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The City of New York
Community Board 8 Manhattan
Transportation Committee
Wednesday, July 5, 2023 6:30 PM
Conducted Remotely on Zoom

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee co-chairs 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.

Resolutions for Approval:

Item 1: Madison Ave. Bus Shelters

Item 2: Request by Durama Tours, LLC to use existing tourist bus stop on 5th Ave. between 83/84th Streets

Item 3: Request by Surrey Hotel to expand Loading Zone by 30' (unanimous)

Item 4: Revocable Consent Application for 112 East 75th Street/Temple Israel (unanimous)

Item 5: Request to Add Street Cleaning Regulations along Lexington Ave. (unanimous)

Item 6: License Plates/Registration for e-bikes/mopeds, penalizing businesses/delivery companies whose employees violate rules, and suspension of pilot program permitting e-bike use in Central Park

Minutes

Present: Elizabeth Ashby, Michele Birnbaum, Lori Bores, Lorraine Brown, Alida Camp, Juno Chowla-Song, Rebecca Dangoor, Billy Freeland, Paul Krikler, Craig Lader, Valerie Mason, John McClement, Rita Popper, Abraham Salcedo, Russell Squire, Charles Warren, Stephanie Reckler (public member)

Absent (Excused): Rebecca Lamorte, Sharon Pope-Marshall, Judy Schneider, Peter Borock (public member)

The meeting was called to order at 6:34 PM.

Item 1: Discussion of Proposed JCDecaux Street Furniture (Bus Shelter) locations along Madison Avenue (Joint with Landmarks Committee):

1. Madison Avenue between 59th Street and 60th Street
2. Madison Avenue and 63rd Street
3. Madison Avenue between 65th Street and 66th Street
4. Madison Avenue between 69th Street and 70th Street
5. Madison Avenue between 69th Street and 70th Street (possible 2nd location on the same block)
6. Madison Avenue and 71st Street

In June 2023, the NYC Franchise and Concession Review Committee (CRC) held a public hearing in regards to an extension of the NYCDOT agreement with JCDecaux Street Furniture, which is responsible for the installation, operation and maintenance of bus shelters in NYC. The draft agreement that was the subject of the public hearing included bus shelters proposed for installation at six locations along Madison Avenue between 59th and 72nd streets, as indicated above. Community Board 8 Manhattan went on record in September 2019 with a resolution that originated in the Small Business Committee opposing such Madison Avenue bus shelters by a vote of 24 Yes, 12 No, 6 Abstain.

Matt Bauer, President of the Madison Avenue Business Improvement District, provided additional background. He indicated that these locations had been approved by the FCRC, and that his organization has testified against it to the FCRC, the Public Design Commission, and others. He noted that the narrow nature of Madison Ave. resulted in a more narrow shelter design, and was requesting that this design go before the Landmarks Preservation Commission. Additionally, the BID believes that shelters would limit the amount of clearance on sidewalks for pedestrians, block storefronts, interfere with business, and adversely impact the character of the Madison Ave. retail corridor with illuminated advertisements. He emphasized that the C5-3 and C5-1 zoning in place along Madison Ave. doesn't allow flashing signs, and that bus shelters under the existing program have been explicitly tied to zoning. Mr. Bauer also expressed concern that agreement would give provide for opportunities for additional future shelters to be proposed and installed in the future without any required public input.

Among those who spoke in response to the discussion, most agreed with the concerns expressed by the Madison Ave. BID. There were a few comments supportive of the shelters based on the need for them along Madison Ave to serve passengers who board buses along Madison Ave. and otherwise don't have any protection from the elements.

The following resolution was then put forward by Community Board 8:

WHEREAS; Community Board 8 Manhattan is on record from September 2019 opposing bus shelters along Madison Avenue; and

WHEREAS; A public hearing was held by the NYC Franchise and Concessions Review Commission in June 2023 to extend and amend the existing agreement between NYCDOT and JCDecaux Street Furniture NY, LLC; and

WHEREAS; The draft agreement includes proposed bus shelters at six bus stop locations along Madison Avenue within Community District 8; and

WHEREAS; Due to the narrowness of Madison Avenue's sidewalks, such proposed bus shelters would use a different design than the standard bus shelter design in place elsewhere in NYC; and

WHEREAS; Even more narrow bus shelters on Madison Ave. would inhibit pedestrian flow, block storefronts, and interfere with business operations for retailers along the corridor; and

WHEREAS; Madison Avenue bus shelters may include illuminated advertisements that are otherwise non-compliant with existing C5-3 and C5-1 zoning; and

WHEREAS; The proposed design has not obtained approval of the Landmarks Preservation Commission; and

WHEREAS; Bus shelters such as those being proposed would be in conflict with the character of Madison Avenue;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan opposes proposed bus shelter locations at Madison Avenue between 59th Street and 60th Street, Madison Avenue and 63rd Street, Madison Avenue between 65th Street and 66th Street, Madison Avenue between 69th Street and 70th Street, and Madison Avenue and 71st Street.

Yes (8+1): Ashby, Birnbaum, Camp, Chowla-Song, Dangoor, Mason, McClement, Popper, Reckler (public member)

No (3): Krikler, Lader, Warren

Abstain (1): Bores

Item 2: Request by Durama Tours, Inc. DBA The Ride, for a sightseeing bus stop on Fifth Avenue between 83rd and 84th Streets

Abe Falkowitz, Director of Operations of Durama Tours, presented a request for his sightseeing bus doing business as “The Ride” to use a sightseeing bus stop on 5th Avenue between 83rd and 84th Streets. “The Ride” is a sightseeing tour bus that operates coach buses with 5 trips per day, 6 days per week, and utilizes stadium seating diesel coach buses to travel between various NYC landmarks and tourist attractions.

Mr. Falkowitz explained that although Durama Tours was continuing to operate the same service it had under the previous ownership utilizing the same bus stops, NYCDOT was requiring the company to go before Community Boards to obtain approvals under the new ownership. The stop being utilized is the existing stop that was used prior to Durama Tours purchasing the service, and is shared with a tour bus service operated by Topview Tourism. Although the bus stop pole says the stop is at 84th Street, the actual physical location is at the corner of 83rd Street. There is also a charter bus stop on the same block.

In response to questions asked by meeting participants, Mr. Falkowitz explained that the 5th Avenue/84th Street stop will serve about 10-20 passengers per day, and each bus stops for 5 minutes at a time. Stop times are at 12:40PM, 1:40PM, 3:10PM, 7:10PM and 8:45PM, with boardings and alightings both taking place. Mr. Falkowitz explained that his service doesn’t provide any live entertainment at this bus stop, and that it doesn’t have staff soliciting pedestrians to use the service as tickets are exclusively sold online. He also explained in response to the buses having diesel engines that the specific style of bus that is used by Durama Tours is not yet produced in a low or no emission version. There was also discussion of the cost that NYCDOT charges tourism companies to use bus stops, which was believed to be about \$3,000.

The following resolution was then put forward by Community Board 8:

WHEREAS; Durama Tours, DBA “The Ride”, is requesting use of a tourism bus stop on 5th Avenue between 83rd and 84th Streets; and

WHEREAS; Durama Tours has purchased “The Ride”, a sightseeing bus service, from an operator no longer in business; and

WHEREAS; Durama Tours will use the same bus stop and provide the same tourism service as the prior operator, with 5 daily trips every day except Tuesdays; and

WHEREAS; the bus stop on 5th Avenue between 83rd and 84th Streets is shared with another tourism bus service, and trip times are coordinated to not overlap; and

WHEREAS; Durama Tours buses will be picking up and dropping off passengers who have purchased tickets online; and

WHEREAS; Durama Tours will not be conducting any sales of tickets or provide any on-street entertainment at the bus stop being requested for use; and

THEREFORE BE IT RESOLVED, that Community Board 8, approves the request by Durama Tours, Inc., DBA “The Ride”, to use the tourism bus stop on 5th Avenue between 83rd and 84th Streets

Yes (10+1): Bores, Brown, Camp, Dangoor, Krikler, Lader, McClement, Popper, Salcedo, Warren, Reckler (public member)

No (3): Birnbaum, Chowla-Song, Mason

Abstain (0): None

Item 3: Request by The Surrey Hotel to extend the Hotel Loading Zone located on East 76th Street between Madison and 5th Avenues across the entire frontage of the hotel

Representatives from the Surrey Hotel, located at 20 East 76th Street, presented a request to extend the existing hotel loading zone by approximately 28'-30' further to the west, to encompass the entirety of the building frontage. The hotel is currently undergoing an extensive renovation, and a traffic study has been performed. Currently, the hotel loading zone is about 50' in length; there is currently metered parking directly to the west which would be used to provide the expanded hotel loading zone area. It was noted that the application indicated a 50' extension was needed, but it has since been determined that the remaining frontage amounted to only 30' of additional space that is now metered parking. One metered parking space would remain in place between the end of the loading zone and the adjacent diplomat parking in front of 16 East 76th Street.

It was explained that the extended loading zone area was needed for the purpose of providing enough space to accommodate pick-up and drop-off of both guests and deliveries in a manner befitting a 5-star hotel, and to prevent vehicles from blocking through traffic on 76th Street. In response to concerns raised about the operations of the loading zone, management assured the Committee that the loading zone would be actively managed by staff and a hotel transportation director.

The following resolution was then put forward by Community Board 8:

WHEREAS; The Surrey Hotel, at 20 East 76th Street, is requesting an extension of the existing hotel loading zone; and

WHEREAS; the current loading zone is approximately 50' in length, and doesn't encompass the entire frontage of the hotel; and

WHEREAS; the Surrey Hotel is requesting an additional 30' of hotel loading zone to extend to the west property line; and

WHEREAS; the additional loading zone would result in the loss of 1 metered parking space; and

WHEREAS; the hotel loading zone would help allow deliveries of goods and services along with passenger pick-ups and drop-offs to occur; and

WHEREAS; The Surrey Hotel will actively manage the hotel loading zone and assign a transportation director to oversee it to help ensure that it operates in a manner that doesn't interfere with traffic on East 76th Street;

THEREFORE BE IT RESOLVED, that Community Board 8 approves the request by the Surrey Hotel to extend the existing Hotel Loading Zone by approximately 30' to cover the remaining western frontage of the 20 East 76th Street.

Yes (12+1): Birnbaum, Bores, Brown, Camp, Chowla-Song, Dangoor, Krikler, Lader, Mason, McClement, Popper, Warren, Reckler (public member)

No (0): None

Abstain (0): None

Item 4: Revocable Consent Application to construct, maintain and use Three Electrical Sockets, together with Electrical Conduits at 112 East 75th Street for Temple Israel

Vageles Sophias from Hartland Engineering presented a revocable consent application and request to install 3 electrical sockets to be located in 3 tree pits adjacent to Temple Israel. The tree pits are being enlarged as per

Parks Department requirements, which has reviewed and approved the plans that were submitted. Each tree pit will have a single socket, connected by a 2-inch conduit connecting to the building beneath the sidewalk; the primary use of the electricity will be for lighting purposes. All necessary maintenance will occur from within Temple Israel, and will not have impacts on the sidewalk.

The following resolution was then put forward by Community Board 8:

WHEREAS; Temple Israel, located at 112 East 75th Street, has submitted a revocable consent application to construct, maintain and use three electrical sockets, together with electrical conduits; and

WHEREAS; the electrical sockets and conduits will connect the building with 3 sidewalk tree pits; and

WHEREAS; the tree pits are being enlarged to meet NYC Parks Department requirements; and

WHEREAS; the primary purpose of providing an electric feed is for lighting; and

WHEREAS; any maintenance needs will be able to be accessed from the building;

THEREFORE BE IT RESOLVED, that Community Board 8 approves the revocable consent request by Temple Israel at 112 East 75th Street to construct, maintain and use three electrical sockets together with electrical conduits.

Yes (12+1): Birnbaum, Bores, Brown, Chowla-Song, Dangoor, Krikler, Lader, Mason, McClement, Popper, Squire, Warren, Reckler (public member)

No (0): None

Abstain (0): None

Item 5: Request to add street cleaning regulations across the of entirety Lexington Avenue between 59th and 96th Streets

In response to constituent complaints regarding parking lanes full of litter along Lexington Avenue between 59th and 96th Streets, a request was made to provide a period of time for street cleaning regulations to be put into place along Lexington Avenue between 59th and 96th Streets to ensure that street sweepers have access to the curbside lanes.

The likely cause identified for the accumulation of trash on Lexington Avenue is the change in parking regulations implemented in the fall of 2019 by NYCDOT along Lexington Avenue, which was in conjunction with the introduction of the bus lane that is now in place. Prior to the 2019 changes when the curbside bus lane was in place between 7AM and 10AM, it was associated with “No Standing” parking regulations, which kept the lane clear and allowed street cleaners to operate. With the new bus lane being offset from the curbside, it created opportunities to provide additional commercial parking, resulting in new regulations and new signage that didn’t provide any times of day in which parking was prohibited so street cleaning could occur. A similar problem also exists along the eastern side of Lexington Avenue.

It was noted that there are street cleaning regulations in effect along nearby 3rd Avenue, and other avenues with bus lanes had street cleaning or no standing regulations in effect at some point in time on most days. Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to CB8M, indicated that NYCDOT would be open to working with the Department of Sanitation to determine the times and days in which street sweeping would be able to take place and to develop regulations to accommodate it, and that it would likely be a 30 minute block of time.

The following resolution was then put forward by Community Board 8:

WHEREAS; complaints have been received by Community Board 8 regarding the cleanliness of Lexington Avenue between 59th and 96th Streets; and

WHEREAS; current parking signage along Lexington Avenue lacks dedicated times in which parking is restricted to allow street sweepers to operate; and

WHEREAS; prior to the 2019 introduction of the bus lane, there had been No Standing regulations in effect during certain hours that allowed street sweeping to occur;

WHEREAS; nearby Third Avenue has street sweeping regulations in place, and is viewed as being cleaner than Lexington Avenue; and

WHEREAS; clean streets are of critical importance to residents, visitors and businesses of Community District 8;

THEREFORE BE IT RESOLVED, that Community Board 8 requests that NYCDOT change parking regulations along Lexington Avenue between 59th Street and 96th Street to incorporate appropriate street sweeping or no standing regulations to allow street sweepers to clean the street on a regular basis.

Yes (12+1): Birnbaum, Bores, Brown, Camp, Chowla-Song, Dangoor, Krikler, Lader, Mason, McClement, Popper, Warren, Reckler (public member)

No (0): None

Abstain (0): None

Item 6: E-Bike Safety – discussion of potential licensing and registration of bikes

This item was discussed in response to constituent concerns raised regarding operators of e-bikes and mopeds that violate traffic rules and make pedestrians feel unsafe. While the Committee has previously discussed the feasibility of all bikes requiring registration and/or license plates and the unlikelihood that such a policy would be able to be passed into law or administered successfully, there had not been a discussion specific to e-bikes and mopeds since they have seen a recent surge in popularity.

Concerns were voiced by numerous speakers and members who have personally experienced getting hit or almost hit by e-bikes and mopeds, and feel that the situation has gone out of control with omnipresent e-bikes and mopeds that too often travel at high speeds, running red lights, travel in the wrong direction, illegally operate on sidewalks, and in the case of mopeds use bike lanes they are prohibited from. Speakers suggested that although e-bikes are a different category of vehicle than mopeds, they both create the same challenges for pedestrians. The view expressed was that without license plates and regulation, NYPD would have no ability to track down e-bike and moped operators that violate rules and cause injury or harm when crashes occur with vehicles or pedestrians, and that such regulation should start at retail outlets so that bikes would not be able to be sold without some form of identification. The role of delivery people and the businesses they work for was also discussed, and although deliveristas were viewed as being the most frequent users of e-bikes and mopeds, there was support for the business owners and delivery companies being responsible for the actions of their employees. There was also discussion of the recent incidents in which e-bike/moped batteries caused deadly fires and the lack of regulation of batteries, along with opposition in response to the recent implementation of a pilot program that allows e-bikes to operate in Central Park was also raised.

Not all speakers and members were in favor of license plate and registration requirements. While there was no dispute that bad behaviors by e-bike and moped operators are not uncommon and can make pedestrians feel unsafe, there was concern expressed that licensing or registration requirements would target deliveristas and other vulnerable populations that rely on e-bikes to earn wages. There was skepticism that New York State would take

legislative action to further regulate e-bikes and mopeds, and that the enforcement that people are seeking would ever be able to be performed even with new regulations in place. The argument was also made that e-bikes are a sustainable mobility option that shouldn't be discouraged by onerous regulations, that it is the lack of protected bike lanes and infrastructure that encourages e-bike/moped operators to sometimes violate rules in order to stay safe themselves, and that individual users of class 1 e-bikes that are pedal assist would be unfairly targeted and penalized.

A member requested a friendly amendment to a resolution that was on the floor which would add language in regards to suspending the pilot program that allows e-bikes to be operated in Central Park. The question was raised as to whether this was germane to the agenda item that specifically related to licensing and registration, but ultimately was accepted. It was also pointed out that this would apply to pedal-assist Citi Bike e-bikes that are used for commuting purposes.

The following resolution was then put forward by Community Board 8:

WHEREAS; the use of E-Bikes and Mopeds in New York City has grown significantly in recent years; and

WHEREAS; pedestrians in Community District 8 are feeling increasingly threatened by e-bikes and mopeds that operate at high speeds; and

WHEREAS; e-bikes and mopeds are also frequently witnessed operating in unsafe and illegal manners, including being driven on sidewalks, in the wrong directions on roads, and mopeds using bike lanes they are prohibited from ; and

WHEREAS; enforcement by police of e-bike and moped use is insufficient and unable to discourage bad behaviors; and

WHEREAS; the lack of license plates and registration of e-bikes is seen as a barrier to proper enforcement; and

WHEREAS; the lack of insurance requirements for e-bikes and mopeds is seen as problematic when injuries are caused by them without any responsibility being borne by the operator/owner; and

WHEREAS; e-bike and moped use is largely driven by e-commerce and restaurant deliveries, and the business owners and delivery services should bear responsibility for employees working under their direction who use e-bikes and mopeds; and

WHEREAS; the recent pilot program that allows e-bikes to be used in NYC Parks such as Central Park has adversely impacted the experience of parkgoers who feel threatened by bikes operating at fast speeds;

THEREFORE BE IT RESOLVED, that Community Board 8 calls for license plate, registration and insurance requirements for e-bikes and mopeds; and

BE IT FURTHER RESOLVED, that Community Board 8 requests laws requiring that all e-bikes and mopeds be registered before they are allowed to leave stores at which they are sold; and

BE IT FURTHER RESOLVED, that where violators of safety rules are in the course of their employment by a restaurant or delivery service, Community Board 8 calls for the penalty to be enforced against the business/service and not the operator; and

BE IT FURTHER RESOLVED, that Community Board 8 calls for the immediate suspension of the pilot program that now allows e-bikes to be operated within Central Park.

Yes (7+1): Birnbaum, Brown, Camp, Dangoor, Mason, McClement, Popper, Reckler (public member)

No (6): Bores, Chowla-Song, Freeland, Krikler, Lader, Warren

Abstain (0): None

Item 7: NYCDOT Updates

Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to CB8M, reported that NYCDOT's 2023 Summer Streets program will take place each of the first 3 Saturdays of August, and will result in closures to Park Avenue within Community District 8 between 7AM and 1PM. The program is being expanded to other boroughs for the first time, and also further north into Harlem. One member of the Committee objected to NYCDOT's lack of public outreach in advance of this event, and the disruption it causes to nearby residents.

Item 8: Old and New Business

A member reminded NYCDOT that they committed to providing the Committee with an analysis of the impacts of the Lexington Avenue Bus Lane after a year of operations, which was implemented in the Fall of 2019. With bus operations and traffic conditions having returned to a more normal post-pandemic environment, NYCDOT will plan to present this analysis to the Committee later in 2023.

A member inquired about the status of the letter that was previously requested regarding the poor lighting on James Cagney Place (East 91st Street between 2nd and 3rd Avenues). One of the Committee chairs said he would draft it.

A meeting attendee expressed concern about a scaffolding that has been installed on Madison Avenue just north of 79th Street, which interferes with passengers alighting at the New York City Transit M1/M2/M3/M4 bus stop at that location. It was noted that scaffoldings are under the jurisdiction of the Department of Buildings. The Board office is going to alert the Department of Buildings.

A member provided an update on the planters that were illegally placed in front of 1045 Madison Avenue that were discussed at the June 2023 Committee meeting. The planters were still placed along the building entrance without a revocable consent having been applied for or provided by NYCDOT.

A member noted that there have been instances in which CitiBike docking stations have been relocated without CB8M having been notified.

A member inquired as to whether there had been any additional discussion with NYCDOT since the June 2023 resolution regarding the proposed City Council bill pertaining to the permanent Open Restaurants program.

There being no further business, the meeting was adjourned at 9:55 PM.

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