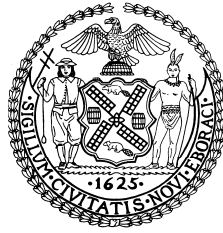


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## The City of New York Manhattan Community Board 8

### Transportation Committee

Wednesday, June 5, 2013

*MSK-Rockefeller Research Laboratories*

430 East 67th Street (First-York) Room RRL-B20

New York, NY

6:30 PM

### Minutes

*Present:* Lowell Barton, Michele Birnbaum, Lori Ann Bores, Jeffrey Escobar, A. Scott Falk, Ed Hartzog Lorance Hockert, Jonathan Horn, Rita Popper, Barry Schneider, Judith Schneider, Helene Simon, Charles Warren, Hedi White, & Timothy Yeo; Michael Dillon (Public Member) & David Menegon (Public Member)

The Meeting was called to order at 6:35 PM by Co-Chairs Charles Warren & A. Scott Falk.

### **1. Pedestrian Safety Improvement Project – 3rd Avenue Turnbays at East 79th and East 86th Streets.**

Representatives from NYC's Department of Transportation (DOT) presented a proposal to improve pedestrian safety at two intersections on Third Avenue, at E. 79th St. and E. 86th St., two locations that have seen 78 injuries and 18 pedestrian injuries in the past five years.

The proposal calls for the left-most traffic lane on Third Avenue to be converted to left-turn-only, and to add painted neckdowns on the northwest corner of each of the intersection that would reduce the west-to-east crossing distance by 16 feet (nearly 25%).

The Committee asked DOT to examine the possibility of adding a left-turn arrow and split phase at each intersection; a member of the public expressed that APS would become necessary if a split phase was added. There was discussion on designating the second traffic lane as no left turn, and the possibility of using flexible delineators to separate the turning vehicles from through traffic.

A motion was made to approve the plan with the addition of signage and lane markings designating the second lane as straight only (no left turn), and further resolved for DOT to look into and report back on the feasibility and effect of a split phase. DOT agreed to come back with a revised proposal after considering the split phase, in July or September, and so the motion was withdrawn.

## **2. Discussion to reverse the current traffic flow on East 71st Westbound and East 73rd Street Eastbound between York and the FDR Drive making East 71st Street Eastbound and East 73rd Street Westbound.**

As the Committee began to discuss this item, it was immediately commented that this was only a small part of a much larger issue of traffic on York Avenue. DOT commented that such a broad study area was generally beyond the usual scope of their office, except as special funding was made available.

A motion was made to request a comprehensive analysis of traffic on York Avenue from 59th to 91st Streets, and that DOT report back to CB8M in October on the status of funding for the analysis and an approximate date for completion of the analysis.

There was some debate about the source of funding for the analysis, which might come from certain institutions in the area (e.g., Memorial Sloan-Kettering, Hospital for Special Surgery, Rockefeller University, etc.) and/or from elected officials. A vote was taken on a formal amendment to the motion on the floor that would restrict funding for the traffic analysis to be carried out with only public funding (no private funds), but the amendment failed 3 yes, 10 no (plus 2 public member no votes), and 1 abstention. The Committee then passed the original motion unanimously.

WHEREAS over the past many years the York Avenue corridor has seen a significant increase in the number of residential towers, especially in the southern portion of Community District 8; and

WHEREAS there has also been a dramatic expansion of the world renowned institutions along York Avenue: NY-Presbyterian Hospital/Weill Cornell Medical Center, Memorial Sloan-Kettering Cancer Center, Hospital for Special Surgery and The Rockefeller University, as well as Hunter College/CUNY; and

WHEREAS there has been a significant increase in the occupancy rate of the older, more established residential buildings along the entire length of York Avenue; and

WHEREAS these increases in the number of residents, employees, and visitors to the area has produced a very noticeable increase in pedestrian and vehicular traffic; and

WHEREAS the proposed Marine Transfer Station at E. 91<sup>st</sup> Street will bring hundreds of additional vehicles to the area daily;

THEREFORE BE IT RESOLVED THAT Community Board 8 Manhattan calls upon the New York City Department of Transportation to undertake a comprehensive analysis of the traffic on the entire length of York Avenue, from East 59th Street to East 91th Street; and

BE IT FURTHER RESOLVED THAT the Department Transportation should report back to the October 2013 CB8M Transportation Committee meeting with an update on the status of the funding to complete the analysis and an approximate timeline for completion.

*Approved: 14 Yes, 0 No, 0 Abstentions*

*Yes: Barton, Birnbaum, Bores, Escobar, Falk, Hartzog, Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, White, Yeo*

*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*

*Yes: Dillon, Menegon*

### **3. Discussion of current lack of enforcement of Yield to Pedestrian regulation.**

Committee member Barry Schneider, who was recently hit by a livery cab, asked the Committee to consider supporting a bill that recently passed the State Senate (by a vote of 61-1) that would allow a police officer to arrest the driver of a motor vehicle for violating Section 1146 of the Vehicle and Traffic Laws, "Drivers to Exercise Due Care", without witnessing a collision.

Multiple members of the public reported on their experiences being hit by motor vehicles.

A motion was made to support this proposed legislation by calling upon the Assembly to pass the bill and the Governor to sign it into law. After some debate, the Committee passed the following resolution:

WHEREAS under section 1146 of the Vehicle and Traffic law drivers are required to exercise due care to avoid collision with bicyclists, pedestrians, or domestic animals; and

WHEREAS failure to exercise due care can result in civil fine of no more than \$750 or imprisonment of no more than fifteen days; and

WHEREAS in 2010 the State Legislature amended Article 26 of the Vehicle and Traffic law by passing section 1146, commonly known as Hayley and Diego's Law, to create an infraction for failure to exercise due care in operating a motor vehicle; and

WHEREAS current implementation of section 1146 has been narrow because of the requirement that a police officer witness the actual collision in order to issue a violation; and

WHEREAS the New York State Attorney General has issued an opinion contradicting the requirement that a violation has to be witnessed by a police officer; and

WHEREAS there have been a number of high-profile incidences recently where the driver was suspected of not exercising due care, but no violation was issued because a police officer did not witness the collision; and

WHEREAS the current legislation pending in the New York Legislature (A.2012 Sponsored by Assemblyman Brian Kavanagh) will allow police officers to issue a violation or make an arrest under section 1146, if and only if there is reasonable cause to believe that the driver did not exercise due care; and

WHEREAS the two Assemblymembers who represent the majority of residents of the Upper East Side, Dan Quart and Micah Kellner, have co-sponsored this legislation; and

WHEREAS identical legislation was passed in the New York State Senate (S.3644A), where it received 61 votes yes and 1 vote no; and

WHEREAS passage of A.2012A/S.3644A will close a loophole in the current law and will contribute to saving lives; and

WHEREAS on March 20, 2013, the New York City Council by voice vote passed Res. 1332-2012, whose sponsors included Councilmember Jessica Lappin, which called upon the New York State Legislature to pass A.2012/S.3644 and called upon Governor Cuomo to sign the legislation into law;

THEREFORE BE IT RESOLVED that Community Board 8 Manhattan calls upon the New York State Assembly to pass A.2012A; and

BE IT FURTHER RESOLVED that Community Board 8 Manhattan calls upon the Governor to sign the legislation into law.

*Approved: 10 Yes, 1 No, 2 Abstentions*

*Yes: Barton, Bores, Falk, Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, Yeo*

*No: Hockert*

*Abstain: Birnbaum, White*

*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*

*Yes: Dillon, Menegon*

Before moving the agenda, the Committee offered an opportunity for further discussion on the failure to yield to pedestrians.

A member of the public asserted that Traffic Enforcement Agents are not trained to deal with pedestrians, but only to move vehicular traffic. Ethel Sussman from Councilmember Jessica Lappin's office mentioned that their office receive many calls about vehicles not yielding to pedestrians and Traffic Enforcement Agents who do not help the situation. The Committee said that we will invite the Traffic Enforcement Supervisor for our district to attend the September 2013 Committee meeting in order to discuss these issues.

Josh Orzeck from DOT reported that the Street Safety Managers will be coming to CB8M sooner than previously expected in order to help with education and enforcement relating to the bicycle lanes on First Avenue. In response to a complaint about a crosswalk with degraded conditions, Mr. Orzeck also reported that DOT has found a new overlay that may allow it to repave the concrete sections of First Avenue north of 72nd Street, possibly as soon as this summer.

#### **4. A request for a Taxi Relief Stand at East 87th Street between First and Second Avenue.**

Mr. Bhupinder Singh, the owner of 87 St. Deli Inc. at 1665 First Avenue (near the southwest corner of E. 87th St.), has requested a taxi relief stand on East 87th Street for four to five taxis. Prior to the installation of the protected bicycle path on First Avenue, there was parking in front of his store, but this was removed to accommodate the mixing zone for the left turn north of his store. Mr. Singh's business is open 24 hours, seven days per week, and provides restrooms for taxi drivers. He was able to provide DOT with many petitions in support of his request.

Representatives from the Taxi & Limousine Commission reported that they take the requests to DOT for review, because DOT controls signage but had no objection to the taxi relief stand. DOT reported that Mr. Singh's business provides an essential service to taxi drivers, and that the requested four to five spaces could be accommodated at this location; therefore, DOT was looking for the Community Board's feedback. The current curb regulations are alternate side parking for street cleaning on Tuesday and Friday from 9:00 to 10:30 AM.

WHEREAS 87 St. Deli Inc. is a business located at 1665 First Avenue that is open 24 hours, 7 days per week; and

WHEREAS 87 St. Deli Inc. has restrooms that are available for the use of taxi cab drivers, thus providing an essential service; and

WHEREAS taxi cab drivers provide an essential service for the City of New York; and

WHEREAS the owner of 87 St. Deli Inc. has requested a taxi relief stand on East 87th Street west of First Avenue for four to five taxis, but was willing to accept a taxi relief stand for three taxis; and

WHEREAS the NYC Department of Transportation has determined that this block can accommodate a relief stand for up to four or five taxis; and

WHEREAS the current curb regulation is for alternate side parking on East 87th Street on Tuesday and Friday from 9:00 to 10:30 AM; and

WHEREAS limiting the hours of the taxi relief stand to be from 10:30 AM to 7:00 PM will permit area residents to park overnight and not interfere with street cleaning;

THEREFORE BE IT RESOLVED that Community Board 8 Manhattan supports the request for a taxi relief stand on East 87th Street west of First Avenue for three taxi cabs, from 10:30 AM to 7:00 PM seven days per week.

*Approved: 13 Yes, 1 No, 0 Abstentions*

*Yes: Barton, Bores, Escobar, Falk, Hockert Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, White, Yeo*

*No: Birnbaum*

*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*

*Yes: Dillon, Menegon*

## **5. Continued discussion on turning signals at the intersection of Park Avenue and East 96th Street.**

In May 2012, in response to a request for a left-turn signal at the intersection of East 96th Street & Park Avenue, Community Board 8 unanimously passed a resolution calling on DOT to look at that intersection for ways to improve pedestrian safety there.

On April 19, 2013, DOT provided the following response to 1230 Park Owners, Inc., which had made the initial request:

*We completed our analysis earlier this month. Factors such as peak hour turning movements, accident experience and the availability of gaps in the opposing traffic stream to accommodate turns were all taken into consideration in making our determination. Based upon an evaluation of the data collected, it is our judgment that a special left turn signal is not warranted for East 96th Street (either direction) or for Park Avenue (southbound).*

The Committee reminded the representative from DOT that the CB8M resolution was not limited to the initial request from 1230 Park for adjustments to the traffic signal, and requested that DOT continue to look at the intersection for other options to improve pedestrian safety and then report back. Josh Orzeck from DOT said that the location may qualify as an accident-prone location, and pointed out that it lies at the borders of two community boards as well as two police precincts. He said that he was not sure if other DOT divisions besides the signals division had examined the intersection, but that he would take the May 2012 resolution back to DOT for consideration of other options.

There was also discussion of why this area didn't qualify for a slow zone, but perhaps could qualify for a school safety zone. Mr. Orzeck said he would request that a speed board radar device be placed near the intersection to make drivers aware if they are speeding south on Park Avenue.

## **6. A discussion of a policy re: requesting that DOT include APS on any new projects that involve non-standard sequence (e.g., LPI, Barnes Dance, etc.) when they aren't presenting to the board.**

Following up on several recent discussions of expanding the number of Accessible Pedestrian Signals (APS) within the district, the Committee discussed whether to set a policy to request that DOT incorporate APS in any project that would result in the creation of a non-standard traffic sequence. Given that in certain circumstances DOT does not seek community board approval before making changes that may be designated as pedestrian safety measures, this would allow CB8M to have a blanket policy that calls on DOT to incorporate APS when creating a non-standard sequence.

The Committee passed the following unanimous resolution:

WHEREAS on March 19, 2013, by a vote of 40-0 with 1 abstention, Community Board 8 Manhattan passed a resolution strongly requesting that additional Accessible Pedestrian Signals be installed on the Upper East Side and urging the New York City Council to increase the number of such signals mandated for installation annually; and

WHEREAS the Department of Transportation sometimes designates certain projects as safety improvements that do not require community board review, eliminating the opportunity for Community Board 8M to have input prior to installation of those changes; and

WHEREAS a blanket policy calling upon DOT to install Accessible Pedestrian Signals at any intersection where alterations will result in a non-standard sequence of traffic will communicate to the DOT this Community Board's position;

THEREFORE BE IT RESOLVED THAT Community Board 8 Manhattan strongly requests that NYC DOT incorporate Accessible Pedestrian Signals at any intersection within our district where DOT creates non-standard traffic sequencing, regardless of whether these changes will be presented to Community Board 8M for review prior to installation.

*Approved: 13 Yes, 0 No, 0 Abstentions*

*Yes: Barton, Birnbaum, Bores, Falk, Hockert Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, White, Yeo*

*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*

*Yes: Dillon, Menegon*

#### **7. A request for a new Revocable Consent for the installation of a sidewalk hatch in front of 425 East 76th Street.**

Michael Pressel of RPO, Inc., appeared to present a request for a sidewalk hatch for garbage removal in front of 425 E. 76th St., a residential building owned by Memorial Sloan-Kettering. The Committee passed a unanimous resolution in support of the application.

BE IT RESOLVED THAT Community Board 8 Manhattan approves a Revocable Consent to install a sidewalk hatch in front of 425 East 76th Street.

*Approved: 14 Yes, 0 No, 0 Abstentions*

*Yes: Barton, Birnbaum, Bores, Falk, Hockert Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, White, Yeo*  
*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*  
*Yes: Dillon, Menegon*

## **8. Old Business**

The Committee asked Josh Orzeck of DOT whether proposed bike-share station sites within our district would be presented to the Community Board prior to installation. He said that he would get back to us to confirm about this. The Committee passed the following unanimous resolution to request that locations be presented to us prior to

WHEREAS the Citi Bike bike sharing system launched south of 59th Street on May 27, 2013; and

WHEREAS DOT had previously announced that Phase 1 of Citi Bike would extend up to 79th Street in Manhattan; and

WHEREAS the bike share coverage area is anticipated to expand up to 79th Street at some point in the near future; and

WHEREAS DOT held a Community Planning Workshop for the Upper East Side in March 2012 regarding potential bike-share station locations; and

WHEREAS DOT has not yet presented their proposed locations for bike-share stations within our district to Community Board 8M;

THEREFORE BE IT RESOLVED THAT Community Board 8M strongly requests that DOT come to the Transportation Committee and identify the specific locations where DOT proposes to install bike-share stations, prior to implementation of Citi Bike in our district.

*Approved: 13 Yes, 0 No, 0 Abstentions*  
*Yes: Barton, Birnbaum, Bores, Falk, Hockert Horn, Popper, B. Schneider, J. Schneider, Simon, Warren, White, Yeo*  
*Public Member Votes: 2 Yes, 0 No, 0 Abstentions*  
*Yes: Dillon, Menegon*

There was also some discussion about the planned bump-out on the east side of Second Avenue between 68th & 69th Street in order to accommodate the 69th Street entrances for the 72nd Street Second Avenue Subway station, and related plans for a bike lane on Second Avenue.

A new resident had questions about the MSK/CUNY project on East 74th Street. She was informed that CB8M had already weighed in on the project, but that she could contact the Manhattan Borough President's office and City Council Member Jessica Lappin's office, which would still have a chance to weigh in on this project.



DOT was asked about the timing for installation of the CityRack bike racks that were scheduled to be installed using the old meter poles on First Avenue. Josh Orzeck said he would get back to the Board on this.

## **9. New Business**

A Committee member reported on a complaint she received from a community member who has a disability, regarding changes in parking signage at the cul de sac on East 81st Street, to the east of East End Avenue. Under the old No Parking regulations, this resident could park when displaying the NYC disability parking permit. Under the new No Standing Any Time regulations, it is illegal to park at the location even with the NYC disability parking permit. The Committee co-chairs asked DOT to check whether it was possible to restore any portion of the cul de sac to No Parking to resolve this issue.

There being no further business, the meeting was adjourned at 9:15 PM.

Respectfully submitted,  
A. Scott Falk and Charles Warren, Co-Chairs

Respectfully submitted,  
A. Scott Falk and Charles Warren, Co-Chairs