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Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Daniel Miller, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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Greenwich Village ◻ Little Italy ◻ SoHo ◻ NoHo ◻ Hudson Square ◻ Chinatown ◻ Gansevoort Market

April 25, 2016

Dawn Tolson, Director
CECM/Street Activity Permit Office
100 Gold Street, 2nd Floor
New York, NY 10038

Michael Paul Carey, Executive Director
Citywide Event Coordinator and Management (CECM)
Office of the Mayor of New York City
253 Broadway, 6th Floor
New York, NY 10007

Margaret Forgione
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 35th Floor
New York, NY 10038

Dear Manhattan Borough Commissioner Forgione, Director Tolson and Carey:

At its Full Board meeting April 21, 2016, Community Board #2, adopted the following resolution:

Resolution in response to presentation regarding the Special Event "Design Pavillion" (in celebration of NYCxDESIGN) proposed at Astor Place Plaza (5/7 - 5/15).

Whereas an overview of a special event, "Design Pavillion," proposed to be held at Astor Place Plaza as part of Design Week (NYCxDesign), was presented by Shaw & Co. Productions; and

Whereas the event will feature several exhibitions encompassing design disciplines, some interactive, some educational, as well as promotional, including (among others):

- An IBM display with a robot and interactive problem-solver.
- A "Blur Bar" display from Dupont Corian containing new technology, cellphone charging and seating.
- An architectural model of the World Trade Center from 125 Greenwich St. Developers.
- An installation of mushroom/earth-friendly biodegradable materials from Ecovative Biomaterials Company.
- An art piece called "The Pool" that is flat, changes colors, and can be walked on; and

Whereas hours are expected to be from 8 a.m. to 8 p.m., and the event days are proposed from 5/7 to 5/15 with setup on 5/5 and 5/6 and breakdown on 5/16, altogether 12 days, an exceptionally long duration to occupy a public plaza and highly irregular considering that previously an event never took more than five days (e.g., last year's NYCxDesign activation took no more than three days 5/15-5/17, 2015); and

Whereas estimated attendance to the event is 500 to 999, however, "Design Pavillion" is conceived as "a public hub during NYCxDesign" that will have daily programming and be advertised on the NYCxDesign and the

Design Pavillion websites, through NBC NY digital platforms, social media and E-blasts, which could easily bring thousands more to this small space in an area where 50,000 pedestrians a day frequent the south side; and

Whereas the proposed event will occupy the entire newly renovated plaza which will not have been opened previously and has not yet been completed, preventing the public from using this public space for several days, a space which was planned and designed for the public's relaxation and enjoyment. In addition, at this time, the community has some issues with the quality of construction, which need to be worked out; and

Whereas there will be 24-hour security, with 3-4 guards at night and 5-6 guards in the day, insurance coverage and full maintenance activities; and

Whereas the event is not described as a commercial endeavor, and there were assurances that nothing would be sold, nevertheless, it is a branded presentation with a clearly promotional, business-related flavor; and

Whereas there will be sound amplification, but the producer indicated it would be modified and only used during the few performances. The producer also indicated willingness to work closely with the community, monitor activities and quickly respond to any complaints; and

Whereas the producer emphasized the strong educational aspect of the activation and an intention to reach out to and invite local elementary and junior high school children to participate, along with a willingness to consult Community Board 2 Manhattan's office for information on local schools, as was suggested; and

Whereas the producer responded positively to the suggestion by the Village Alliance Business Improvement District (BID), which is the maintenance partner for the Astor Place Plaza, to explore presenting less of the activation in that one area (to avoid crowding) and using one or more of the adjacent spaces for some presentations, and agreed to work with the BID to find a possible area; and

Whereas the event will not be enclosed, but covered by a partial tent structure that allows it to be walk-through, open, and inviting to the community and is free to the public;

Therefore be it resolved that Community Board 2, Manhattan (CB2) regrets that even before the Astor Place Plaza has officially opened and before construction concerns have been resolved, assignment of an outside event is already being considered, and without giving the community a first chance to freely experience this new space that was planned for community use; and

Be it further resolved that CB2 recognizes and appreciates the educational offerings of the proposed event that are free and open to the public and the willingness of the organizers to work with the community; and

Be it further resolved that CB2 urges that before installation of the proposed event is considered, concerns about construction, such as quality of concrete, uneven surfaces, and drainage, be addressed, to ensure safety and avoid the need for costly repairs; and

Be it further resolved that CB2 asks that, should the event take place, that every effort is made to reduce the excessive number of days it currently is planned for, preferably to no more than five days; and

Be it further resolved that should the event take place, CB2 encourages Ilene Shaw of Shaw & Co. Productions to work with William Kelley, Executive Director of the Village Alliance, to identify and secure other adjacent or nearby locations to accommodate some parts of the event and provide more space and access for pedestrians, as well as to avoid crowding; and

Be it finally resolved that, should the event take place, CB2 recommends that Ilene Shaw work with the CB2 office to identify and reach out to local schools to encourage their participation in the educational activities to be offered.

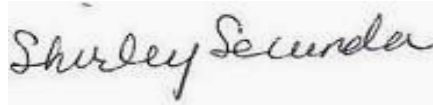
Vote: Unanimous, with 39 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Shirley Secunda, Chair
Traffic & Transportation Committee
Community Board #2, Manhattan

TB/EM

c:

Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel Squadron, NY Senator
Hon. Deborah Glick, State Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Marco A. Carrión, Commissioner, Community Affairs Unit

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April 25, 2016

Commissioner Meera Joshi, Chair & CEO
TLC, Taxi & Limousine Commission
33 Beaver Street
New York, NY 10004

Hon. Melissa Mark-Viverito
Speaker, NYC Council
250 Broadway, Suite 1856
New York, NY 10007

Ydanis Rodriguez
Chair, Transportation Committee
NYC Council
250 Broadway, Suite 1763
New York, NY 10007

Polly Trottenberg, Commissioner
NYC Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Dear Commissioner Joshi and Trottenberg, Speaker Mark-Viverito and Mr. Rodriguez:

At its Full Board meeting April 21, 2016, Community Board #2, adopted the following resolution:

Resolution requesting that Uber, Lyft and other For-Hire Vehicle companies be regulated similar to NYC Taxicabs.

Whereas NYC is wrestling with congestion, aging infrastructure and the need to provide greater transportation access while reducing the impact of motor vehicles, challenges that are particularly acute within Manhattan's core business districts and central neighborhoods and that have been exacerbated in recent years by the growth in For-Hire Vehicles (FHVs) especially app-based electronic dispatch (or e-dispatch/E-hail) services such as Uber and Lyft; and

Number of TLC FHV Licenses

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
FHV Drivers	54,543	55,350	56,693	61,752	81,243
FHV Vehicles	36,195	40,356	40,339	48,580	63,261

Source: TLC Annual Reports, 2011 to 2015

Whereas the increase in vehicular traffic leads to higher emissions, increased congestion, increased wear-and-tear on infrastructure and, with more app-based FHVs circulating, reduced ridership on public transportation (according to the NYC Department of Transportation/DOT, 75% of trips made by e-hail app vehicles originate in Manhattan, south of 60th Street) (streetsblog.org, 06/30/2015); and

Whereas the Taxi and Limousine Commission (TLC) is currently updating certain rules for Taxis and other FHV's including Liveries, Black Cars and E-hail companies such as Uber and Lyft (*Crain's NY 01/14/2016*); and

Whereas New York City is committed to maintaining a healthy taxi system and currently the TLC maintains different regulations for Yellow and Green Cabs versus all other FHV's; and

Whereas the number of yellow cabs is limited to 13,600 via medallion sales, and their average occupancy rate is 54%, while the number and occupancy rate of other FHV's are unlimited, leading to an excessive supply of empty E-hail vehicles flooding Manhattan's core business districts and central neighborhoods or left idling on Manhattan's already congested streets; and

Whereas yellow cabs are the only vehicles authorized by the NYC Administrative Code to pick up street hails. Other FHV's (such as Black Cars and Uber and Lyft E-hails) are defined as vehicles providing service after prior arrangement and are prohibited from picking up street hails, although many do so anyway; and

Whereas 20% of Yellow Taxi fleets are currently required to be Handicap Accessible with half of them expected to be accessible by 2020, and 33% of the Green Boro Taxi fleet must be Accessible by 2024, but there's no judicial or statutory mandate for handicap accessibility in E-dispatched vehicles and other non-street-hailed FHV's; and

Whereas the MTA (Metropolitan Transportation Authority) reports that the agency lost \$10 million in annual revenue with the rise of E-hail vehicles. Yellow cabs pay a surcharge (currently \$0.50) to help fund the MTA, yet Uber, Lyft and other E-dispatch vehicles do not do so, although an investment on their part in the MTA would help offset their negative impact on mass transit; and

Whereas as part of the OneNYC plan, NYC is committed to creating a sustainable fleet for its own vehicles and reducing its overall greenhouse gas (GHG) emissions 80% below a 2005 baseline by 2050. If similar emission standards are **not** set for FHV's, the benefits of reduced emission may be erased by the emission increases from private fleets; and

Whereas currently, a disproportionate share of FHV's providing service after prior arrangement are Suburbans, Escalades, and other oversize vehicles and SUVs. Besides creating additional air pollution, these cars inflict more wear and tear on the streets, use an excessive amount of curbside space and present greater potential harm to pedestrians and cyclists; and

Whereas the great many pedestrians and growing numbers of bicyclists using NYC's streets must be safeguarded from the risk of vehicular conflicts and harm as the influx of FHV's increases; FHV drivers need to be sensitized to these users' vulnerability and educated in adhering to measures that ensure their safety;

Therefore, be it resolved that Community Board No. 2, Manhattan (CB2) urges that legislation be adopted by NYC regulating FHV's providing service after prior arrangement (including E-hail services like Uber and Lyft) similarly to regulations for Taxis, in order to reduce emissions, reduce congestion, and reduce wear-and-tear on city streets; and

Be it further resolved that CB2 recommends that the following should be included in the regulatory framework that is adopted:

-- New licenses issued by the TLC for E-hail and other FHV's should be capped at a number such that they have at minimum a 54% occupancy rate, similar to yellow cabs.

-- There should be stronger enforcement of vehicle seizure after two violations of picking up a street hail. This would entail allocating increased funding for TLC enforcement staff beyond the 196 currently employed.

-- At least 20% of all FHV's issued a license by the TLC should be Handicap Accessible, with the goal, as for yellow cabs, of being 50% Handicap Accessible by 2020.

-- All FHV's should be required to pay a **surcharge** similar to yellow cabs to help fund the MTA. The Independent Budget Office suggests a surcharge of \$2.25 for taxi trips and \$2.75 for other FHV trips beginning below 59th Street. NY State Senators Hoylman and Dilan have introduced legislation in Albany proposing that 25% of sales tax revenues from Transportation Network Companies such as Uber and Lyft be dedicated to the MTA or Upstate providers, depending on the origin on the trip. (<https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/senators-dilan-hoylman-introduce-measure-dedicate-tnc-tax>).

-- The TLC should set Emission Standards for all yellow cabs and FHV's on par with the new standards being promulgated for NYC's own fleet or similar standard, along with a reasonable time period for compliance. Since these standards would be set for the entire fleet, it would allow for heavier vehicles such as SUVs, as long as lighter, fuel-efficient vehicles or EV's offset such vehicles.

Be it finally resolved that CB2 also recommends that the TLC also require annual on-line driver training courses focusing on pedestrian and cyclist safety and rights.

Vote: In Favor: 34 board members.

Against: 4 board members (S. Smith, S. Aaron, C. Dawson, T. Conner)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Shirley Secunda, Chair
Traffic & Transportation Committee
Community Board #2, Manhattan

TB/EM

c:

Margaret Forgione, Manhattan Borough Commissioner, DOT
Hon. Jerrold L. Nadler, Congressman
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