

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
PRELIMINARY BUDGET HEARING BEFORE THE CITY COUNCIL COMMITTEE
ON TRANSPORTATION AND SUBCOMMITTEE ON CAPITAL BUDGET
March 9, 2021**

Good morning Chair Rodriguez and Chair Rosenthal, and members of the Transportation Committee and the Subcommittee on Capital Budget. I am Hank Gutman, Commissioner of the New York City Department of Transportation. With me today are Joseph Jarrin, Executive Deputy Commissioner and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. Thank you for inviting us to testify on behalf of Mayor Bill de Blasio on DOT's FY22 Preliminary Budget and FY21-31 Capital Plan.

I am honored to have the opportunity to serve as DOT's Commissioner during this unprecedented moment in our city's history. DOT's work touches every aspect of life in the city and is essential to the city's recovery from the COVID-19 crisis. In this final year of the de Blasio Administration, we at DOT will help New Yorkers return to work safely, receive our goods efficiently, and enjoy access to more open space. I look forward to working with you, Chair Rodriguez, and the entire Council on our urgent work to build a recovery for all of us focused on safety, equity, sustainability, and resiliency.

Responding to the COVID-19 Crisis

Today I am testifying on a budget that reflects the extraordinary challenges we face as a City, and the countless ways the COVID-19 crisis has changed our lives since the agency's Preliminary Budget Hearing one year ago today. In the year since, DOT and the rest of our sister agencies have felt the impact of the virus directly on both our operations and budgets.

During this difficult year, DOT employees fell ill, had to quarantine, and sadly, some were lost forever. We mourn the loss of colleagues at DOT, other front-line City agencies, and the MTA, and are grateful to all the essential workers who put their lives at risk each and every day. DOT also transitioned many staff to teleworking, redesigned all major operations for the COVID era, and worked closely with union partners to ensure that the workforce remained socially distanced, well-equipped, and fully supported.

DOT also faced significant fiscal challenges due to the pandemic that will continue to impact our work this year and in the years to come. As the Mayor has said, the economic fallout caused by the pandemic hit the City budget hard. The City has lost \$10.5 billion in projected tax revenue from FY20-22, and we are in the midst of a hiring freeze. But, despite the many operational and fiscal challenges posed by the pandemic, the men and women of DOT have performed remarkably.

As I said when the Mayor appointed me, the Department of Transportation just completed one of the most challenging, transformative, and productive years in its history. Even during the worst days of the crisis, the agency continued its essential functions, making infrastructure repairs and running the Staten Island Ferry 24/7. To combat a national trend in increased speeding as roadways emptied during the pandemic, DOT continued to expand the speed camera program,

installing more speed cameras in 2020 than in the first six years of the program combined, with now over 1,200 speed cameras active across 750 school speed zones citywide.

DOT also responded to the needs of the moment, working hard to provide reliable and safe alternative modes of travel for New Yorkers, especially essential workers who could not work from home. The agency installed its highest number ever of new protected bike lanes—28.9 miles—to enhance cyclist safety as more New Yorkers were choosing to bike. And it installed a record number of new bus lanes, 16.3 miles, to shorten commute times for bus riders, many of whom are essential workers.

Working in partnership with Lyft, DOT expanded the Citi Bike network into Upper Manhattan and the South Bronx, with locations at multiple medical facilities. The system now has over 20,000 bikes and nearly 1,300 stations, more than double the size of the system at launch in 2013. And Citi Bike's Critical Worker Membership Program has provided more than 960,000 free Citi Bike trips to over 19,200 critical workers to date.

Under the Mayor's leadership and in partnership with the Council and other City agencies, DOT created multiple new programs to reimagine our streets in response to the pandemic. Answering the calls from many of you on the Council and New Yorkers at large, DOT created 83 miles of Open Streets. This program—the largest in the nation—gave New Yorkers space to social distance and safely get outside. DOT launched the Open Restaurants program through which over 11,000 restaurants were able to set up outdoors on the city's roadways and sidewalks while indoor dining was banned or limited. This popular program supported the city's beloved restaurant industry and saved over 100,000 jobs.

DOT established the Open Storefronts program, allowing businesses to use space outside to conduct business and keep customers safe as they shop. The agency also allowed schools to use additional outdoor space to keep our kids safe through the Outdoor Learning program. And starting this month, thanks to the Council's leadership, art and cultural groups will begin holding events on designated streets through the Open Culture program. Together these programs have brought New Yorkers much needed joy and relief during this difficult time.

Recovery from the COVID-19 Crisis

Turning towards recovery, some of these historic changes to our streets will remain permanent fixtures in our city. As the Mayor announced, and the Council codified in Local Law 114 of 2020, we are working to design the legal and operational structure for a permanent Open Restaurants program, with a goal of having it in place before the end of this year. This budget provides critical funding for the permanent program's environmental review.

And the Mayor's State of the City address set the table for an even more ambitious year to come. As the Mayor announced, we are creating a permanent Open Streets program. This year, many of the Open Streets from 2020 will return, and we will open applications for new streets with a focus on local partner management and support as well as equity and inclusion. We will also continue to prioritize accessibility, and work towards creating a more accessible city for all.

The Mayor and I believe that if you give people more alternatives to car culture, they will use them, and we will continue to support the increased number of New Yorkers traveling around the city by bike. As the Mayor announced, we are creating Bridges for the People, which will offer expanded cycling infrastructure on the iconic Brooklyn and Queensboro Bridges. We will install five new Bike Boulevards across the city: streets designed to give bicycles travel priority and put cyclist safety first. And as the Chair knows, on my first day as Commissioner, the Mayor and I committed to installing 10,000 new bike parking racks by the end of 2022, providing 20,000 additional bike parking spaces citywide. It was great having you join us up in Pelham Parkway in the Bronx last week as we unveiled some of the first of those newly installed racks.

To build a more equitable recovery, as the Mayor announced, we will create new public spaces in more than 30 of the neighborhoods hit hardest by COVID-19. These spaces will help support small local businesses, foster community ties, provide space for arts and culture, and enhance roadway safety. We will also continue expanding micromobility options deeper into the Bronx, Brooklyn, and Queens, including to more low-income neighborhoods and communities of color.

In partnership with Lyft, we will expand Citi Bike further into the Bronx, Astoria, Sunset Park, and Upper Manhattan, covering the entire borough of Manhattan by the end of the year. And, under the leadership of the Council, we will launch an e-scooter pilot in eastern Bronx neighborhoods from Eastchester and Co-op City to Throggs Neck and Soundview this spring, bringing this new mode to an 18-square-mile area home to 570,000 residents. This budget reflects costs for the pilot's administration needs and projected revenue.

And while 2020 was a difficult year for Vision Zero, there were encouraging signs, including a record-low number of pedestrian deaths on New York City streets. For the first time since records began, fewer than 100 pedestrians were killed. Unfortunately, reckless behaviors such as speeding and unlicensed operation led to an increase in the number of motorcyclists and motor vehicle occupants killed in 2020. This year, we will double down on our efforts to enhance street safety and public outreach, and follow the data to make the city's streets safer. We will continue to install record numbers of bike lanes and bus lanes. And, we will pursue State authorization to keep our life-saving speed cameras on 24/7.

Together, this urgent work will help our great city come back from this terrible crisis better than ever. We are thankful for the Council's ongoing partnership as we work towards a recovery for all of us.

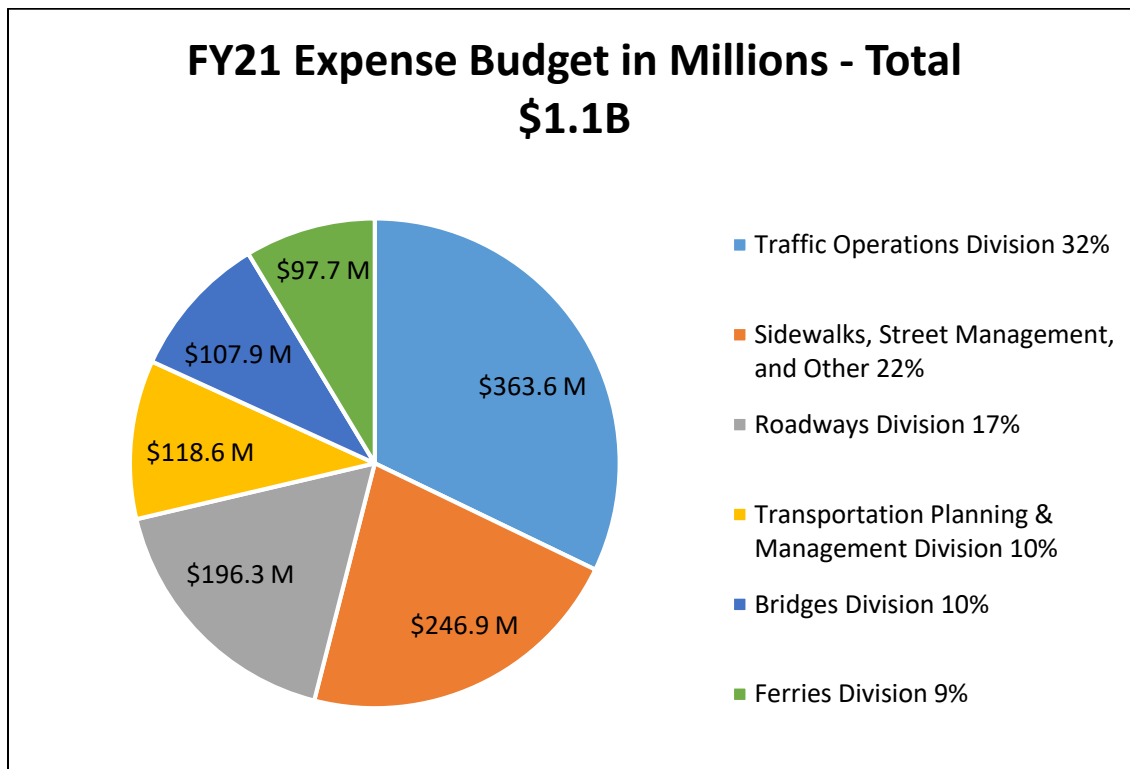
Budget Overview, Savings, and Capital Plan

Budget Overview

Now, I will give an overview of DOT's proposed \$1.1 billion Expense Budget, DOT's proposed \$19.7 billion FY21-FY31 Capital Plan, and discuss how we have found savings to ensure we can continue meeting our mission and following through on our urgent work.

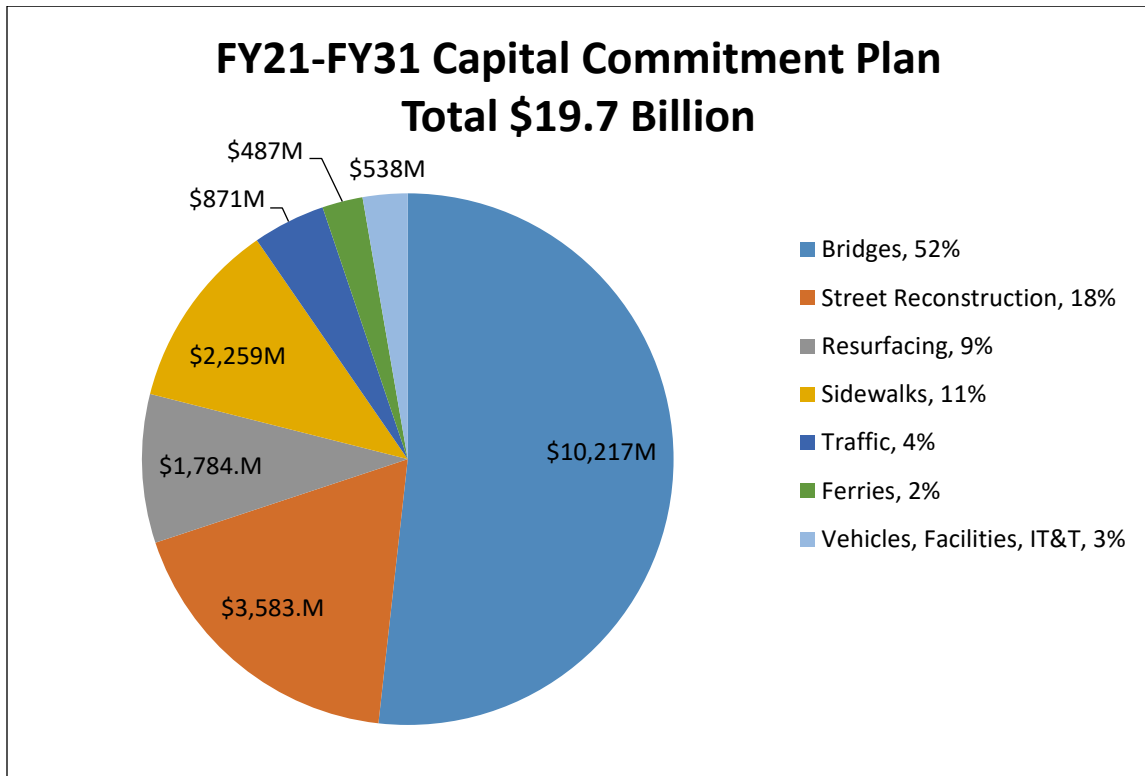
DOT's proposed \$1.1 billion Expense Budget includes:

- \$364 million for traffic operations, including signals, streetlights, and parking;
- \$196 million for roadway maintenance;
- \$108 million for bridge maintenance and inspection;
- \$119 million for transportation planning and management, including installation of street signs and roadway markings;
- \$98 million for ferry operations and maintenance; and
- \$247 million for other DOT operations and administration, including sidewalk management and inspection.

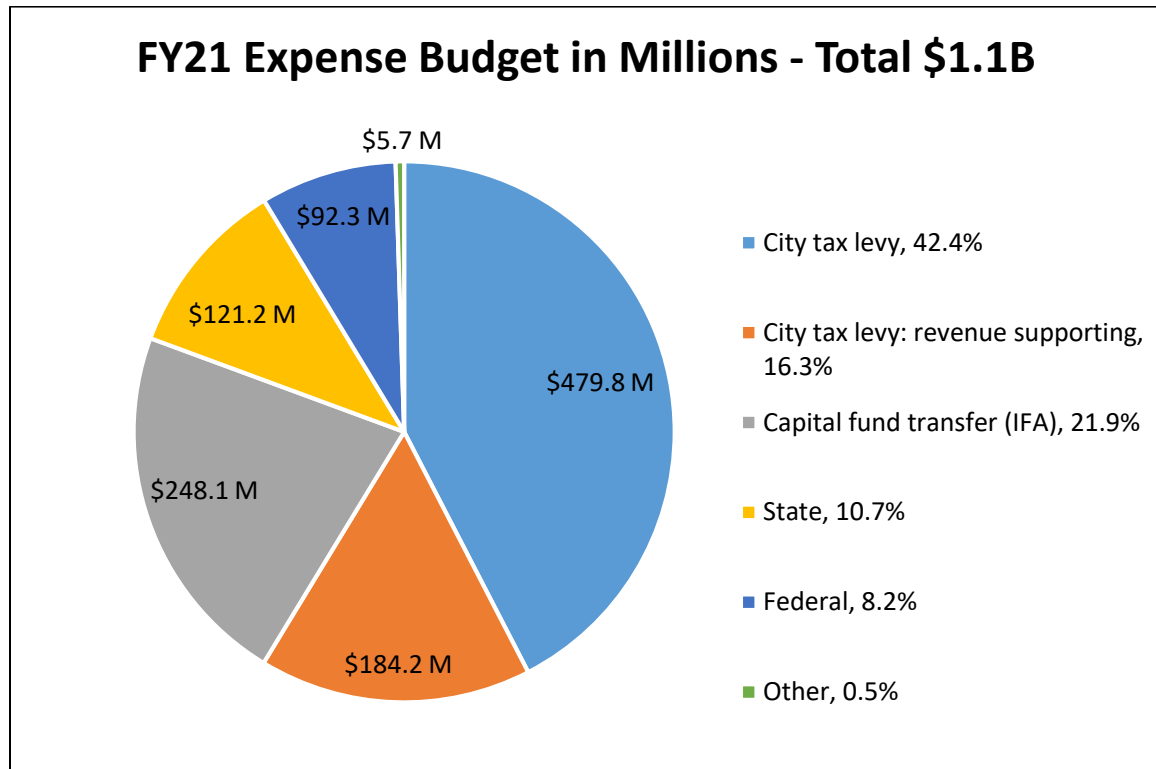


DOT's proposed \$19.7 billion FY21-FY31 Capital Plan includes:

- \$10.2 billion for bridge reconstruction and rehabilitation;
- \$3.6 billion for street reconstruction;
- \$1.8 billion for resurfacing;
- \$2.3 billion for sidewalk and pedestrian ramp repair and reconstruction;
- \$487 million for the Staten Island Ferry;
- \$871 million for streetlights and signals; and
- \$538 million for the facilities and equipment needed to support DOT's operations.

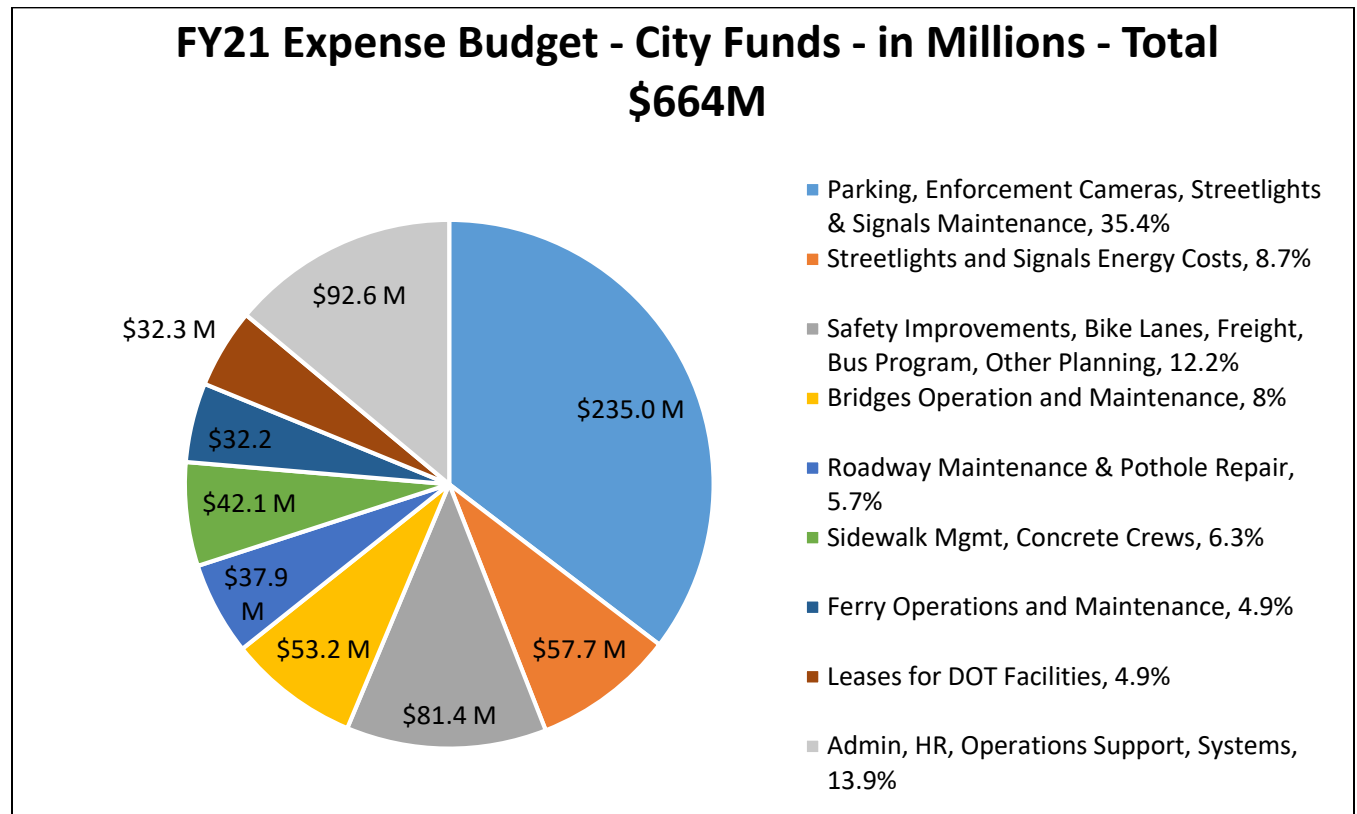


I also want to provide additional context about our budget and how we are able to identify savings, as Commissioner Trottenberg testified previously. While DOT’s operating budget is \$1.1 billion, over 50 percent of that comes from State and Federal grants, the Capital Budget—known as “IFA” funds—and funds that support revenue-generating programs such as parking meter operations and automated traffic enforcement. Thus, making cuts in these parts of the budget would not generate Expense Budget savings.



And of the approximately \$480 million remaining, large portions are relatively fixed costs, such as the electric bill for street lights and signals and leases on DOT facilities, or support the inspection and maintenance of the essential infrastructure on which all street users rely.

You can find additional information about how we use our City Tax Levy funds in the chart below in my testimony:



Savings/PEGs

To respond to the economic fallout from the pandemic, since the April 2020 Financial Plan, DOT has found targeted savings of over \$125 million in FY21 and FY22. Many marquee DOT programs had to sustain cuts, including Vision Zero, where we identified \$17 million in savings for FY21 and FY22 with items such as reduced spending on roadway markings due to current contractor capacity, reduced media spending, and a delay in filling positions. While we do not take these savings lightly, with a total of \$2 billion spent on Vision Zero thus far and total investment of \$3 billion by this Administration, our commitment to eliminating traffic fatalities and serious injuries remains steadfast.

We had to take a hard look at our budget and prioritize, identifying planned spending that while important could be delayed. And though the pandemic added a variety of new operational costs, it also led to some savings. In the Preliminary Budget, nearly \$12 million of OTPS funding reductions were taken in FY21 and FY22 for items such as delays to a drainage study with DEP and savings from reduced telephone and printer usage, as well as \$6 million in FY21 savings due to hiring delays and attrition. Additionally, given the success of the Citi Bike program and surges in ridership, we realized over \$500 thousand more in revenue in FY21.

For DOT's Capital Budget, we rolled out over \$1 billion from FY21-24 into FY25-FY31. This is largely comprised of funding for the streets and bridges programs, while keeping funding available for critical near-term work.

Capital Plan

As we work towards recovery, I am happy that the Mayor announced last week that the City is restarting \$17 billion in major capital projects, including a significant number of DOT projects. These projects will build the future of this city and improve the lives of New Yorkers for generations to come. We are eager to restart some of our projects and continue work on others.

This year, DOT is funded for 910 lane miles of roadway resurfacing, continuing our sixth straight year of record investment. And we continue to work with our contractors and partners at DDC on our most critical capital projects. These include streetscape improvements by the Rockaway ferry and one of the most critical segments of the Brooklyn Waterfront Greenway: creating a safe, separated bike path connecting Sunset Park to Red Hook and Gowanus via Hamilton Avenue. We also expect to begin construction on the next phase of our Atlantic Avenue Great Streets project, which will continue important safety improvements along the corridor and introduce protected bike paths along a new planted median.

We will also begin construction on the West 79th Street Rotunda Complex and 79th Street Bridge over Amtrak in Manhattan this year, a complex project that includes rehabilitating seven bridge structures, the landmark rotunda, and more. And we are continuing other essential bridge work, including upcoming repairs on the BQE as well as continued monitoring and planning for maintaining a state of good repair along the corridor.

Conclusion

In conclusion, while we face significant fiscal and operational challenges due to the pandemic, I am confident that DOT's creative and resourceful workforce will make the most of our still robust resources.

We will continue to maintain and improve our infrastructure, manage the city's streets, and run the Staten Island Ferry. And we will continue implementing transformational pedestrian, bike, bus, and safety projects that will support the city's recovery and improve the quality of life of New Yorkers for years to come.

I would like to thank the Council for the opportunity to testify before you today. I look forward to working with you in this final year of the de Blasio Administration to create a recovery for all of us and to help this great city come back better than ever. I will now be happy to answer any questions.



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Committee on Transportation March 9th 2021

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Thank you for the opportunity to provide testimony this morning. My name is Lynda Nguyen, and I am the Senior Policy and Research Analyst at ALIGN: The Alliance for a Greater New York. ALIGN is a longstanding alliance of community, labor, and environmental justice organizations dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We are still battling this pandemic. Black, indigenous, communities of color and environmental justice communities are bearing the brunt of this economic and public health tragedy. It's been a year into the pandemic, and we are still seeing record high unemployment concentrated in BIPOC and environmental justice communities-- without much relief in sight.

ALIGN has been collaborating with over 50 local community groups working on the frontlines of both environmental and economic injustice through the Climate Works for All coalition. Last fall, our coalition released our [Equitable Recovery for All](#) report, a roadmap to creating 100,000 good green jobs for New York City's Black and brown communities. The comprehensive plan outlines how the City can reach its climate goals, while also addressing the other immediate crises our communities are facing.

Now more than ever, the City budget must prioritize investments and job creation for the communities that have been hit the hardest by COVID-19.

Within the City's 2022 budget, we are calling for an investment of \$3 million towards the NYCSBUS, the City's new municipal school bus fleet. \$3 million dollars would allow the DOE to expand the current two vehicle pilot to approximately sixteen electric school buses next year and would support improvements to necessary charging stations and bus depot infrastructure.

Program expansion allows the City to directly target localized pollution in communities that have been disproportionately impacted by both climate change and COVID-19. Air pollution from New York City's aging fleet of 10,000 diesel and gas school buses creates an unequal burden - especially for students with disabilities, students with respiratory illnesses (who are more likely to ride the bus for long periods), and environmental justice communities where hundreds of diesel buses are housed each day. Let us also remember the [Harvard study published last year making the connection between communities exposed to fine particulate matter from air pollution being more likely to die from COVID-19](#). Electric school buses create zero emissions, can be charged using local renewable energy sources, and can create high-quality manufacturing jobs.

As the City looks towards an equitable recovery for all, it must continue the practice of community-led transportation planning to identify transit issues and priorities for the most mobility-burdened New Yorkers including clean, resilient and accessible public transportation, and street safety. We believe these investments will move New York City on the path towards an Equitable Recovery.



Testimony of the American Heart Association

Before the New York City Council Committee on Transportation

March 9, 2021

Greg Mihailovich, Community Advocacy Director
American Heart Association, New York City

Thank you, Chair Rodriguez, and the members of the New York City Council Committee on Transportation. On behalf of the volunteers of the American Heart Association, we are grateful for the opportunity to present testimony related to key health initiatives that our organization believes will support healthy behaviors in New Yorkers.

As the nation's oldest and largest voluntary organization dedicated to fighting heart disease and stroke, of which approximately 80% of diagnoses are preventable¹, we believe every person deserves the opportunity for a full, healthy life. As champions for health equity, by 2024, the American Heart Association will advance cardiovascular health for all, including identifying and removing barriers to healthcare access and quality. In a world forever-changed by COVID-19, our mission – *to be a relentless force for a world of healthier, longer lives* – is more important than ever.

The *Physical Activity Guidelines for Americans*, second edition from the US Department of Health and Human Services, recommends that adults should move more and sit less.² The American Heart Association recommends at least 30 minutes of moderate-intensity aerobic activity at least five days a week for overall cardiovascular health, and an average of 40 minutes of moderate-to-vigorous-intensity three or four days a week to help lower blood pressure and cholesterol. Engaging in daily physical activity reduces the risk of obesity, coronary heart disease, stroke, hypertension, diabetes, and some types of cancer.³ As we now know, these chronic conditions may also put people at higher risk for COVID-19 complications.

Staying active also provides benefits beyond the physical. Stress can affect your mental and physical health in many ways. Long-term activation of your body's stress response system may put you at risk for health troubles like digestive problems,

¹ "Preventable Deaths from Heart Disease & Stroke." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 3 Sept. 2013, www.cdc.gov/vitalsigns/HeartDisease-Stroke/index.html.

² US Department of Health and Human Services. *Physical Activity Guidelines for Americans*. 2nd ed. Washington, DC: US Department of Health and Human Services; 2018.

³ Spengler JO. Promoting Physical Activity through Shared Use of School and Community Recreational Resources. Research Brief. Active Living Research, Robert Wood Johnson Foundation, April 2012. Available at: http://activelivingresearch.org/files/ALR_Brief_SharedUse_April2012.pdf

anxiety, headaches, depression, sleep problems, weight gain, memory and concentration issues, high blood pressure, and heart disease and stroke.^{4,5} Even spending non-active time outside in nature can help lower your stress and result in better health outcomes.

Promoting active transportation -- the opportunity to bike, walk, or roll to work, school, or around the community -- through policy, systems and environmental change is one of the leading evidence-based strategies to increase physical activity regardless of age, income, racial/ethnic background, ability, or disability.⁶ New Yorkers get a significant amount of this recommended daily physical activity from participating in active transportation.⁷ Unfortunately, many people, particularly those living in under resourced communities, do not live in areas amenable to active transport. This can limit access to jobs and other economic and social opportunities.^{8,9}

The American Heart Association applauds the City's continued efforts to prioritize active living infrastructure. The announced initiatives to increase bicycle access on NYC bridges, create "bike boulevards" where bicycles have travel priority, close the existing gaps in the Brooklyn and Queens Greenways, add 10,000 new bicycle parking spots, and expand bike share equity will encourage active transportation and create equitable opportunities for healthy living in many communities. These programs need to be adequately funded to make any significant impact.

We ask the NYC Council to dedicate equitable, long-term funding for bicycling and walking projects and encouragement programs that prioritize under resourced communities. This would improve both the health and economic outcomes for those New Yorkers. Investing in the built environment can facilitate economic development in communities. Local economies are improved when people can walk, bike and shop with ease in a community.¹⁰

Thank you for everything you have done and will do to protect the lives of the people of New York City. The American Heart Association is a reliable and trusted source of information based in credible science, and we will continue to be your partner in ensuring the health and well-being of all New Yorkers.

⁴ U.S. Department of Health and Human Services, Office on Women's Health, Stress and your health. <https://www.womenshealth.gov/a-z-topics/stress-and-your-health>

⁵ Centers for Disease Control and Prevention, Coping with Stress. <https://www.cdc.gov/Features/CopingWithStress/index.html>.

⁶ Nazelle A, Nieuwenhuijsen JM, Anto, et al. Improving health through policies that promote active travel: A review of evidence to support integrated health impact assessment. *Environ Int.* 2011. May; 37(4): 766-777.

⁷ NYC Department of Health and Mental Hygiene. Health Benefits of Active Transportation in New York City. May 2011. www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2011active-transport.pdf

⁸ Thrun E, Perks M, Chiqui J. Prioritizing transportation equity through Complete Streets: research report.2016. <https://www.ihrp.uic.edu/files/EquityBrief-Nov2016.pdf>. Accessed July 1, 2019.

⁹ Sandt L, Combs T., Cohn J. Pursuing equity in pedestrian and bicycle planning.2016. https://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/equity_paper/. Accessed September 25, 2019.

¹⁰ Built Environment & Active Transportation. The Benefits of Investing in Active Transportation. 2008. http://physicalactivitystrategy.ca/pdfs/BEAT/BEAT_Publication.pdf. Accessed on April 3, 2018.



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Courtney Bryan, Director

**Center for Court Innovation
New York City Council
Committee on Transportation – Preliminary Budget Hearing
March 9, 2021**

Good morning Chair Rodriguez and esteemed Councilmembers of the Committee on Transportation. My name is Amanda Berman, and I am the project director of the Red Hook Community Justice Center, a program of the Center for Court Innovation. The Justice Center is a community court serving Southwest Brooklyn that works in partnership with our community and system stakeholders to develop effective and innovative solutions to local problems, while building public trust in justice.

In 2015, the Red Hook Community Justice Center launched the Driver Accountability Program, with the goal of improving traffic safety and increasing accountability amongst dangerous drivers. And today, six years later, I am proud to say that thanks to the support of City Council, the Center for Court Innovation now operates the Driver Accountability Program across four boroughs and has served over 2,500 participants. The program serves as a critical tool for court players to resolve cases and make our streets safer.

In addition, in a program where approximately 80% of program participants are Black or brown New Yorkers, the program works to reverse some of the historically harmful effects of the criminal legal system on low-income and Black and brown communities. This includes mitigating impacts such as overrepresentation and disproportionately harsher penalties and sentences. In addition, we have served as a model for the Dangerous Vehicle Abatement Law, also known as the Reckless Driver Accountability Act (RDAA), which was introduced by Council Member Lander and passed by Council last year. The RDAA targets drivers who have accrued the highest number of automated camera violations.

To be sure, we acknowledge that it is difficult to celebrate the success of this program due to the unprecedented moment we are living in, given the havoc that COVID has wreaked on our communities and the lives it has taken. We must, however, recognize that there is a less visible epidemic that is also taking lives of New Yorkers nearly every day: the epidemic of traffic violence. Traffic safety is an issue that directly impacts the majority of New Yorkers, whether they are drivers, pedestrians, or cyclists. According to a recent study by Transportation Alternatives, 70 percent of New York City voters reported knowing someone who has been injured or killed in a traffic crash, and 30 percent have been injured in a traffic crash themselves.¹ And while traffic violence is certainly not a new issue we are confronting, the data is clear: since the onset of the pandemic, our streets have become even more dangerous. Last year, at least 244 people were killed on our roadways, making it the deadliest year on record since our Mayor pledged to eliminate traffic deaths through the Vision Zero initiative in our City.² For that reason, we believe it is critical to continue the work of our Driver Accountability

Program, and to expand its reach to ensure that road users in *every* borough, and with any kind of vehicular offense, can reap the benefits.

We are therefore respectfully requesting that the Council continue to support our Driver Accountability Program in the upcoming fiscal year, as the need for more meaningful, effective, and equitable interventions has never been more urgent. This funding would support four critical areas of the work.

First, it would allow us to sustain program operations at our existing sites in the Bronx, Manhattan, Staten Island, and Brooklyn.

Second, it would allow us to expand into Queens, so that road users of every borough can benefit from this program.

Third, it would support the implementation and expansion of another tier of the program, that will use a restorative justice process to respond to the most serious cases of crashes involving serious injury or fatality.

And lastly, renewal funding will support ongoing research to evaluate programmatic impact.

Currently, existing preliminary findings suggest that the program is effective in changing participant behavior and encouraging safer driving. However, with support from City Council, we are in the process of completing a full evaluation through quantitative data as well as focus groups and interviews, which will continue into the upcoming fiscal year.

The Driver Accountability Program builds on Vision Zero's emphasis on enforcement and public education. What makes our approach so unique is that rather than relying on fines, fees, or jail to address dangerous driving, the program incorporates principles of restorative justice to promote reflection, accountability, and behavior change. The program provides a proportionate group-based intervention available to individuals who come through the criminal court on traffic-related offenses, such as VTL 1212 (Reckless Driving); VTL 1192 (Driving While Intoxicated); VTL 511 and 509 (Driving with a Suspended or No License); AC 19-190 (Failure to Yield to a Pedestrian); VTL 600 (Leaving the Scene of an Accident); and others.

Expanding the types of cases we can respond to is one aspect of the program's expansion; the other is expanding our reach geographically to have a presence in every borough. Currently the program operates in Brooklyn, Bronx, Manhattan, and Staten Island. The need for a new approach to traffic cases in Queens is particularly acute, where traffic fatalities increased by 22% last year, twice the rate of increase for the city overall, and the highest number of fatalities of any borough.³ The Center for Court Innovation is well positioned to meet this need due to our already existing footprint through our Queens Community Justice Center, which provides a range of diversion programming for the Queens Criminal and Family Courts. And due to leadership by City Council, and through funding from the Point of Agreement to Close Rikers, we are now planning a new Justice Center in Far Rockaway as well.

Currently the Driver Accountability Program responds to lower-level vehicular offenses in criminal court, typically where there is no crash or injury. And although this represents the majority of

vehicular offenses in our city, there is a notable gap in our system's response to the growing number of cases involving crashes that lead to serious injury or death. Victims and surviving families often report dissatisfaction with the options available through the traditional criminal legal process, and feel that the process does not allow for their voices to be heard, or for meaningful accountability on the part of the driver to take place. To address this critical gap, the Center for Court Innovation is currently working in partnership with Families for Safe Streets to develop a new, more intensive version of the Driver Accountability Program that is designed to respond to these cases. The program will use a restorative justice model that brings together drivers and victims and/or surviving family members of crashes through a series of dialogues to work toward healing, accountability, and reparation. This will also include extensive supports and services for all parties – drivers, victims, and others impacted by the crash – outside of these sessions. Planning for this intervention has been supported by FY21 funding from City Council, and we anticipate piloting it this spring. Support from the Council in FY22 is vital to achieve full implementation, making the program available citywide.

As a result of the pandemic, the volume of cases coming through New York City's criminal courts—particularly for low-level nonviolent offenses—has dramatically decreased over the past year. In addition, there has been a backlog of thousands of cases across the City that were administratively adjourned, or unable to be handled, due to court closures. Despite these challenges, the Driver Accountability Program served 138 program participants between July and December of 2020. Over the course of the coming 12 months, the program anticipates serving a total of 2,000 participants in all five boroughs, including the existing program for lower-level offenses and its expansion to the new model that will handle more serious cases.

Before concluding, I want to express the Center's deep gratitude for the support of our partners, whose collaboration has been essential to launching and sustaining this program, including Families for Safe Streets and Transportation Alternatives, the Brooklyn District Attorney's Office, Council Member Brad Lander, and of course the Council at large, who has provided indispensable support for this program over the past two years.

We look forward to continuing to work with you to make safer streets for all, and we thank you for the opportunity to offer testimony on this important issue. We will be available to answer any questions you may have.

Notes

¹Transportation Alternatives. (2021). For New Yorkers, A Near-Universal Experience of Traffic Violence. New York, NY. Available at: <https://www.transalt.org/writing/for-new-yorkers-a-near-universal-experience-of-traffic-violence>

²Goldbaum, C. (2021) Why Empty Streets Meant an Especially Deadly Year for Traffic Deaths. New York, NY: New York Times. Available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>

³Clinton Hell's Kitchen Chelsea Coalition for Pedestrian Safety (CHEKPEDS). (2021). NYC Crash Mapper. New York, NY. Available at <http://crashmapper.org/#/>



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Courtney Bryan, Director

March 5, 2021

Dear Esteemed Councilmembers,

From a global pandemic to the continued violence against Black and Brown people, 2020 was a hard year for many. And, as the City still grapples with COVID, this time continues to be one of unthinkable loss and uncertainty. Despite these challenges, the Center continues to serve tens of thousands of New Yorkers in all five boroughs, providing critical programs and services to those most in need. Much of this work has been and continues to be funded by Council. To that end, I want to take this moment to thank Council for its steadfast support of our work, and request renewed support as we look ahead to FY22.

With Council's support through the innovative criminal justice programs initiative, the Center for Court Innovation has continued to operate community-based programs to serve the most vulnerable New Yorkers, while also reducing reliance on police. The vast majority of those served are youth, immigrants, low-income, LGBTQ, and people of color. Last year, funding through this initiative was reduced. We hope Council will restore this core funding to its pre-pandemic level. By doing so, we can make a greater impact in meeting the many needs your constituents.

Through Council-funded programs like the Brooklyn Felony Alternatives to Incarceration Court, Driver Accountability Program, and Bronx Project Reset, we continue to keep hundreds of people out of jail and provide them with off-ramps through meaningful supports and services. We also ask that Council renews funding for these programs in FY22 so that this important work continues unabated.

I cannot close without thanking you again for Council's enduring partnership. We have done an enormous amount with you over the years, including creating a credible plan for closing Rikers Island, implementing the Cure Violence model in multiple neighborhoods, and creating new mechanisms to divert low-level cases out of the criminal justice system. In this time of great uncertainty, renewing funding for our programs will ensure our efforts to make New York City stronger, fairer, and safer for all, are realized.

If you have questions, you can reach me at 718.496.9363 or bryanc@courtinnovation.org. I look forward to speaking with you in the near future.

Sincerely,

A handwritten signature in black ink that reads "Courtney Bryan". The signature is fluid and cursive, with a long, sweeping underline.

Courtney Bryan
Executive Director



WRITTEN TESTIMONY FOR A PUBLIC HEARING ON:

New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2022, The Preliminary Capital Commitment Plan for Fiscal Years 2021-2025 and The Fiscal 2021 Preliminary Mayor's Management Report

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL COMMITTEE ON TRANSPORTATION
YDANIS A. RODRIGUEZ, CHAIR

PRESENTED BY:

MONTEL CHERRY
DIRECTOR OF LITIGATION FOR CHILDREN'S RIGHTS
MOBILIZATION FOR JUSTICE, INC.

MARCH 9, 2021

MOBILIZATION FOR JUSTICE, INC.

100 William Street, 6th Floor

New York, NY 10038

212-417-3857

mcherry@mfjlegal.org

I. Introduction

Mobilization for Justice, Inc. submits this written testimony to the New York City Council Committee on Transportation.

Mobilization for Justice (formerly MFY Legal Services) (MFJ) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy, and bringing impact litigation. We assist more than 25,000 New Yorkers each year.

MFJ launched the Driver Protection Project (DPP) in December 2018 to advocate for low-income and immigrant drivers who face fines and points on their for-hire license which threaten their livelihood. We represent drivers at hearings before the Office of Administrative Trials and Hearings (OATH), negotiate settlements with the New York City Taxi and Limousine Commission (TLC), and provide workshops about drivers' rights to ensure they are able to make a living and provide a safe transportation option to the public. In 2020 with the COVID-19 pandemic MFJ handled 126 cases, which resulted in \$8,400 in savings for our clients, while in 2019 before the pandemic we handled 313 cases, which resulted in \$170,000 in savings for our clients. There are many more that need our help that we simply cannot aid due to capacity constraints.

II. Representing Low-Wage and Immigrant Drivers Bring Concrete Economic Benefits

A. Litigation

MFJ regularly sees unwitting drivers, usually people of color, who are entrapped and fined by undercover TLC officers posing as passengers finding themselves at the wrong airport. This usually results in a summons with a maximum fine of \$1,500 for a first offense and \$2,000 for a second offense with suspensions and civil forfeitures. Most individuals do not want to take the risk of going to a hearing, given that an entrapment defense is not viable in an administrative proceeding. Notwithstanding, this entrapment practice does not promote public safety, destroys the trust in TLC as an enforcement agency by the drivers, riders, and the tax-paying public at large, and has a disparate economic impact on communities of color.

- For example, Mr. R., an Asian driver, was approached by an undercover TLC stating she was desperate to get to LGA airport because she mistakenly came to JFK airport. She offered Mr. R. money, but Mr. R. told her that he would take her for free. However, when he proceeded to let her into his vehicle, he was issued an \$1,500 summons for violating Administrative Code §19-506(b)(1), stating that he had agreed to a fare of \$30. MFJ provided counsel to Mr. R. on his legal options, and instead of taking the chance that the Hearing Officer would not find him credible, Mr. R. settled with TLC and paid \$750 for trying to be a Good Samaritan.

MFJ also sees for-hire drivers, usually immigrants of color that are non-English speakers, who are stopped for an alleged violation, do not understand the English-speaking TLC officer, and are issued several summonses with numerous points in one incident.

- For example, Mr. J. a Spanish speaking TLC driver, was issued 4 summonses with a total of 9 points in one stop. If found guilty of all these summonses stemming from this one stop, Mr. J. would have had to pay \$1500 and have his TLC license suspended. Mr. J. explained to MFJ that he had no idea why he was issued the summonses, and the issuing TLC officer did not even try to provide an explanation; he just threw the summonses at Mr. J. With MFJ's representation, two of the summonses were withdrawn by TLC as duplicative and the other two summonses were dismissed after an OATH hearing. Mr. J. was able to keep his license and continue earning his livelihood.

B. Negotiations

Most drivers we meet think they can either pay the fine indicated on the summons or go to a hearing. Not many people know they can actually request a settlement offer prior to their hearing date, which can result in a lower fine and/or fewer points depending on the alleged violation, even though the summons itself includes information about "How to Respond."

- For example, Mr. C. a Haitian Creole speaker was issued a \$1500 summons. Mr. C.'s only income was unemployment benefits, and he was worried that he had to pay the full amount of the summons which he could not afford. Mr. C thought he had to pay the full amount due to his limited English proficiency and the notices he received were in English. However, after MFJ's intervention, we were able to negotiate a \$400 settlement agreement, which was a much more manageable amount for Mr. C.

III. Advice and Outreach Efforts Benefit Drivers

Pre-pandemic, MFJ conducted a weekly clinic in Long Island City providing advice to drivers who have been issued a summons or representation at a hearing. This service continues to be offered remotely via referrals from the OATH Help Center.

Upon request, we also conduct Know Your Rights workshops for drivers. With more resources and funding, we can offer more of this critical education. It is not only empowering, but also makes a difference when the drivers understand their rights, the hearing process, and possible outcomes so they can make an informed decision about how to resolve a summons.

These types of counseling and educational efforts help drivers and the administrative/enforcing agencies. They also often remedy problems before they impact drivers' lives to the point where they accumulate points and excessive fines, leading to license suspensions, and result in drivers' inability to pay rent or feed their families.

IV. Unmet Need

MFJ is the **only** legal services office in the City that provides free civil legal service to for-hire drivers who are issued summonses by TLC in the Hearings Division at OATH. Because of our work, OATH has also requested that MFJ provide legal services to for-hire drivers in the Trials Division at OATH, where drivers are at risk of having their licenses revoked or suspended, and 89% of those drivers do not have representation. However, without funding, MFJ is unable to provide legal services to these drivers.

MFJ applauds the Committee on Transportation of the New York City Council for holding this hearing and urges the Council to support this important work predominantly supporting immigrants and people of color.

March, 4, 2021

SPEEDING OUT OF THE MIDTOWN TUNNEL INTO RESIDENTIAL NEIGHBORHOODS

Dear Committee;

We have an on-going issue with motor vehicles speeding out of the Midtown tunnel and across to the west side.

This is not only with the problematic 'speeders' that erupted post, Black Lives Matter protests, this is on-going for a very long time.

We ask that you perform a test in this area with speed bumps throughout various blocks going from east to west side.

As a long-time resident who lives on the same block (37th between 3rd & Lexington) I can attest to this problem as well as, speak for our community in that many feel unsafe and nervous walking across the street as speeding cars rush up out of the tunnel.

The other solve might be to add a speed meter between a few blocks from east to west.

We need more enforcement and regulations with speeders coming out of the tunnel on a daily basis.

I request that we ask for testing and action in this area.

Please feel free to contact me and let us know how we can help.

Michael-Ann Rowe

Co-Chair and Trustee: The Murray Hill Neighborhood Association.

Hello, my name is Ira Macner. I am a volunteer at 350Brooklyn, and a resident of Greenpoint. I am here to advocate for the inclusion of electric school buses into the budget. All facts that I mention come from a 2018 study "New School Year, Same Dirty Buses" from the New York League of Voters Conservation Fund.

Just over 100 years ago, the U.S. first funded school buses nationwide. In doing so, a precedent was set to provide children with safety as they travel to and from school. I remember vividly the vulnerability I felt as a child. Children literally have no choice but to trust the adults around them to preserve their well-being. We must stop subjecting their developing respiratory systems to diesel-run school buses. Not only does diesel exhaust pollute our environment with damaging greenhouse gases, but some of the exhaust (which is a carcinogen) enters the inside of the carriage itself. According to the 2001 NRDC study, the amount of exhaust found inside a bus is 4 times higher than that of cars.

In 2015, a study from the Universities of Michigan and Washington, showed that after implementing the Diesel Admissions Reduction Act in 2005, there was a 16% decrease in lung inflammation of children riding on those retrofitted buses. This study also showed a 20-30% decrease in lung inflammation among children already diagnosed with asthma (which is a prevalent health challenge in NY's underserved neighborhoods). Also, school attendance rate increased by 8%.

Many see natural gas as the obvious solution. While natural gas has no greenhouse gas emissions, the process of fracking itself creates damaging emissions and a host of environmental problems such as volatile pipelines that threaten our wildlife, soil and water supply.

Electric buses are the best possible option. They will not poison our children, or the air in the neighborhoods in which they drive. They are quiet. The air quality will improve and the noise pollution will decrease. This will benefit not only humans, but the birds who need to hear one another in order to survive. It is my conviction that we must be mindful of our decisions because our actions effect animals who have just as much a right to a high quality of life as we do.

Transitioning to electric buses is a crucial step for New York State to meet its own renewable energy goals as outlined in the Climate Communities & Leadership Protection Act. It is high time we take full ownership for this attainable and crucial vision for our future.

Thank you for your time.