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The City of New York
Community Board 8 Manhattan
Transportation Committee
Wednesday December 5, 2018, 6:30 PM
New York Blood Center - Auditorium

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

Minutes

Present: Michele Birnbaum, Billy Freeland, Craig Lader, Rebecca Lamorte, Valerie Mason, Rita Popper, Barry Schneider, Tricia Shimamura, Charles Warren, Peter Borock (public member)

Absent (Excused): David Menegon

Absent (Unexcused): Lori Bores, Sharon Pope, Jordan Wouk (public member)

Resolutions for Approval:

Item 1: Application for Revocable Consent (40 East End Avenue) (Page 1)

Item 4: Continued discussion of Congestion Pricing (Page 5)

The meeting was called to order at 6:35 PM.

Item 1: Application for Revocable Consent (40 East End Avenue) – Application to construct, maintain and use proposed planted areas including uplightings and conduits to be located on and under the west sidewalk of East End Avenue and south sidewalk of East 81st Street, at 40 East End Ave.

Representatives for 40 East End Avenue, a new Condo building at the corner of 81st Street, presented their application to install planters and lighting to line the building along portions of its frontage on both East End Avenue and 81st Street. The planters are proposed to be 3 feet wide, with 18 inch steel tree pit guards. There will be in-ground uplights for the plantings, the building, and tree pits – 15 LED watts of luminance fronting towards the building, and dimmable.

Although it was described as accent lighting to wash the lower portion of the building and not emit light towards neighboring buildings, there were concerns expressed by some residents of neighboring buildings and some Committee members that the lighting would be distracting and is excessive. The depth of the plantings was also a concern to one Committee member. Others were supportive, pointing to the safety benefits of added lighting along the sidewalk. There will be 6.5 feet of clearance between the planters and the nearest tree pits, which exceeds the 5-foot requirement.

The following resolution was put forward by CB8:

WHEREAS, 40 East End Avenue seeks a revocable consent to install planted areas and uplighting; and

WHEREAS, the plantings will be 3 feet wide with 18 inch steel tree pit guards, and maintain required sidewalk clearances,

THEREFORE BE IT RESOLVED that Community Board 8 supports the application, as presented, for a revocable consent to construct, maintain and use proposed planted areas including uplightings and conduits to be located on and under the west sidewalk of East End Avenue and south sidewalk of East 81st Street, at 40 East End Ave.

Approved, 8 Yes, 1 No, 0 Abstention, 0 Not Voting for Cause; plus 1 Public Member voting Yes.

Yes (8+1): Freeland, Lader, Lamorte, Mason, Popper, Schneider, Shimamura, Warren, Borouk (public member)
No (1): Birnbaum

Item 2: A discussion regarding the concept of dedicating curb space for e-commerce delivery and transportation network company and taxi pickups/drop-offs

This item was discussed to determine if CB8 had any interest in pursuing an approach recently supported by Manhattan Community Board 7, which passed a resolution in October 2018 directing NYCDOT to repurpose curb space in certain specific locations as loading zones to “improve street safety, ease traffic congestion, and facilitate deliveries”.

The locations targeted by CB7 for delivery zones were along Central Park West and West End Avenue, which experience significant residential truck deliveries from companies such as UPS and FedEx generated from e-commerce companies such as Amazon.com. One member noted that delivery companies sometimes will find a space to conduct mass unloading, effectively creating a mobile distribution center along the street. A common theme of the discussion at CB8 was how e-commerce has impacted small businesses in the community, and whether acting to curb congestion by potentially taking existing parking spaces used by people frequenting local businesses would further threaten their viability. With the outsized impact of Amazon.com on traditional brick and mortar businesses, there were also question raised about whether such a strategy would create competitive advantages for e-commerce providers at the expense of local businesses. For that reason, it was determined that any future discussion regarding delivery space would include the Small Business Committee.

There was also discussion regarding possibly having NYCDOT study the matter, as there were committee members receptive to investigating approaches to addressing double parking and safety issues that result from passenger pickups/drop-offs in inappropriate locations. It was also noted that double parking in commercial corridors for loading and unloading of trucks continues to be prevalent, and needs to be addressed alongside the deliveries in residential zones. It was also noted that any study should also investigate how to reverse practices which have enabled delivery companies to benefit from traffic tickets resulting in small fines that encourage continued double parking.

The issue of passenger pickups/drop offs by taxis and transportation network companies such as Uber/Lyft/Via were also discussed. There are a variety of issues that have been created by the omnipresence of these vehicles, such as how they impact traffic and pedestrian safety when they take place in the middle of moving lanes and intersections, curbside space being used for drivers to layover, and the cruising of vehicles as they await the assignment of passengers. Other cities such as Washington, DC and San Francisco have begun to create dedicated spaces at high-volume locations for operators, including retail complexes, theaters, sports venues, hospitals, and other community facilities and institutions. One member expressed concern that introducing dedicated spaces would impact providers since their businesses depend on drop-offs at convenient locations rather than having passengers have to walk further to access them.

Given the complexities regarding these topics, it was determined that the issues discussed would be revisited at a future meeting, and any discussion regarding loading zones would be joint with the Small Business Committee. In the interim timeframe, Committee members will consider possible items to include in any NYCDOT study that may be requested, and whether a study should address all curbside issues regarding deliveries and passenger

activity or whether they should be addressed separately. It was also suggested that NYPD's Traffic Enforcement division be invited to discuss these matters, as they had regularly reported to the Committee in the past but have not in attendance in recent years.

Item 3: A discussion of proposed City Council legislation that would legalize most e-bikes and e-scooters.

Draft legislation was introduced in the New York City Council in late November 2018 that seeks to legalize both e-bikes and e-scooters, address some of the ongoing issues regarding safety and the speeds at which they can be operated, legal penalties, and equity issues:

Int. No. 1264: A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric bicycles - This bill would remove prohibitions in local law against the operation of certain electric bicycles. The bill would allow for the use of electric bicycles incapable of exceeding 20 miles per hour. The bill would also reduce fines for operating motorized bicycles prohibited by local law, provide that only motorized bicycles operated in a manner that endangers safety or property are subject to impoundment and clarify that operators of electric bicycles allowed by local law are subject to the laws applicable to bicycle operators.

Int. No. 1265: A Local Law in relation to a conversion program for pedal-assist electric bicycles - This bill would require the Department of Transportation (DOT) to create a program to assist individuals with incomes not in excess of 200% of the federal poverty guidelines with the conversion of throttle-operated electric bicycles to pedal-assist electric bicycles. The bill would require DOT to consider any available public or private resources for the purpose of implementing the conversion program.

Int. No. 1250: A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric scooters - This bill would remove prohibitions in local law against the operation of certain electric scooters. The bill would allow for the use of electric scooters incapable of exceeding 15 miles per hour. The bill would also reduce fines for operating motorized scooters prohibited by local law, amend the law to provide that only motorized scooters operated in a manner that endangers safety or property are subject to impoundment and clarify that operators of electric scooters allowed by local law are subject to the laws applicable to bicycle operators.

Int. No. 1266: A Local Law to amend the administrative code of the city of New York, in relation to a pilot program for shared electric scooters - This bill would require the Department of Transportation to create a pilot program for the operation of shared electric scooters in New York City. This bill would provide that neighborhoods underserved by existing bike share programs or affected by the upcoming 2019 Canarsie Tunnel closure will be given priority in determining the geographic boundaries of the pilot program. The bill would also require that the Department of Transportation report to the Council on the progress of the program and would prohibit the operation of shared electric scooters without prior Department of Transportation approval.

Although the draft legislation would address the legal status of e-bikes from the City's perspective, there are remaining question regarding whether they would remain illegal under State law absent any legislative action in the State Assembly and Senate, and if there is a distinction from a legal perspective between fully electric bikes/scooters and those that are pedal assisted.

Community Board 8 has expressed opposition for many years against e-bikes, as they are viewed as a threat to pedestrians and other cyclists due to the speeds at which they can be operated and they're illegal. The Street Life Committee includes language in their resolutions requiring applicants for liquor licenses and sidewalk cafes that explicitly prohibit the use of e-bikes, and requests to the 19th Precinct to enforce e-bike laws have resulted in the confiscation of hundreds of e-bikes within CB8. The Committee's members continued to express their sentiments against e-bikes, as the proposed legislation would not address ongoing concerns regarding safety, enforcement and usage. There was also discussion regarding possible licensing of such bikes based on their distinction as being motorized. The perception that low wage delivery people have been targeted unfairly and that the components of the proposed legislation that related to reducing fines and converting e-bikes to permissible pedal-assist bikes were considered acceptable by some Committee members.

E-scooters are a newer phenomenon, and have grown in popularity in various American cities over the past year. Proponents believe they can be beneficial as a personal mobility option that can be used to enhance connectivity to transit, such as it possibly being used as one element to mitigate the construction shutdown of the L Train beginning in April 2019. Opponents point to the experiences that other cities have had, some of which were unprepared for their arrival. Issues have included unsafe usage resulting in injuries to users and pedestrians, and visual blight resulting from dockless scooters being left in locations that are inappropriate. It was noted that the legislation did not include any guidance as where and how they would be permissible – serious questions remain regarding their appropriateness in bike lanes, and they are not meant for the congested sidewalks of Manhattan. There are also questions regarding ADA implications.

The Committee will hear this matter again in January, at which time there may be additional information available regarding the legal distinctions of e-bikes and scooters from both local and state perspectives. Information will be requested from DOT to ascertain if they have a plan for implementing these proposals if they were to be signed into law. The Street Life Committee will also be included in the January discussion given their involvement in the issue of e-bikes.

Item 4: Continued discussion of Congestion Pricing - Proposal to reiterate Community Board 8 support for the concept of Congestion Pricing

At the November 2018 Transportation Committee, it was determined that based on the increasing likelihood that congestion pricing will be introduced legislatively and potentially signed into law in 2019, the Committee should consider reaffirming support for congestion pricing as a concept. The starting point of the discussion was the resolutions passed in 2008 and 2014.

The 2008 resolution, adopted by a vote of 27 in favor, 6 opposed, 3 Abstentions read as follows:

WHEREAS, traffic congestion in the central business district of Manhattan has been increasing on a yearly basis with the result that it is very difficult to carry out business in the area, and
WHEREAS, the traffic congestion in the central business district of Manhattan has led to deteriorating air quality with an adverse impact on health and the environment, and
WHEREAS, it is necessary to provide a continuing source of money for mass transit improvements in order to bolster the budget of the MTA,
THEREFORE BE IT RESOLVED, Community Board 8 supports the congestion pricing plan as recommended by the Traffic Congestion Mitigation Commission in its report of January 31, 2008, with the following changes:
1. Elimination of the EZ PASS toll offset for drivers using the bridges and tunnels from New Jersey, and 2. Elimination of any charges on residents in the residential permit parking program.

The 2014 resolution, adopted by a vote of 34 in favor, 2 opposed, 7 Abstentions and 0 not voting for cause, read as follows:

WHEREAS, traffic congestion in the central business district of Manhattan has been increasing on a yearly basis with the result that it is very difficult to carry out business in the area, and
WHEREAS, the traffic congestion in the central business district of Manhattan has led to deteriorating air quality with an adverse impact on health and the environment, and
WHEREAS, traffic congestion in the central business district of Manhattan has led to traffic congestion on the Upper East Side, and
WHEREAS, the lack of tolls on the Queensboro Bridge has led to traffic congestion on the Upper East Side, and
WHEREAS, it is necessary to provide a continuing source of money for mass transit improvements in order to bolster the budget of the MTA, and
WHEREAS, the Move NY Fair Tolling & Transportation Reinvestment Plan would both decrease traffic congestion and provide funding for mass transit and roads, and
WHEREAS, in March 2008 Community Board 8M passed a resolution in support of congestion pricing by a vote of 27 in favor, 6 opposed, and 3 abstentions;

THEREFORE BE IT RESOLVED that Community Board 8 Manhattan supports the core principles of the draft Move NY Fair Tolling & Transportation Reinvestment Plan.

The discussion again centered on the continuing concern that the Legislature may move quickly to introduce and pass language without local input from affected communities such as CB8, which in March 2018 sent a letter to Governor Cuomo and elected officials highlighting some of the shortcomings of the details contained within FixNY plan that was the basis for the 2014 resolution expressing support for the plan's "core principles". Charles Komanoff, a consultant who has participated in the ongoing discussions with elected officials and leaders involved in crafting the congestion pricing plan at the state level, indicated that details of the plan are fluid and continue to evolve, though he indicated that the expectation is that any plan will result in about a 15% reduction in vehicular traffic in Manhattan below 60th Street. He also noted that any plan will provide funding to support implementation of New York City Transit's Fast Forward Plan, which highlights the program of improvements fix and improve the subway system, bus system and creating a more accessible transit system.

Although it seems likely that any proposal will include core principals such as tolling vehicles entering the central business district to reduce congestion and generating a dedicated funding stream to allow the deteriorating transit system to be improved, some Committee members expressed discomfort with the idea of lending support to a concept that lacks details and thus is not yet a plan, especially when the specifics of a plan may include aspects will have significant impacts within CB8. Some other members expressed opposition to congestion pricing in general and expressed their belief that taxing cars is not advisable and won't produce the promised benefits; there were also comments from members who attributed increased congestion to Uber/Lyft/Via, reductions in vehicular lanes in favor of bike and bus lanes, and fears that areas bordering the congestion zone will see increased increase. Other members were strongly in support of the general concept of congestion pricing, and believed that the core principals in the prior resolutions should be reaffirmed.

Given the hesitancy of members to endorse a plan that lacks specific details, the committee did not decide to consider a formal reaffirmation of the 2008 and 2014 resolutions, nor did it pursue explicit support of congestion pricing due to the concerns voiced by members who were reluctant to support a concept without being certain that they would have an opportunity to vote on the detailed plan that is ultimately produced. Since it is in the hands of the New York State Legislature and the Governor, the Committee felt it was appropriate to craft a resolution that expressed the core principals of any legislation that the Community believes should be part of any legislation that aims to address congestion and funding for transit.

Prior to voting on a resolution, there was a motion to table. The motion failed by a vote of 2 yes, 6 no.

Yes (2): Birnbaum, Lamorte, Mason

No (6): Freeland, Lader, Mason, Popper, Schneider, Shimamura, Warren

The following resolution was put forward by CB8:

WHEREAS, traffic congestion in the central business district of Manhattan continues to increase, and has led to deteriorating air quality with an adverse impact on health and the environment, and

WHEREAS, traffic congestion in the central business district of Manhattan has led to traffic congestion on the Upper East Side, and

WHEREAS, funding shortfalls have contributed to the New York City Transit System's aging infrastructure and steep declines in on-time performance and reliability for Subway and Buses that have resulted in declining ridership; and

WHEREAS, the long-term economic health of New York City is inextricably linked to a safe, reliable, comfortable and well-functioning transit system accessible to all users; and

WHEREAS, New York City Transit has issued "Fast Forward" – a 10-year plan to repair and modernize the transit system that requires approximately \$40 billion be fully funded,

THEREFORE BE IT RESOLVED that Community Board 8 Manhattan urges the New York State Legislature and Governor to formulate a comprehensive and detailed legislative proposal that will result in reductions in traffic congestion in Manhattan’s Central Business District AND generate stable revenue streams dedicated to fixing and improving MTA New York City Transit Subways and Buses.

Approved, 7 Yes, 2 No, 0 Abstention, 0 Not Voting for Cause;

Yes (7): Freeland, Lader, Mason, Popper, Schneider, Shimamura, Warren

No (2): Birnbaum, Lamorte

Items 5 and 6: Old and New Business

Rita Popper brought to the attention of the Committee that one of the escalators at the 70th Street entrance of the 72nd Street Q Subway Station was not in operation, resulting in no down escalators at this entrance for more than 24 hours.

Craig Lader noted that there will be a “NYCDOT Updates” standing item on the Transportation Committee agenda starting in January 2019 to enable the DOT liaison to provide status updates on issues of note and actions formally requested by CB8.

There being no further business, the meeting was adjourned at 9:02 PM.

Respectfully submitted, Charles Warren & Craig Lader, Co-Chairs