4 deputy director with Transportation Alternatives, and  
5 thank you, ah, Chair Rodriguez for convening this  
6 important hearing, and thank you very much for your  
7 leadership. Although New York City desperately needs  
8 a paradigm shift for how our streets are designed and  
9 used, we commend Commissioner Trottenberg and her  
10 staff for their work to advance critical projects  
11 during very challenging times, including open  
12 streets, restaurant seating, and lifesaving speed  
13 safety cameras. Um, but please do not believe the  
14 hype that we can't have nice things in New York City  
15 because of this pandemic. From our city  
16 administration's and from too many of our elected  
17 officials there was another excuse yesterday and  
18 another excuse before that. Ah, this is the  
19 wealthiest city in the richest country on earth.  
20 Recovering from this pandemic requires us to  
21 reimagine our city, especially our streets, for the  
22 better, not for the status quo or even for the worse  
23 with [inaudible] looming if inaction remains the  
24 guiding principle. Without decisive action we may  
25 lose New York City's future to prolonged congestion,

1 pollution, inequality, and traffic violence.

2 However, the uplifting part of what we are  
3 experiencing right now is that the solutions are at  
4 our fingertips. What we need is political courage  
5 and vision. First, do not believe the hype that open  
6 streets, bus lanes, and bike lanes cause traffic or  
7 that they're bad for business. The truth is the  
8 exact opposite. After 14th Street in Manhattan, for  
9 example, was made into a bus way we saw improved  
10 travel times with 30% decrease in travel times,  
11 increased ridership, and traffic did not worsen on  
12 adjacent streets. Retail sales for businesses along  
13 Fulton Street [inaudible] Brooklyn...

14  
15 SERGEANT AT ARMS: Time expired.

16 MARCO CONNER DIAQUOI: ...[inaudible] of  
17 Times Square, um, saw significantly increased retail  
18 sales. Um, and protected bike lanes, open streets,  
19 and more space for pedestrians save lives and they're  
20 good for businesses. Please do not believe  
21 otherwise. Um, in addition, by investigate in safe  
22 and equitable streets, the city's strained budget  
23 will benefit from less spending on NYPD and emergency  
24 crash responses, medical and public health expenses,  
25 and lost wages, and lost economic activity for the

1  
2 city, ah, and crash victims. What we need is  
3 political courage and will, ah, to get this done for  
4 the city for improved protected bike lanes, bus  
5 lanes, bus ways and permanent expanded open streets.  
6 Thank you.

7 COMMITTEE COUNSEL: Thank you. Are there  
8 any questions for this panelist? Seeing none, we  
9 will next circle back to hear from, ah, Stephanie  
10 Mansfield. Is Stephanie available?

11 SERGEANT AT ARMS: And time starts now.

12 COMMITTEE COUNSEL: Stephanie, do we have  
13 you? OK, I think we're gonna skip Stephanie again  
14 and, and try and come back at the end. Ah, next we  
15 will hear from Rose Uscianowski. Rose? Is Rose  
16 available? OK, um, I think next we will hear from  
17 Christine Berthet.

18 ROSE USCIANOWSKI: Um, hi, sorry, Rose  
19 here. Um, I think I was on mute before?

20 COMMITTEE COUNSEL: Hi.

21 SERGEANT AT ARMS: Time starts now.

22 ROSE USCIANOWSKI: OK, I think we got  
23 that. Um, first of all I'd like to thank Council  
24 Member Rodriguez and the rest of the Transportation  
25 Committee, um, for holding this oversight hearing

1 today. As the Staten Island organizer for  
2 Transportation Alternatives I was both hopeful and  
3 excited when New York City's Open Streets Program was  
4 originally announced. Eager to make the most of the  
5 opportunity [inaudible] for Staten Island, while I  
6 appreciate the Open Streets Program and its  
7 potentials, it's become increasingly clear to me that  
8 implementation has limited what open streets can  
9 achieve for Staten Island and the rest of New York  
10 City. The biggest limiting factor I've seen by far  
11 is reliance the Department of Transportation has  
12 place on community partners in facilitating open  
13 streets. Leaving the facilitation of open streets to  
14 community partners not only shifts a government  
15 responsibility onto the hands of private individuals,  
16 but it also creates clear inequities in the success  
17 of various open streets. Under this model open  
18 streets that are located in wealthier neighborhoods  
19 that have the most resources to bring tend to benefit  
20 most from this program while open streets in less-  
21 privileged neighborhoods are supposed by the local  
22 police precincts, they are more often left to either  
23 flounder or simply disappear. I visited such open  
24 streets where the barriers were long since and nobody  
25

1  
2 from the local police precinct seemed aware that open  
3 street, that the open street was supposed to be their  
4 responsibility in the first place. Another major  
5 inequity troubling me is the disparity in where open  
6 streets are located. Of the dozens of miles of open  
7 streets that I...

8 SERGEANT AT ARMS: Time expired.

9 ROSE USCIANOWSKI: ...that have been  
10 opened throughout New York City barely two miles of  
11 those streets are located in Staten Island, and  
12 that's including those that are filled with traffic  
13 due to a lack of maintenance. In addition, we've  
14 received no temporary bike infrastructure of any  
15 kind. This inequality leads Staten Islanders at the  
16 bottom end of a program that could benefit New York  
17 City greatly. Um, since Staten Island is already  
18 known as the forgotten borough, this simply  
19 contributes to a sense that we've been forgotten by  
20 the city and that we don't matter. Um, so I would  
21 love to see these inequities addressed by the  
22 Department of Transportation. I'd love to see all  
23 open streets treated equally and get equal amounts,  
24 you know, benefit the community equally. I'd also  
25 love to see equity in where these streets are located

1  
2 so that the Open Streets Program is truly a five-  
3 borough program that benefits all Staten Islanders  
4 and all boroughs.

5 COMMITTEE COUNSEL: Ah, thank you. Are  
6 there any questions for this panelist? Seeing none,  
7 we will next hear from Christine Berthet.

8 SERGEANT AT ARMS: Time starts now.

9 CHRISTINE BERTHET: So my name is  
10 Christine Berthet and I'm the founder of Chekped, a  
11 pedestrian rights organization. Our community on the  
12 west side of Manhattan asked for open street in order  
13 to provide distancing for pedestrian and a front yard  
14 for residents. We also wanted to save our vibrant  
15 community, restaurant community. The programs that  
16 DOT announced was consistent with our expectation.  
17 DOT designed and announced the program in two weeks,  
18 an extraordinary performance in our COVID prime time.  
19 Of the 20 request for open street in our district  
20 eventually 10 were approved. The vast majority of  
21 restaurant took advantage of, of the open dining. So  
22 what right? Well, community group could choose to  
23 participate or not. The application form was simple.  
24 When there was a BID or highly committed block  
25 association or restaurant owners, the open street was

1 a success. What were the obstacles? NYPD stopped  
2 operating the barricade due to higher priority. Ah,  
3 the barricades were of very poor quality and drivers  
4 broke them too easily. Watching the barricades turn  
5 out to be too much of [inaudible] for many block  
6 association. Some bars used the open street as a  
7 party space and many underserved communities were not  
8 even aware of the program. For opening dining the  
9 sidewalks are excessively crowded. How to make it  
10 better? Provide much sturdier barricades, water  
11 filled, that cannot be moved. Provide official  
12 signage. Hold NYPD to their commitments. And enroll  
13 the council member and borough president to spread  
14 the word to all community and sponsor civic  
15 association. For opening dining, the dining should  
16 be on the parking lane or on the sidewalk, but not on  
17 both. These are terrific programs. We just need to  
18 improve on it and make them available permanently to  
19 all and especially those who deserve it the most.

21 SERGEANT AT ARMS: Time expired.

22 CHRISTINE BERTHET: Thank you.

23 COMMITTEE COUNSEL: Thank you. Are there  
24 any questions for this panelist? Seeing none, we  
25 will hear next from Patrick McClellan. Patrick?

1                   SERGEANT AT ARMS: Time starts now.

2                   PATRICK MCCLELLAN: Thank you. My name  
3 is Pat McClellan. I'm the director of policy for the  
4 New York League of Conservation Voters. I want to  
5 thank Chair Rodriguez and, ah, members of the council  
6 for the opportunity to testify today. So the Open  
7 Streets Program since it started has had widespread  
8 use and enthusiasm for New Yorkers. We think it's  
9 been an unqualified success. Um, but there have been  
10 some shortcomings that we think can be improved in  
11 the future, so we're grateful for the opportunity  
12 today to make some of those suggestions. Ah, the  
13 first issue is transparency from the mayoral  
14 administration on this, um, both how streets are  
15 selected in the first place and how decisions are  
16 made about closing down streets, um, that, ah, for  
17 whatever reason City Hall decides are not successful,  
18 ah, there really needs to be a transparent process  
19 here so that communities can play more of a role and  
20 evaluate the program more fully. And second, the  
21 Open Streets Program would function better as a  
22 connected network of roads, ah, that are closed to  
23 through traffic rather than as isolated and sometimes  
24 short, ah, sections. You know, the point of the  
25

1  
2 program in our view is not to provide a small number  
3 of isolated blocks to give people room to breathe,  
4 but to create, ah, a networked corridor for walking,  
5 biking, and safe socializing. Ah, third, as others  
6 have mentioned, too many of the open streets are  
7 disregarded by drivers. Um, at times we've seen  
8 wooden sawhorses destroyed, ah, and essentially  
9 vigilante action from some reckless drivers to return  
10 open streets to cars. We don't think that police  
11 enforcement is necessary for this program to be  
12 successful, but, ah, we do think that the city can  
13 provide communities with sturdier barriers to protect  
14 families and deter reckless drivers. And then fourth  
15 and most important by far, the Open Streets Program  
16 is not equitable. Um, in its early days the program  
17 disproportionately benefitted wealthier and whiter  
18 neighborhoods and the city has made commendable  
19 process on making the program more equitable since  
20 April. Um, but, you know, parks, open space, and  
21 safe infrastructure for pedestrians and cyclists  
22 aren't equitably distributed across the city, ah, and  
23 neither are the impacts of COVID-19.

24 SERGEANT AT ARMS: Time expired.

1  
2                   PATRICK MCCLELLAN: So a truly equitable  
3 Open Streets Program needs to prioritize and  
4 disproportionately benefit neighborhoods that have  
5 fewer parks, less open space, and have been impacted  
6 harder by COVID-19. Um, and finally I just want to  
7 mention, ah, that, again, I think others have noted,  
8 there's been a boom in bike sales and cycling during  
9 the pandemic. We certainly hope and expect that that  
10 will be a permanent shift even after all of this is  
11 over. And the city needs to have a plan in place to  
12 make biking safe for all of those new cyclists, and  
13 we can't wait until the bike master plan, which is  
14 still more than a year. So we hope that the city is  
15 working on a plan that is actionable, ah, with short-  
16 term results that can be communicated, ah, in short  
17 order. Um, thank you very much.

18                   COMMITTEE COUNSEL: Thank you. Are there  
19 any questions for this panelist? Seeing none, we  
20 will next hear from Regina Fojas.

21                   SERGEANT AT ARMS: Time starts now.

22                   REGINA FOJAS: My name is Regina Fojas  
23 and I'm the director of external affairs at the Times  
24 Square Alliance, speaking on behalf of our president,  
25 Tim Tompkins. The alliance would like to thank the

1 speaker and Council Member Rivera for their  
2 leadership on open streets and Council Member Reynoso  
3 for championing outdoor dining. We also want to  
4 thank Chair Rodriguez for his continued leadership in  
5 creating new transportation paradigms and improving  
6 Times Square's public space. The Open Streets  
7 Program has been vital, considering the pandemic's  
8 impact on Times Square. Our average pedestrian  
9 counts initially plummeted by more than 90% from 2019  
10 and in July 55% of our restaurants remained closed.  
11 The Open Streets Program brought back some vibrancy  
12 to Times Square by allowing New Yorkers and visitors  
13 to explore the neighborhood in a socially distanced  
14 manner and by giving our restaurants a lifeline  
15 through the Open Restaurants Program. Today our  
16 [inaudible] production counts are down 73% and 50% o  
17 of our restaurants have reopened. There's so much  
18 work to be done, but the Open Streets Program has  
19 encouraged the city to rethink public space and make  
20 a leap towards economic recovery. While we know  
21 there are challenges, we want to thank DOT for a  
22 tremendous job working flexibly with [inaudible] to  
23 make the Open Streets and Open Restaurants Programs  
24 happen. We urge the city to build upon a foundation  
25

1  
2 that these programs have created. We're thrilled  
3 about the city's decision to bring back outdoor  
4 dining next summer and support the initiative to  
5 extend it past October 31. However, it shouldn't end  
6 here. We strongly believe that if we continue to use  
7 public space innovatively we'll build back a New York  
8 that's not only more resilient and better prepared  
9 for future pandemics, but also one that is safer and  
10 more exciting for visitors. This is the city's  
11 opportunity to work with organizations like the  
12 alliance to implement vibrant [inaudible] for outdoor  
13 public spaces across all five boroughs. These spaces  
14 must accommodate competing uses, such as pedestrian  
15 and cyclist movement, commercial activity...

16 SERGEANT AT ARMS: Time has expired.

17 REGINA FOJAS: [inaudible]. This will  
18 require thoughtful integrated management and we are  
19 eager to be a partner in that process through COVID-  
20 19 and beyond. Thank you.

21 COMMITTEE COUNSEL: Thank you. Are there  
22 any questions for this panelist? Seeing none, we  
23 will next hear from Dawn Sith. Dawn?

24 SERGEANT AT ARMS: Time starts now.  
25

1  
2           DAWN SITH: Hi everyone. Ah, thank you  
3 for this hearing. Thank you, Commissioner  
4 Trottenberg. We want to thank Carlina Rivera,  
5 Councilwoman Carlina Rivera, and, um, our Councilman  
6 in 25, Daniel Dromm, for the open streets and for  
7 advocating for our district. Um, we just want to say  
8 that, that, Zeke, come here, I'm calling my son over  
9 'cause I want to see if he'll read something that he  
10 read at a rally. We had a rally in our neighborhood.  
11 We have six public schools up and down 34th Avenue  
12 along our open streets and these public schools are  
13 starved for outdoor space. Every day when my  
14 children come home from school I would ask them if  
15 they were able to play outside and most of the days  
16 they would say no. So this is my son, Zeke Sith, and  
17 he's just gonna read something that he read at a  
18 rally. (Zeke speaking) Um, at my school I go  
19 outside once a week for 15 minutes. All we have to  
20 play with is jump ropes and hula hoops. On all other  
21 days we a movie, the same movie shorts, over and over  
22 again for a week like every day. 34th Avenue would  
23 make it more often, more fun, and upgrade another  
24 level. (Dawn speaking) So I just want to say to  
25 everybody that this is not only really important for

1  
2 our community, which was one of the hardest hit by  
3 COVID-19, um, and one of the communities that has the  
4 most narrow sidewalks and the least amount of park  
5 space, but also this is just imperative for the  
6 health of our children, um, and our schools. Our  
7 schools have been lobbying for more space. PS-212 in  
8 Queens, which is a packed elementary school, does not  
9 have an adjacent street that we can use for play  
10 space, ah, and our children really do not get to go  
11 outside enough. So we are urging open streets to be  
12 our open street, 34th Avenue, which is beloved in our  
13 community, to be extended up through Francisco Moya's  
14 district all the way to 114th Street, ah, so that our  
15 residents can have more space. We have more schools  
16 along that way, also to safely travel to Flushing  
17 Meadows, Corona Park, which is our nearest park  
18 space, and we're asking that you...

19 SERGEANT AT ARMS: Time's expired.

20 DAWN SITH: ...[inaudible] permanent.

21 Thank you.

22 COMMITTEE COUNSEL: Thank you. Are there  
23 any questions for this panelist? Seeing none, we  
24 will next call on Melody Bryant. Melody?

25 SERGEANT AT ARMS: Time starts now.

1  
2  
3           MELODY BRYANT: OK. I'm really moved by  
4 Dawn's testimony. Ah, my name is Melody Bryant and I  
5 thank the members of the Transportation Committee for  
6 taking my testimony. I live on a block I'm convinced  
7 is the noisiest in Manhattan, West 22nd between 7th  
8 and 8th. There's always a moving van, a contractor  
9 double parked, and aggravated drivers honking to get  
10 them out of the way so they can get to the top of the  
11 block. Open streets changed all that for my block.  
12 Initially the idea was for West 22nd to be open to  
13 pedestrians for social distance against COVID-19.  
14 Our sidewalks are narrow. We were dodging each  
15 other. Trash piled for collection and dog walkers.  
16 We needed more space. The neighborhood took to it  
17 instantly. The next thing I knew people were  
18 strolling in the street with their dogs, with grocery  
19 carts, walking hand in hand, after months cooped up  
20 in tiny apartments because of the virus. We really  
21 needed this. We still do. I thought there would be  
22 a lot of pushback from drivers. There's a garage on  
23 my street and there are still cars coming through.  
24 But they move slowly now and drivers nearly always  
25 close the barriers behind them. The drivers who do

1  
2 park on the block are relieved to have less through  
3 traffic. There are still many trucks on the street,  
4 but now the workmen can get their work done without  
5 hassle because the through traffic is virtually nil.  
6 When strangers see me moving the barriers they  
7 frequently thank me for the quiet we now have.  
8 Neighbors I've never met pitch in to keep the  
9 barriers closed throughout the day. But the best  
10 part, the best part are the new sounds you hear on  
11 West 22nd. The guy in his wheelchair with the  
12 speaker playing salsa, riding safely in the street,  
13 no longer having to navigate uneven pavement. The  
14 sounds of skateboards, scooters, and City Bike Bell  
15 Slip, or kids calling out their parents as they  
16 practice learning how to ride their bikes. They come  
17 from other blocks to do this and I have photos of all  
18 of it. It seems the city wants to cancel open  
19 streets at the end of October, but that makes no  
20 sense to me since we'll still have a pandemic and  
21 social distancing will still be needed. As winter  
22 drives us back indoors I'm hoping the deadline will  
23 be extended to the end of this pandemic. Having the  
24 streets open for walking has transformed West 22nd  
25 and we'd like to keep it. Thank you.

2 COMMITTEE COUNSEL: Thank you. Do we  
3 have any questions for this panelist? Seeing none,  
4 we will next hear from Nula Doherty. Nula?

5 SERGEANT AT ARMS: Time starts now.

6 COMMITTEE COUNSEL: Is Nula available?  
7 OK, ah, we can circle back to Nula. Um, next we  
8 will...

9 NULA DOHERTY: Hello, hello?

10 COMMITTEE COUNSEL: Oh.

11 NULA O'DOHERTY NARANJO: Can you hear me  
12 now?

13 COMMITTEE COUNSEL: Yeah, go ahead.

14 NULA DOHERTY: Sorry, I didn't realize I  
15 was muted. Um, so my is Nula O'Doherty Naranjo. Ah,  
16 I live here in Jackson Heights just a few blocks from  
17 Elmhurst Hospital, which [inaudible] epicenter  
18 [inaudible].

19 COMMITTEE COUNSEL: Nula, we're having  
20 difficulty hearing you.

21 NULA O'DOHERTY NARANJO: Opening up 34th  
22 Avenue has really saved our neighborhood. It's been  
23 a lifeline for so many families, whether it was  
24 learning to ride a bike or just taking a stroll or  
25 getting some exercise. Um, our open street on 34th

1 Avenue is all run by volunteers. Um, my son and I  
2 and many other volunteers open the street in the  
3 morning at 8:00 a.m. and we close the street at 8:00  
4 p.m. and let the cars back in. The key here is it's  
5 all volunteers and it's been great for our  
6 neighborhood of Jackson Heights. But it ends at 94th  
7 Street. Um, in our neighboring, ah, community of  
8 Corona has been excluded. And it just seems unfair,  
9 and you have to wonder why the more wealthy  
10 neighborhood of Jackson Heights is included, and yet  
11 the poorer neighborhood of Corona has been exclude  
12 from this Open Streets Program. We originally asked  
13 for 34th Avenue to run all the way from, ah, 69th  
14 Street to Hinton Park at the Grand Central Parkway,  
15 114th Street, and we urge the commissioner to  
16 continue it. It's been a great success and we'd love  
17 to see it continue all the way to Hinton Park at  
18 114th Street, and we ask that that be allowed so that  
19 Corona can get the same benefits we've had in Jackson  
20 Heights. So please make it permanent and continue it  
21 to 114th Street. Thank you.

23 COMMITTEE COUNSEL: Thank you. Are there  
24 any questions for this panelist? Seeing none, um, we  
25 will next hear from Stephanie Mansfield. Stephanie?

1  
2                   STEPHANIE MANSFIELD: Can you guys hear  
3 me now? I hope so. Yes, finally [laughs], sorry for  
4 the technical difficulties earlier. Um, hi, um, my  
5 name is Stephanie Mansfield and I am a domestic  
6 violence survivor. And I'm a single mom of three who  
7 are all under the age of 9. On March 28, 2019, two  
8 of my children were part of a car crash while  
9 crossing the street in the care of a daycare center.  
10 My son, Gene, well, I call him Jean, Jean Jacques as  
11 it's French, um, he was hit by a driver who whipped  
12 around the corner, neglecting to yield to a car as  
13 well as the children before him. My son, Andre, who  
14 was 4 at the time, was behind him and nearly hit as  
15 well. Nothing, and I mean nothing, could prepare a  
16 parent or anyone, um, for that call. I was helpless  
17 and yet I was one of the lucky ones. My son is able  
18 to go home. My son is able to play with his  
19 siblings. My son is able to do many things that are  
20 other children are not able to do at this time. Um,  
21 these are things that people tend to forget is  
22 trauma, the trauma that my son Andre endured to  
23 presume that his younger brother was dead when he saw  
24 his youngest brother get hit by that car, when he saw  
25 his younger brother lifeless on the street, when he

1 saw his not being explained what happened to his  
2 younger brother as he was trotted off back to the  
3 daycare. And I look and I say I wasn't able to get  
4 my son at that time. My youngest, the, my middle  
5 son, I wasn't able to get him. I went straight to  
6 the hospital. So it wasn't until someone from my  
7 family picked him up that he was made aware that his  
8 younger brother was not dead. So even though he was  
9 not hit, he was nearly hit, the PTSD affects him to  
10 this day. It's as real as if it happened yesterday.  
11 And I am blessed that both...

12  
13 SERGEANT AT ARMS: Time has expired.

14 STEPHANIE MANSFIELD: ...of my sons are  
15 still alive. I'm a member of the family of, um, Safe  
16 Streets and I have met many families whose loved ones  
17 and family members are not alive. But I have come to  
18 learn that all of these deaths and senseless injuries  
19 are preventable. They are preventable. One, on the  
20 one-year anniversary of my son's crash in the midst  
21 of the quarantine, it, it was March, I walked to the  
22 site on Avenue P and West 12th in Brooklyn and I  
23 visited that site, and even though I made signs and  
24 petitions and did all of these things to implement  
25 change for my neighborhood, I have yet to see those

1  
2 changes that I was promised by the DOT that I was  
3 told and said yes, we will make those changes, and  
4 yes, these things will be changes. What does it  
5 take-out? What does it take? One year later things  
6 are not done. What does it take to make change?  
7 Does a child need to die? Does Gene, does Jean  
8 Jacques and Andre need to die? Does an elderly  
9 person need to die? What about a family? Does a  
10 family need to die on that corner? What does it make  
11 for change to occur? What does, can it be as simple  
12 as seeing the problem and fixing it before people get  
13 hurt? What is the value of a person's life? During  
14 the pandemic as the restrictions lift we see the need  
15 for space, safe spaces for people to socially  
16 distance and to travel. It's so crucial, there are  
17 no open spaces in my neighborhood. And yet it just  
18 doesn't make any sense. There is a need for it. Um,  
19 I know I'm over my time. I apologize. I'm almost  
20 done. Um, but as a parent, when I go to a park and I  
21 see that the park is overcrowded, I go and I see the  
22 cars whizzing on wide open blocks, for my children's  
23 mental health they need to be outside as the weather  
24 permits it. But where do I take them? The bike shop  
25 right next to my house, the business has been

1 booming. The business is so, um, has been booming,  
2 but yet there is no bike lanes in my neighborhood.  
3 There's no extensive bike lines in my neighborhood.  
4 There is none of these things that should be in my  
5 neighborhood. So even once COVID is open like, like,  
6 [laughs] the lack of bike lanes in my neighborhood is  
7 unbelievable. So once COVID is open these open  
8 streets need to be made permanent, I believe.  
9 Because it's, the need is crucial, it's essential...

11 CHAIRPERSON RODRIGUEZ: Yeah.

12 STEPHANIE MANSFIELD: ...for people to be  
13 straight.

14 CHAIRPERSON RODRIGUEZ: Yeah, so, eh,  
15 first of all this is the type of thing that we're  
16 gonna be working together and, and, and as you say,  
17 like as chairman of this committee, eh, together with  
18 everyone, including yourself, you know, Families for  
19 Safe Streets, Transportation Alternatives, we are  
20 committed to continue bringing more City Bike, open  
21 street, addressing all those challenges that you have  
22 address. So I do you appreciate, you know, all you  
23 coming and we definitely are committed to continue  
24 working together, so thank you.

2                   STEPHANIE MANSFIELD: As well as bike  
3 lanes.

4                   CHAIRPERSON RODRIGUEZ: Yes, yeah.

5                   STEPHANIE MANSFIELD: As well as like  
6 just open space for like the children.

7                   CHAIRPERSON RODRIGUEZ: Thank you. We  
8 will. We will continue work.

9                   STEPHANIE MANSFIELD: Thank you.

10                  CHAIRPERSON RODRIGUEZ: Thanks, bye.

11                  STEPHANIE MANSFIELD: Thank you. I  
12 appreciate that.

13                  CHAIRPERSON RODRIGUEZ: Thanks.

14                  STEPHANIE MANSFIELD: And thank you for.

15                  COMMITTEE COUNSEL: Are there any  
16 questions for this panelist? Seeing none, we will  
17 next call on Noel Hidalgo. Noel?

18                  SERGEANT AT ARMS: Time starts now.

19                  NOEL HIDALGO: Hi. My name is Noel  
20 Hidalgo and I'm the executive director of BetaNYC and  
21 I currently am speaking on behalf of BetaNYC and my  
22 personal experiences maintaining open streets. I'm  
23 one of 80 north Brooklyn neighbors who are  
24 maintaining our streets and we have formed the North  
25 Brooklyn Open Streets Community Coalition to build,

1 maintain, repair, and set up our barriers. Ah, we  
2 have eight local nonprofits and two council members.  
3 Thank you Council Member Reynoso and Levin for being  
4 a part of the coalition that is collectively  
5 stitching together solutions to and address the  
6 issues that appear on our streets. I have witnessed  
7 construction vehicles crush barricades in protest.  
8 My neighbors have witnessed others ram barricades in  
9 frustration. I have been yelled and cursed at for  
10 setting up barricades. I've been called a Communist.  
11 I've also been nearly hit by setting up barricades.  
12 I have witnessed countless delivery trucks continue  
13 to make their normal deliveries without a problem,  
14 and I have witnessed small businesses reestablish  
15 themselves on the sidewalk and reclaim a bit of  
16 revenue. I have been witness to families enjoy the  
17 summer and spaces in front of their apartments. I  
18 have watched elderly neighbors get their morning  
19 steps in, neighbors in wheelchairs enjoy their street  
20 while the sidewalk that they pass has pinch points  
21 that are less than two feet wide. After months of  
22 sheltering in place and witnessing the deaths of  
23 Breonna Taylor, Daniel Prude, Ahmaud Arbery, and  
24 George Floyd I'm here to testify that our open  
25

1 streets have helped New Yorkers reclaimed their  
2 dignity. We have been maintaining our open streets  
3 since Memorial Day weekend and we currently oversee  
4 2.3 millions of open streets. That's 42  
5 intersections. We have replaced over 50 legs,  
6 including 18 in one day. We're currently waiting for  
7 40 legs and 10 crossbars. We've waited 2.5 weeks to  
8 hear back from the NYPD's barricade department and we  
9 want to single out and thank Captain Fahey from the  
10 94th Precinct to being diligent about getting us our  
11 replacement barriers.  
12

13 SERGEANT AT ARMS: Time's expired.

14 NOEL HIDALGO: We've been told, yep, time  
15 has expired? OK, um, we've been told that this the  
16 last of the barricades that we will ever get, um, and  
17 we need, I will send this written testimony in, but  
18 frankly, um, we are as community partners are truly  
19 underserved when we're unable to get barricades. Um,  
20 we are in a position where we're having to replace  
21 legs after legs after legs after legs.

22 CHAIRPERSON RODRIGUEZ: Thank you.

23 NOEL HIDALGO: Um, I will submit the rest  
24 of my written testimony. Thank you.

25 CHAIRPERSON RODRIGUEZ: Thanks.

1  
2 COMMITTEE COUNSEL: Thank you. Are there  
3 any questions for this panelist? Ah, seeing none, we  
4 will next hear from Jeffrey LeFrancois. Jeffrey?

5 SERGEANT AT ARMS: Time starts now.

6 JEFFREY LEFRANCOIS: Hi there, thank you.  
7 My name is Jeffrey LeFrancois and I'm the executive  
8 director of the Meat Packing Business Improvement  
9 District in Manhattan. Thank you to Speaker Johnson,  
10 Chair Rodriguez, and to the administration, and the  
11 Department of Transportation for standing up the Open  
12 Streets Program, which has given street space back to  
13 people and allows for the operation of restaurants  
14 for dining outside. The Meat Packing BID represents  
15 over 200 businesses and has a significant work force  
16 and visitor population. Yet despite that 80% of  
17 public space is dedicated to cars, while just 20% of  
18 space outside is space for pedestrians inside  
19 [inaudible] cafes. The Open Streets Program helps to  
20 bring those numbers closer together as the district  
21 works to bring a more pedestrian focus and pedestrian  
22 safety to its streetscape. After all, it's people  
23 who eat and shop. Cars do not. We're property  
24 managing six blocks of the program, including one at  
25 the Robert Fulton Houses, a NYCHA development on West

1 17th Street. The Meat Packing BID fully supports  
2 making open streets and open rest streets, restaurant  
3 programs, a permanent part of the city's streetscape.  
4 As a part of making these permanent, programs  
5 permanent, we also ask the city provide winter  
6 guidance for outdoor dining, too. While indoor  
7 dining may be on the horizon, many people may not  
8 feel comfortable eating inside. There's no reason  
9 the city cannot provide parameters for restaurants to  
10 operate heaters, partial enclosures, and other  
11 elements so New Yorkers can dine outside in parkas  
12 year round. The program should also be expanded to  
13 create a network of open streets that safely connects  
14 neighborhoods. The program should also allow for  
15 non-restaurant establishments to use outdoor space  
16 with guidance provided from the city much like DOT  
17 did for open streets restaurants. This program has  
18 not been without its problems. Vehicular drivers are  
19 reckless and destroyed all of the DOT NYPD provided  
20 barriers. The BID purchased its own barriers and has  
21 employed a significant signage program to educate  
22 drivers. But barriers continue to be destroyed as  
23 drivers ignore the rules, which endanger pedestrians  
24 and add an increased financial burden on the BID.  
25

1  
2 Ironically, our plazas are lined with large granite  
3 blocks as a means of protection for pedestrians from  
4 cars.

5 SERGEANT AT ARMS: Time's expired.

6 JEFFREY LEFRANCOIS: But it's a 15, 15-  
7 pound piece of metal used to block off the street to  
8 make this program work. The city should be bold and  
9 provide guidance for infrastructure to make barriers  
10 stronger and potentially permanent. While we  
11 recognize this program was put together quickly, and  
12 thank you for that, it is also exactly the type of  
13 thinking New York City should be doing to bring our  
14 city into the 21st century. As global cities around  
15 the world install protected bike networks, vastly  
16 improved public transit, and smartly expand business  
17 outside, New York has an opportunity to be bold and  
18 do so with smart planning.

19 CHAIRPERSON RODRIGUEZ: [inaudible].

20 JEFFREY LEFRANCOIS: Providing more  
21 resources and guidance can make that happen. We look  
22 forward...

23 CHAIRPERSON RODRIGUEZ: Thank you.

24 JEFFREY LEFRANCOIS: ...to managing...

25 CHAIRPERSON RODRIGUEZ: Sir.

1 COMMITTEE ON TRANSPORTATION 178  
2 JEFFREY LEFRANCOIS: ...open streets this  
3 year and next...

4 CHAIRPERSON RODRIGUEZ: Thank you.

5 JEFFREY LEFRANCOIS: ...as well.

6 CHAIRPERSON RODRIGUEZ: Thank you.

7 COMMITTEE COUNSEL: Thank you. Are there  
8 any questions for this panelist? OK. Seeing none,  
9 we will next hear from Jim Burke. Jim?

10 JIM BURKE: Hi.

11 SERGEANT AT ARMS: Time starts now.

12 JIM BURKE: Chair Rodriguez, thank you  
13 for this hearing. Ah, my name is Jim Burke and I'm  
14 one of the founding members of the 34th Avenue Open  
15 Streets Coalition. We have about two dozen  
16 volunteers that open and close our streets each  
17 morning and evening. And we want to let you know we  
18 are thrilled with our open street and want to thank  
19 the mayor, the DOT, the City Council, ah, for  
20 choosing our, our open street in the first place. I  
21 actually had the pleasure of showing it to  
22 Commissioner Trottenberg and, and walk with her  
23 staff, ah, most of the length of it, and she herself  
24 said it was, ah, if not the best one, one of the  
25 bests, the, the best. And we're calling on our

1 mayor, the City Council, and DOT to make it  
2 permanent. It's been life-changing. We were the  
3 epicenter of the COVID-19 crisis. Ah, we don't have  
4 sidewalks to keep any, any social distance. We have  
5 one park and it's really small, ah, and most of our  
6 population here is, especially as you get in the  
7 higher numbers, are doubled in small apartments. So  
8 we were literally like bursting at the seams and  
9 people for, for months had been in, in their homes.  
10 So when this opened up overnight we had a 1.3 linear  
11 park where everyone was able to take their children,  
12 ah, practice physical distancing, ah, and if you come  
13 to 34th Avenue any day you will see people doing  
14 salsa and Zumba and Pilates. You will see kids  
15 playing games. You will see seniors playing bingo.  
16 Ah, our latest initiative now that we're running is  
17 English as a second language conversation classes  
18 five days a week. This is amazing. We have come  
19 together as a community after such tragic months of,  
20 of, of loss and people being sick in our families and  
21 unfortunately a lot of our community members, ah,  
22 passing due to COVID. So this has been a very  
23 healing, wonderful thing, but we need to make it  
24 permanent. Ah, we started a petition and right away  
25

1  
2 we already have a thousand of our neighbors that  
3 signed onto this, and this kind of open street should  
4 be in every single neighborhood in New York City...

5 SERGEANT AT ARMS: Time's expired.

6 JIM BURKE: ...[inaudible] connected. So,  
7 again, I want to thank everybody listening, but  
8 please make this a part of New York City permanently,  
9 and thank you very much.

10 COMMITTEE COUNSEL: Thank you. Are there  
11 any questions for this panelist? Seeing none, ah,  
12 next we will hear from Jackson Chabot. Jackson?

13 JACKSON CHABOT: Hello, everyone, can you  
14 hear me?

15 SERGEANT AT ARMS: Time starts now.

16 JACKSON CHABOT: Good afternoon. My name  
17 is Jackson Chabot and I'm here representing Open  
18 Plans as a transportation policy association. Thank  
19 you for hosting this session. I'm here to  
20 wholeheartedly support the continuation and the  
21 expansion of the Open Streets Program. I'd like to  
22 highlight three recommendations to build upon the  
23 program's successes. First, op streets should be  
24 made permanent, open 24/7, and supported by a DOT-  
25 administered small grants program. This will ensure

1 pedestrians and cyclists know the streets are for  
2 them and they can safely use the street. This  
3 program has galvanized community members to create  
4 open streets coalitions, dedicated volunteer setup  
5 and breakdown open streets on Avenue B, 34th Avenue,  
6 and across north Brooklyn bid, amongst others. This  
7 ongoing efforts significant volunteer coordination  
8 and makes the program cumbersome for communities to  
9 manage. The grants program would directly support  
10 community-led management and programming. Second,  
11 open streets must have better barriers and signage to  
12 protect users from drivers. Open streets are spaces  
13 where friends and families gather at safe physical  
14 distances, children bike and play, and restaurant  
15 seating is at capacity. Open Streets Coalition  
16 members have consistently reported, as you've heard  
17 today from many people already, drivers running over  
18 wooden sawhorses and ignoring clearly marked open  
19 street signage. Third and finally, the DOT must  
20 extensively engage communities using an equity lens,  
21 safely meeting communities where they are at and on  
22 their terms. The engagement process should focus on  
23 areas on that have been systematically underresourced  
24 to best understand what communities might want from  
25

1  
2 the Open Streets Program umbrella, because open  
3 streets have provided many, but not all, communities  
4 with wonderful public space this summer. Thank you  
5 for your support and your vision to ensure that open  
6 streets became a reality. The program must be  
7 expanded and improved...

8 SERGEANT AT ARMS: Time's expired.

9 JACKSON CHABOT: ...because many  
10 systemically underresourced communities have not been  
11 able to partake and access the benefits of open  
12 streets. To the City Council, I ask that you  
13 continue to insist that DOT develop and expand the  
14 program using an equity lens to ensure that all New  
15 Yorkers across all five boroughs can safely use their  
16 streets. Thank you.

17 COMMITTEE COUNSEL: Thank you. Are there  
18 any questions for this panelist? Seeing none, next  
19 we will hear from HP Schroer. HP? HP? OK, um, we  
20 don't have him at this time. We'll try again in, in  
21 a moment. Ah, so next we will hear from Laura  
22 Shepherd. Laura? Can we unmute Laura? Thank you.

23 SERGEANT AT ARMS: Time starts now.

24 LAURA SHEPHERD: Thanks for letting me  
25 testify. I'm Laura Shepherd, [inaudible] network

1  
2 organizer at Open Plans. I'm here because our city's  
3 bike network still fell short, falls short and fails  
4 to meet the needs and the moment. We need a safe and  
5 connected network for traveling throughout the city  
6 and safe routes for biking around our neighborhoods.  
7 We are grieving too many recent fatalities as we  
8 remain frustrated with the politically driven log  
9 jams on long-promised and long-needed bike projects.  
10 This year's bike [inaudible] was no surprise. Bikes  
11 have steadily gained popularity for years amongst  
12 commuters, delivery workers, and as more styles and  
13 types of e-bikes and cargo bikes have become  
14 available and affordable families, women, seniors,  
15 periosteal with disabilities, and people who travel  
16 longer distance. This year they were an obvious  
17 choice for physical distancing. Ridership is mainly  
18 constrained by, ah, substandard infrastructure from  
19 dangerous arterials to pinch points like the  
20 Queensboro Bridge's, ah, crowded shared path. We  
21 need the south outer roadway open to pedestrians and  
22 we need two additional cycling lanes to accommodate  
23 bike traffic and growth on the Brooklyn Bridge. We  
24 respect the challenges DOT faces at the moment, but  
25 we must ask that our safety take precedence over

1 routine maintenance projects that solely benefit  
2 drivers. We can't afford not to invest in our  
3 protected bike lane network. We need these projects  
4 expedited and we need them done right the first time.  
5 This year's early pop-up lanes failed to protect  
6 riders and inspire confidence in our cycling network.  
7 Future projects must include solid vertical barriers  
8 and clear multilingual signage from day one. Vehicle  
9 drivers are the greatest threat to New Yorkers who  
10 walk, bike, live, work, dine, and shop [inaudible]  
11 and we need to be physically protected from them. We  
12 also need the Dangerous Vehicle Abatement Program and  
13 we need to further reduce speed limits. The behavior  
14 of drivers who speed with impunity, obstruct our  
15 sidewalks and bike lanes, and physically and verbally  
16 assault pedestrians and cyclists demonstrates an  
17 abhorrent disregard for human life and the  
18 responsibility of operating vehicles in public space.  
19 We will now recover from the many crisis we're in  
20 right now, COVID or climate, by appeasing suburban  
21 wannabes but by doubling down on being a city.

22  
23 SERGEANT AT ARMS: Time's expired.

24 LAURA SHEPHERD: We must continue  
25 repurposing street space to keep us safe, healthy,

1 and meet the needs of our residents and businesses.

2 We must also make our open streets permanent and year  
3 round to supplement our bike network and help people  
4 who communicate, ah, after 8:00 p.m. Thank you.

5 COMMITTEE COUNSEL: Thank you. Ah, are  
6 there any questions for this panelist? OK, seeing  
7 none, ah, we'll try again. Do we have HP Schroer  
8 now? HP?

9 HP SCHROER: Hello, can you hear me?

10 SERGEANT AT ARMS: Time starts now.

11 HP SCHROER: [inaudible]

12 COMMITTEE COUNSEL: Go ahead.

13 HP SCHROER: I'm HP Schroer, a 94-year-  
14 old World War II veteran and director of You, Me, We,  
15 a veteran's advocacy organization. We represent  
16 12,000 veterans attending SUNY colleges in the city.  
17 Our mission is to enable them to purchase Metro cards  
18 at the same price as seniors. Mindful of the MTA's  
19 financial difficulties, we focused on ways to not  
20 fund the discount from their budget. To accomplish  
21 this, two state bills were rewritten, Assembly Bill  
22 802131-A and Senate Bill 23372-A. These bills enable  
23 all veterans to a half fare on the MTA. Almost three  
24 years ago, with the help of Chaim Deutsch, Bill  
25

1  
2 Perkins, and Corey Johnson the mayor and City Council  
3 approved allowing veterans attending CUNY colleges to  
4 a discount on the MTA. Unfortunately, the mayor  
5 changed the requirements for qualification and after  
6 two years only 240 out of the 12,000 veterans were  
7 approved for this discount. My question is why were  
8 the requirements changed by the mayor? And when will  
9 you correct this injustice? To be eligible, the  
10 veterans were only required to prove they were  
11 honorably discharged and attending college in the  
12 city. As I mentioned before, we looked to the state  
13 for a solution. And although we secured a majority  
14 legislators to support the bill, they have not been  
15 put up for a vote. Why? Because of the lack of  
16 money. We recognize due to the decimation of budgets  
17 caused by COVID-19 a new source for money had to be  
18 found.

19 SERGEANT AT ARMS: Time's expired.

20 HP SCHROER: So what did we do? The  
21 governor suggested blink out of the box. The  
22 solution, create a veteran scratch lotto where the  
23 proceeds from the sales are dedicated to allowing  
24 veterans to purchase fares on public transportation  
25 at the same price as seniors. Cosponsors of the

1 state bills, Senator Brooks and Jeffrey Genowitz will  
2 be requesting the governor to approve the veteran's  
3 Lotto. Here is your source for the money to find the  
4 discount for veterans going to CUNY colleges in the  
5 city. We ask the mayor and the council to join us in  
6 our mission. Tell the mayor and his representatives  
7 on the MTA board to support the Lotto. Ask the  
8 governor, ask the mayor to direct his Department of  
9 Veterans Services to take action to support the  
10 Lotto. You can help by advising all state  
11 legislators to support the Lotto and have your  
12 borough presidents in their newsletters alert the  
13 public of the Lotto. I have a few more sentences.  
14 Veterans contribute to the economic growth of the  
15 city. Over the last 10 years we have lost 35% of our  
16 veterans' population, one of the reasons being the  
17 high cost of public transportation. Time is of the  
18 essence. There will be no Veterans' Day parade to  
19 honor those who have served and sacrificed for our  
20 country. What better way of thanking veterans for  
21 their service and backing the words with action than  
22 having the mayor and the governor on Veterans' Day  
23 announce the creation of a veteran scratch Lotto. I  
24 thank you.  
25

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2 COMMITTEE COUNSEL: Thank you. Are there  
3 any questions for this panelist? OK, seeing none,  
4 um, I'll turn the hearing back over to Chair  
5 Rodriguez.

6 CHAIRPERSON RODRIGUEZ: Thank you. First  
7 of all, thank you, HP, for being the voice of the  
8 veteran, for dedicating your life and being today  
9 advocating again for not only the veteran, for us to  
10 make our great city New York a better place for  
11 everyone. Eh, eh, with this we're coming to the end  
12 of this hearing. Eh, a lot to follow up. Eh,  
13 everyone here are hero, everyone here are leaders,  
14 and, and the only thing that I do, ah, as a chairman  
15 of this committee is to be sure that I connect with  
16 individual like you who are advocates, from Families  
17 for Safe Streets, you know, from Better Urban  
18 Planning, for individuals like here from  
19 Transportation Alternatives, and to my colleague also  
20 who have been working together with and the great  
21 staff that we have in this committee, including the  
22 sergeant. Thank you for your service. So we're  
23 coming to the end with this and, and, and hopefully  
24 the next couple of, in the next couple of weeks we  
25 will have other hearings on TLC and how has the

1 agency been responding during the COVID-19. Eh, one  
2 other thing will be, what they be doing to also to  
3 support the drivers. We're gonna be also having  
4 hearing on the MTA. We cannot let the MTA to  
5 maintain the services closed at midnight, eh, eh, eh,  
6 from 12 to 6, and, and we also need to hear from  
7 them. So with that, thank you everyone, and we come  
8 to the end of this hearing, and this hearing now is  
9 adjourned. Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 20, 2020