



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
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Lowell D. Kern
Chair

Jesse Bodine
District Manager

May 13, 2021

Laura Anglin
Deputy Mayor for Operations
City Hall
New York, NY 10007

Hon. Corey Johnson
Speaker, New York City Council
224 W. 30th Street, Suite 1206
New York, NY 10001

Re: Sidewalk Maintenance

Dear Deputy Mayor Anglin and Speaker Johnson,

Manhattan Community Board 4 (MCB4), at its May 5th Full Board meeting by a vote of 36 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, requests that you initiate a review of current practices in the Departments of Transportation (DOT) and Sanitation (DSNY) related to sidewalk repairs and maintenance in Community District 4 (CD4), with the goal of improving our pedestrian infrastructure. In our view, this will require a frank assessment of the coordination among two relevant agencies and building owners and/or storefront retailers who are responsible for aspects of sidewalk maintenance. It seems that the partitions of sidewalk maintenance responsibilities do not serve the public interest. In our recent survey, our residents expressed a high level of dissatisfaction with the overall level of service they receive.

We understand that currently DOT and DSNY are responsible for maintenance of the roadway and not the sidewalks. Since 2003, under the Bloomberg law, the majority of building owners¹ and/or storefront retailers are responsible for sidewalk repairs and maintenance. However, the City does have areas of accountability, among them: sidewalk maintenance in areas not subject to the Bloomberg law, curb and pedestrian ramp repairs, roadway snow clearance,

¹ § 7-210 of the New York City Administrative Code: It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition [...] this subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole, or in part, owner occupied, and (ii) used exclusively for residential purposes.

responsiveness to 311 complaints, and regulation of street furniture and other sidewalk obstructions – all issues contributing to respondents' dissatisfaction with sidewalk conditions.

In March 2021, MCB4 initiated a survey to better understand the state of the sidewalks. The survey was publicized by mailings from MCB4, Elected officials, other Community Boards, New York Lawyers for the Public Interest with a focus on ADA, local press, and social media. 960 persons responded with the vast majority in CD4 but also included responses from across Manhattan and other boroughs. 10% of respondents were persons with disabilities (PWD). The average respondent was 52 years old. More importantly 4,909 comments provided us with much granularity in location and problems definition.

In summary, when rating the City's job of maintaining sidewalks, 59% of our residents (and 68% PWD) felt it was poor or very poor. The numbers worsen to 62% of our residents (and 69% PWD) on the question of clearing snow from the walking infrastructure. 79% of the issues reported to 311 in normal weather were never addressed, despite being marked closed.

By far, the major concerns cited are ponding at corners (78%) and dirty sidewalks (79%), followed by damaged ramps and obstructions. In snowy conditions, ramps and corners that are often impassable (74%) and the delays in clearing bus stops and ramps were the most often cited. 67% of people with disabilities complained of bus stops being inaccessible, and three quarters of respondents observed that at least 25% of the block length was obstructed by snow.

A full analysis of the study is provided here:

<https://www.dropbox.com/s/0nmkbesniv9j3c8/sidewalk%20survey.pdf?dl=0>

Through this review we look for your thoughts on improving the situation and answers to the following questions:

1. What rules and level of service currently apply to sidewalks and roadways?
2. What are the levels of service for the sidewalk maintenance the City currently performed in front of the 40%² of properties excluded from the Bloomberg law?
3. Why are roadways at sidewalk corners or along the sidewalk not subject to the Pothole law³?
4. Why are some painted features in the roadway subject to the Bloomberg law related to sidewalks and others are not?
5. Why are corners and bus stops engulfed in snow that is pushed over from the roadway, making them inaccessible to riders? Why are they not cleared in priority by the City?
6. DSNY cleans abandoned lots. Shouldn't they be cleaning the sidewalks in front of abandoned lots, buildings, and stores? There are a large proportion of them in our neighborhood.
7. Which agency is responsible for clearing obstructions on the sidewalk?
8. A number of those complaints are not reportable to 311. When reported, they are marked closed despite no action taken. How could this process be righted?

² City Planning

³ NYC Administrative Code section 201(c)(2)

While we acknowledge that the budget of these agencies has been constrained during the pandemic, it seems that there is a more fundamental issue at play here, where pedestrians, seniors, commuters and persons with disabilities do not get an equitable level of service.

As our City starts its recovery, it is crucial that the City fill in the gaps left by closed businesses in order to provide vulnerable residents, fledgling businesses, and small landlords an environment where they can thrive.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Christine Berthet
Co-chair
Transportation Planning Committee



Dale Corvino
Co-chair
Transportation Planning Committee

cc: Hon. Brad Hoylman, NYS Senate
Hon. Linda Rosenthal, NYS Assembly
Hon. Richard Gottfried, NYS Assembly
Hon. Helen Rosenthal, NYC Council
Hon. Gale Brewer, Manhattan Borough President
Victor Calise, Commissioner, Mayor's Office for People with Disabilities