

NYC Department of Transportation Testimony

Before the City Council Committee on Consumer and Worker Protection

January 31, 2024

Good afternoon, Chair Menin and members of the Committee on Consumer and Worker Protection. I am Margaret Forgione, First Deputy Commissioner of the New York City Department of Transportation. With me today is Will Carry, Assistant Commissioner for Policy, and Rick Rodriguez, Assistant Commissioner for Intergovernmental and Community Affairs. We are also joined by Deputy Inspector Kevin Cain and Managing Attorney Juliane Farruggia from the New York City Police Department. Thank you for the opportunity to testify on behalf of Mayor Adams and Commissioner Rodriguez on this package of vending and powered mobility device legislation.

Bridge Vending

First, on the pre-considered bill sponsored by Council Member Brewer related to vending on bridges. The Administration opposes this bill as drafted as it would allow vending back on the pedestrian walkways of bridges. We want to be clear: we made this change for public safety, and allowing vendors back would make our city less safe.

In order to enhance pedestrian safety, ease overcrowding, and promote the safety and security of our bridges, last month, the Department of Transportation promulgated a rule to prohibit vending on pedestrian walkways and bicycle lanes on bridges and bridge approaches. This rule has already been instrumental in the City's efforts to ensure the safety and security of our bridges and this legislation would reverse this important step.

The City moved forward with this rule in response to growing conflicts along the Bridge promenade due to an influx of vendors coupled with a rebound in pedestrian activity following the pandemic. While we will speak specifically about conditions on the Brooklyn Bridge, the City would have similar concerns about vending on the pedestrian walkways of all bridges, which is why the rule prohibited vending on all of the city's bridges.

Turning to the Brooklyn Bridge, more people are walking across this bridge than ever before. About 34,000 pedestrians crossed the Brooklyn Bridge on a typical fall weekend day in 2022, compared to about 17,000 pedestrians in 2021. Given these high pedestrian counts, vending along the walkway created unsafe conditions, including cases where people unsafely climbed over the fencing to walk on the separated bike lane to escape the overcrowded walkway. Vendors displaying and storing wares, carts, tables, tents, tarps, canopies, coolers, and illegal gas-powered generators along the walkway impede pedestrian traffic flow, jeopardizing the ability of people to exit the bridge safely and access for emergency responders. Further, the Brooklyn Bridge is a critical link in and out of Manhattan and at times has extremely high numbers of pedestrians, such as during emergencies and protests, where the safe egress of pedestrians is crucial.

DOT also has concerns about carts, tables, wagons, generators, and similar items on the Brooklyn Bridge as the presence of these items increases the risk for structural damage. We are also concerned about the possibility of materials falling onto the roadway below. While we believe that vending is an important part of the New York City ecosystem, our rule is targeted to apply to locations where we see a clear and present public safety threat. We know that the Council shares

our concern for public safety, and we are happy to work together on nearby locations where we could potentially support vending.

Sidewalk Vending

Next, turning to the pre-considered bill sponsored by Council Member De La Rosa. This bill would allow street vendors to vend on the sidewalk as long as vendors are within two feet from the curb or, if there is an obstruction that prevents such placement, as close to the obstruction as possible. DOT has significant concerns with this bill and the effects it would have on pedestrian access and mobility throughout the city.

The city's sidewalks accommodate a variety of uses and amenities including landscaping, outdoor dining, street furniture such as benches and bus shelters, and street vending. These amenities improve the quality of life for New Yorkers, but it is essential that sidewalks continue to have sufficient space for the safe and comfortable movement of pedestrians.

This bill would decrease the amount of space for pedestrians on the sidewalk and negatively affect the pedestrian experience throughout the city, especially on our most crowded sidewalks. In addition, allowing vending next to an obstruction could lead street furniture to become unavailable for their intended use. People must be able to access benches, bus stops, parking meters, and more. DOT would be happy to work with the Council to allow vendors to vend within 2 feet of the curb as long as a twelve-foot pedestrian clear path is maintained.

Delivery worker bills

Next, turning to the pre-considered bill sponsored by Council Member Brewer. This bill would require DOT to update the commercial cyclist safety course to include information on a wider variety of devices as well as to require that the apps ensure delivery workers take such course and are equipped with safety equipment.

The Administration supports and shares the Council's interest in delivery worker safety. As you know, in his State of the City Address, Mayor Adams shared that our Administration is in discussions with the City Council to create the Department of Sustainable Delivery, which would create a comprehensive approach to safety and accountability in our city's growing delivery industry. The Administration supports Council Member Brewer's legislation and would like to work with the Council on this bill to move us closer to this goal. This would include broadening the scope of Administrative Code 10-157—the Commercial Cyclist law—to cover commercial operators of all types of legal, two-wheeled devices, not just bikes, and requiring that businesses ensure delivery workers operating on their behalf use legal and certified devices and are licensed in accordance with applicable law. We would also support linking compliance to DCWP's third party food delivery service license and requiring data reporting to hold the apps accountable.

Finally, on the pre-considered bill sponsored by Council Member Feliz which would require delivery workers to use certified devices. It is also our understanding that this bill intends for app companies to provide workers with these devices at no expense to the worker. The Administration supports this legislation and would like to work with the Council on a bill that would go further in requiring third-party food delivery services and third-party courier services to establish and pay for a trade-in program for illegal, uncertified, and gas-powered devices. This would help delivery workers transition to legal and safe devices and help address both street and fire safety concerns.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify before you today and now welcome your questions.