



**MEREDITH FEINMAN**  
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May 3, 2011

**Via Email: [vmaniscalco@dot.nyc.gov](mailto:vmaniscalco@dot.nyc.gov)**

Mr. Vinny Maniscalco  
Assistant Commissioner  
NYC Department of Transportation  
Highway Inspection and Quality Assurance  
55 Water Street – 7<sup>th</sup> Floor, N  
New York, N.Y. 10041  
CN# 32

RE: Expansion of DOT Cases to be Adjudicated by Mail, Internet or Telephone

Dear Commissioner Maniscalco:

On April 27, 2011, Julio Rodriguez, the Director of Tribunal Affairs of the New York City Environmental Control Board (“ECB”) and you, on behalf of the New York City Department of Transportation (“DOT”), met to discuss the adjudication of DOT cases returnable to ECB by alternatives to live hearings (the “Meeting”). Also present at the Meeting were DOT counsel N. Patricia Brown, Shamonda Graham, Summons Unit Coordinator, and ECB Directors Maria Marchiano and Amy Slifka.

48 RCNY 3-34 authorizes ECB to designate certain classes of alleged violations for adjudication by mail (“Mail Adjudication”) and to prescribe procedures for such adjudications. ECB has prescribed procedures for Mail adjudication that includes hearings by mail, One Click hearings (internet), and hearings by telephone.

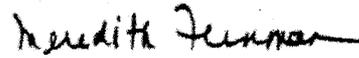
I am writing to confirm DOT’s consent to Mail Adjudication for the 29 DOT violations listed below, which adjudication shall include, but not be limited to, hearings by mail, internet or telephone.

Administrative Code Section	ECB Code	Description
34 RCNY 2-14 (f)(9)	ADB9	Commercial refuse container w/o proper reflective markings on all four sides
34 RCNY 2-05(h)(1)	AD2F	Construction shanty/trailer w/o permit
34 RCNY 2-14 (f)(6)	ADB8	Improperly labeled commercial refuse container
34 RCNY 2-05(i)(1)	AD2D	Crossing s/w with motorized vehicle w/o permit
A.C. 19-136 (b)	AD6B	Vehicle's) on sidewalk
34 RCNY 2-07 (a)(5)	AD3G	Tool cart stored on sidewalk failed to provide a 5 foot minimum walkway
Admin. Code 19-136	AD66	Goods/wares/merchandise obstructing sidewalk
Admin. Code 19-176 (b)	AD62	Unlawful bicycle riding
Admin. Code 19-124 (a)	AD18	Canopy without permit
34 RCNY 2-14 (f)(4)(ii)	ADB7	Commercial refuse container stored/placed within fifteen feet of a hydrant
34 RCNY 2-11(e)(1)	AD1D	Failure to notify City 24 Hrs before street work
34 RCNY 2-14 (f)(11)	ADC1	Commercial refuse container/debris obstructing sidewalks, gutters, crosswalks or driveway
Admin. Code 19-176 (c)	AD6G	Riding bicycle on sidewalk in manner which endangers any person or property - FIRST OFFENSE
34 RCNY 2-14 (e)(2)(ix)	AD8F	Failure to obtain a DOT permit prior to commencing work for holiday/temp. lighting.
Admin. Code 19-125	AD19	Post/pole/flagpole socket/lamppost w/o permit/consent
34 RCNY 2-04 (f)(1)	AD6A	Canopy erected/maintained on a restricted street
Admin. Code 19-176 (c)	AD6H	Riding bicycle on sidewalk in manner which endangers any person or property - SECOND OFFENSE
Admin. Code 19-176 (c)	AD6I	Riding bicycle on sidewalk in manner which endangers any person or property and causes physical contact with a person - FIRST OFFENSE
Admin. Code 19-176 (c)	AD6J	Riding bicycle on sidewalk in manner which endangers any person or property and causes physical contact with a person - SECOND OFFENSE
19-128.1 e(2)	AD93	Failed to remove refuse from news rack as per subsection
19-128.1 e(3)	AD94	News rack empty/unsecured door for impermissible time
19-128.13 e(4)	AD95	Failed to correct news rack damaged/in need of repair as per subsection
19-128.1 e(5)	AD96	Failed to repair damage to City property/sidewalk caused by news rack
19-128.1 b(4)	AD84	Failed to affix correct name/address/tel. no. to news rack as per subsection
19-128.1 b(1)	AD81	News rack exceeds size limit
19-128.1 b(2)	AD82	News rack used for impermissible advertising/promotional purposes
19-128.1 b(3)	AD83	Failure to keep coin return mechanism in good working order
19-128.1 b(5),(6)	AD85	News rack placed/installed/maintained in improper location
19-128.1 b(7)	AD86	Failure to place/install news rack in a manner so that it cannot be tipped over

Please countersign below and return a copy of this letter to me, so that we both have a formal record of our agencies' agreement.

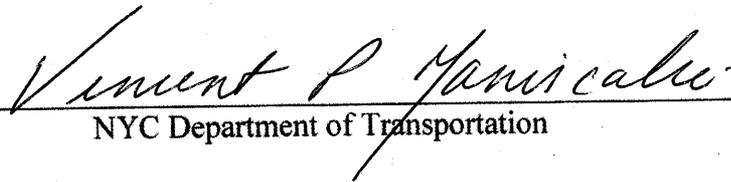
Thank you and your staff for your assistance and support of ECB's effort to expand the public's access to justice.

Very truly yours,



Meredith Feinman

Agreed:



NYC Department of Transportation