

**NYC Department of Transportation Testimony Before the
City Council Committee on Transportation and Infrastructure
September 26, 2023**

Good morning Chair Brooks-Powers and members of the Committee on Transportation and Infrastructure. I am Margaret Forgione, First Deputy Commissioner of the Department of Transportation. With me today are Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management, and Rick Rodriguez, Assistant Commissioner for Intergovernmental and Community Affairs. Thank you for the opportunity to testify on behalf of Mayor Eric Adams and Commissioner Ydanis Rodriguez on hard infrastructure.

DOT is responsible for operating and maintaining 6,300 miles of streets and highways. This includes maintaining roadways, curbs, and pedestrian ramps, and jurisdiction over 12,000 miles of sidewalk. All New Yorkers use roadways and sidewalks to get around—whether by foot, bike, wheelchair, bus, car, or other mode. And all of our goods travel to their final destinations on our streets. Maintaining streets in a state of good repair is a central part of DOT’s mission and essential to the quality of life and economic success of this city.

DOT resurfaces streets to address problems on the surface, including cracking, patching, and peeling, by replacing the top layer of asphalt pavement. This extends the street’s lifespan and helps prevent potholes—the more we pave, the fewer potholes we need to fill.

DOT has over \$280 million in the Capital Budget to resurface 1,100 lane miles and up to 50 miles of protected bike lanes each year. We were pleased to have this amount baselined as this means we can plan accordingly to maximize our efficiency. The citywide lane mile target is distributed per borough and then allocated by Community Board. Streets within Community Boards are then resurfaced based on condition. This process ensures that every community board will receive a fair share of resurfacing every year.

To determine condition, DOT evaluates up to 90 percent of the city’s streets each year. DOT Street Assessment inspectors rate streets based on the level of distress on each individual street—including cracking, patching, and surface peeling—and calculate a corresponding rating. We are also developing a way to automate these street ratings which will streamline our process even more.

DOT recently received \$36 million of new Capital funding to fully fund the replacement of the Harper Street Asphalt Plant. This plant and the Hamilton Asphalt plant are key pieces of DOT’s operations, producing nearly 700,000 tons of material for our resurfacing crews.

DOT is a leader in asphalt innovation, testing new mixes and developing recycling technologies. Our asphalt plants maximize recycled content and currently produce material with up to 40 percent recycled asphalt pavement. We are testing methodologies to increase recycled content with our vendors.

In addition to our resurfacing work, DOT crews also fix potholes. So far this year, we have fixed nearly 140,000 potholes. We are committed to timely response to pothole complaints and respond within two days, unless there are underlying conditions that require a larger project.

Turning to sidewalks. DOT oversees and inspects 12,000 miles of sidewalk. DOT also repairs over one million square feet of defective sidewalk every year, primarily adjacent to 1-3 family homes and City-owned property.

In recent years, DOT has dramatically increased our annual investment to replace sidewalks at New York City Housing Authority developments, many of which had not had their sidewalks replaced since the buildings were first constructed in the middle of the 20th century. In the last five years, DOT has spent over \$44 million to repair over 2 million square feet of sidewalk adjacent to NYCHA developments, schools, and parks.

All property owners are responsible for the maintenance and repair of the sidewalk adjacent to their property, and DOT conducts inspections to ensure sidewalks are maintained. When conducting an inspection, DOT will review the entire block face and if we find defective sidewalk, we issue a non-monetary Notice of Violation to the adjacent property owner. The property owner then has 75 days to repair the sidewalk. After 75 days, the City may perform the repair and bill the property owner for the cost.

In 2019, DOT stopped issuing notices of violation to 1-3 family properties for sidewalk defects that are entirely due to tree roots. DOT will still repair the sidewalk at no cost to the property owner when mobilized at the location, but new defective sidewalk complaints that mention tree roots are routed directly to NYC Parks.

DOT will also be doing more for curb maintenance. We recently received an unprecedented nearly \$21 million over three years to replace approximately 150,000 feet of new curb citywide. An important note about curb maintenance: in order to repair the curb, DOT must also repair the first flag of the sidewalk.

We also continue to have our in-house crews and contractors out every day to install and upgrade pedestrian ramps across the city.

Legislation

Turning to the legislation before the Council today.

Introduction 481

First, Intro. 481 sponsored by Council Member Lee. This bill would require DOT, prior to issuing a notice of violation for a sidewalk defect, to determine if DOT or Parks already have plans to repair the same section of sidewalk. If so, DOT's notice of violation would need to notify the property owner of the planned work, and not issue a notice of violation if such work would begin within 90 days.

DOT coordinates closely with Parks and other agencies on sidewalk repairs. Prior to construction, DOT performs a conflict check comparing the sidewalk repair plan with DOT and Parks scheduled projects and coordinates with the appropriate staff if there are any overlapping projects. DOT and Parks also have quarterly coordination meetings. It is also important to note that a notice of violation for a sidewalk defect is a non-monetary lien and there is no fine associated with the notice. In addition, DOT does not issue notices of violations

for sidewalk defects caused solely by tree roots. Finally, in the last five construction seasons, less than one percent of sidewalk repairs by the City have been made within 90 days of issuing a notice of violation.

While DOT supports the bill's intent to avoid redundant work, we believe this bill may have the opposite effect from what is intended. This bill would create confusion about who is responsible for making sidewalk repairs, delay such repairs, and thus potentially undermine sidewalk safety. We would be happy to discuss our current coordination efforts and how they can be improved with the Council.

Introduction 596

Next, Intro. 596 sponsored by Council Member Schulman. This bill would require DOT to repair curbs that the department determines are safety hazards when resurfacing. DOT street resurfacing crews already notify DOT's Sidewalk Program of any curbs damaged during resurfacing or those that are defective. These locations are added to our list of curbs that need to be repaired and are prioritized. But curb repairs cannot happen as part of resurfacing as curb material is different from resurfacing material and requires a different method of construction.

DOT shares the Council's goal of maintaining curbs and we were pleased to recently receive an unprecedented amount of nearly \$21 million over three years to replace approximately 150,000 feet of new curb citywide. As always, we welcome your feedback on particular locations of concern.

Introduction 905

Next Intro. 905 sponsored by Council Member Brannan. This bill would require DOT to finish street resurfacing within two weeks, including milling work, completion of utility work, and paving. If additional time is needed beyond two weeks, DOT would need to notify the surrounding community about why more time is needed and provide an updated timeline.

While DOT works hard to mill and pave as quickly as possible, we do not support this bill as written. We must give utility companies, plumbers, and our sister agencies sufficient time to make repairs under the asphalt and are concerned that the outreach requirements would be burdensome. We coordinate extensively to ensure the time when a street is milled is well used. Without this necessary time for repairs, more cuts will need to be made to roadways in the future, which would make the whole process less efficient. We all want to avoid the situation where a newly resurfaced street needs to be cut into for a repair right after it is resurfaced.

To give a recent example of why this time is important, in April, we were resurfacing Union Street in Brooklyn when we discovered a water leak after milling the roadway. DEP secured an emergency work order, and DOT waited for the pipe repairs to be completed before paving. In all, it took 21 days from beginning of milling until the end of paving. Aged underground infrastructure creates a unique challenge that our resurfacing crews encounter regularly. We coordinate with relevant stakeholders and do our best to make sure a resurfaced street remains intact for as long as possible. The public may be inconvenienced with a milled roadway for longer than originally anticipated, but in return they will get a smooth road for years to

come.

Moreover, it is critical that we maximize our capacity to ensure we can reach our annual resurfacing targets. The pace of paving is faster than that of milling, so we must have enough areas milled in order to spend our resurfacing dollars well.

Introduction 1077

Finally, Intro. 1077 sponsored by Council Member Joseph. This bill would require the City to propose a capital project plan and implementation timeline for installing and maintaining public bathrooms at the sites identified in the Local Law 114 of 2022 report that is due at the end of this year. This Administration is committed to increasing access to public bathrooms. We look forward to discussing the specifics of this legislation with the Council after we release the report.

Conclusion

In conclusion, I would like to thank the Council for the opportunity to testify before you today on our work to keep the city's roads and sidewalks in a state of good repair. We now welcome your questions.