

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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In the Matter of the Application of,

SENIORS FOR SAFETY, an unincorporated
association, by and in the name of its President,
Lois Carswell, and **NEIGHBORS FOR BETTER
BIKE LANES**, an unincorporated association, by
and in the name of its President, Louise Hainline,

Petitioners,

For Judgment Pursuant to CPLR Article 78

-against-

**NEW YORK CITY DEPARTMENT OF
TRANSPORTATION**, and

**JANETTE SADIK-KHAN, COMMISSIONER
OF TRANSPORTATION**, in her official
capacity,

Respondents.

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STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

INDEX NO. 5210/11

IAS PART 8

BUNYAN, J.S.C.

**AFFIDAVIT OF BRAD LANDER
IN SUPPORT OF THE AMICI
MOTION FOR LEAVE TO FILE AN
AMICI CURIAE BRIEF AND THE
PROPOSED AMICI BRIEF.**

BRAD LANDER, being duly sworn says:

1. I am the elected representative of the 39th District of the New York City Council (“City Council”) and have served in this position since January 1, 2010. In this capacity, I serve as the Chair of the City Council Land Use Sub-Committee on “Landmarks, Public Siting, and Maritime Uses.” As a member of the City Council I am also an *ex officio* member of Brooklyn Community Board 6. City Council District 39 includes half of the Park Slope neighborhood, including half of the Prospect Park West Bicycle Path (the “PPW Bike Path”).

2. From May 2007 until December 31, 2009, I served as a member of Brooklyn Community Board 6 ("Community Board 6"). I served as the Co-Chair of the Housing and Human Services Committee from 2007-2008, and the Co-Chair of the Economic/ Waterfront/ Community Development and Housing Committee from 2008-2009. Throughout this time period I also served as a member of the Community Board 6 Executive Committee and as a Community Board 6 representative to the Long Island College Hospital Community Advisory Board, as well as a task force focused on the "Public Place" - an undeveloped parcel of land along the Gowanus Canal in the Carroll Gardens section of Brooklyn. Community Board 6 includes all of the Park Slope community and the PPW Bike Path.

3. From 1992-2003 I was the Executive Director of the Fifth Avenue Committee. This not-for-profit organization is a community-based, affordable housing and neighborhood development organization based in Park Slope. As Executive Director I worked with thousands of community residents - including a community-based board of directors - on a wide range of neighborhood issues, including affordable housing, job training, economic development, and parks.

4. I have lived in the Park Slope community since 1992 and at four different locations in the neighborhood. Currently, my family and I live on 13th Street in Park Slope. I am also involved in two parent teacher organizations in the Park Slope neighborhood affiliated with schools that my children attend. I am also involved as a little league coach and parent of the 78th Precinct Youth League.

5. In both my position as a City Council Member and my former role as a Community Board 6 member, I regularly attend meetings of Community Board 6 and attended

meetings relevant to the Board's support of the PPW Bike Path. I have had direct communications with members of the public who both support and oppose the PPW Bike Lane and have sought out the views of community members through meetings and other mediums, such as a survey conducted by my City Council office, in partnership with Community Board 6 and Council Member Stephen Levin. As such, I have personal knowledge of the facts set forth in this affidavit. I also stay abreast of Community Board 6 activities through regular communications from current Community Board 6 members, my staff, and members of the general public.

6. I make this affidavit in my individual capacity and in support of the *Amici* parties' motion to grant leave to file an *Amici Curiae* brief, and in support of the proposed brief. The views and opinions are my own and do not represent the City Council or Community Board 6.

7. Brooklyn Community Board 6 is one of fifty-nine community boards in New York City. Community Board 6 includes up to 50 members on the general board ("General Board") and meetings are held monthly. The Community Board also includes committees that hold regular meetings. Community Board 6 represents a section of Brooklyn bordered roughly by the Brooklyn waterfront and Upper New York Harbor to the west, a jagged line of streets including Atlantic and Flatbush Avenues to the north, Prospect Park to the east, and Fifteenth Street and the Gowanus Canal to the south. (Copies of a map of the Prospect Park West vicinity, detailing Community Board 6 and Council District 39, and a map of Community Board 6, are attached as Ex. 1.)

8. Community Board 6 meetings were always free, publicly noticed, and open to the public. General Board and committee meetings included opportunities for community members

to comment on matters before the Community Board following the deliberation of the General Board or Committee. Community Board 6 deliberated in a democratic fashion that afforded members the opportunity to share varied opinions. I believe that the outcomes reached by Community Board 6 concerning the PPW Bike Path reflect the view of the majority of residents.

9. On June 13, 2007, I attended a meeting of Community Board 6 where a DOT plan to install bicycle lanes on Ninth Street was discussed. This meeting was open to the public, public notice was provided and many community members attended and participated. The Community Board debated whether to support the installation of bicycle lanes on the north and south sides of Ninth Street, and, in turn, to eliminate one lane of traffic in either direction. Board members held different views on the installation of this bicycle lane but a majority of members adopted a resolution in favor of the Ninth Street bike lane's installation. This bike lane was installed by the New York City Department of Transportation (the "DOT") in 2007. (A copy of Community Board 6, June 13, 2007 Meeting Minutes, is attached as Ex. 2.)

10. The Board also favored the study of the possible installation of a two-way bicycle path on Prospect Park West at the June 13, 2007 meeting, i.e., the PPW Bike Path. I, along with other members of Community Board 6, were concerned that cyclists approaching Prospect Park via the Ninth Street bicycle lane would ride into the park on pedestrian pathways rather than the designated bicycle entrances at Third Street or Bartel Pritchard Square.

11. Community Board 6 considered a plan by the DOT to create the PPW Bike Path at its May 13, 2009 General Board meeting. I attended the General Board meeting and voted in favor of a resolution supporting the installation of the PPW Bike Path. (A copy of Community

Board 6, May 13, 2009 Meeting Minutes, is attached as Ex. 3.)¹ At this public meeting in which notice was provided, a wide ranging discussion occurred both prior to the General Board's vote and during the community session that followed. Discussion included the possible traffic calming effects of the PPW Bike Path, impacts to parking, and pedestrian safety concerns. The Board voted 18-9 to support the PPW Bike Path.

12. On April 12, 2010, I sponsored an "open house," in collaboration with the DOT, New York City Council Member Stephen Levin, and Community Board 6, so that community members could learn more about the PPW Bike Path plan. The event was free, open to the public, and held in the Park Slope community. I recall that many members of the Park Slope community attended the meeting and had the opportunity to voice concerns and ideas about the project with both the DOT, elected representatives, community board members, and one another. The DOT explained the design and planned installation of the PPW Bike Path, as well as the community concerns elicited during the May 2009 Community Board 6 meeting. In its presentation, the DOT discussed the steps taken to address the community concerns raised at the May 13, 2009 Community Board meeting.

13. After the DOT installed the PPW Bike Path in June 2010, and throughout the summer and fall of 2010, I had numerous conversations with constituents concerning the PPW Bike Path. I am also aware that many individuals contacted my City Council office to express concerns and support. I responded to community member concerns about the PPW Bike Path

¹ Although the Meeting Minutes are dated May 11, 2009, this appears to be a typographical error. Subsequent communications reference the meeting having occurred on May 13, 2009, which is consistent with General Board meetings occurring on Wednesdays. See, e.g. Bashner Ex. O (A copy of a Letter from Richard S. Bashner, Chairperson, Community Board 6 to Joseph Palmieri, Borough Commissioner, Department of Transportation, dated July 13, 2009).

and met with several opponents, including Petitioners. I also agreed to conduct a survey of community members to gather community feedback on the PPW Bike Path.

14. During the summer and fall of 2010, I urged the DOT to conduct a transparent and objective study of the PPW Bike Path and provide opportunities for all community members to share their opinions. I sent a letter to the Commissioner of the DOT dated July 1, 2010, requesting information from the DOT concerning the variables that would be used to measure the effectiveness of the new bicycle lane in meeting the traffic calming goals. (A copy of a Letter from The Honorable Brad Lander, Council Member - District 39, New York City Council to Janette Sadik-Khan, Commissioner, Department of Transportation, dated July 1, 2010, is attached as Ex. 4.) DOT responded to my letter. (A copy of a Letter from Janette Sadik-Khan, Commissioner, Department of Transportation to Council Member Brad Lander and Assembly Member James Brennan, dated Aug. 13, 2010, is attached as Ex. 5.)

15. In order to gather further feedback from the community concerning the PPW Bike Path, I, in partnership with Council Member Levin and Community Board 6, conducted a survey concerning the PPW Bike Path. (A copy of Council Member Brad Lander, et al., Prospect Park West Reconfiguration Community Survey Results, dated December 7, 2010, is attached as Ex. 6.) The survey results were shared with DOT and the public. Survey participants were not charged to complete the survey, nor were they paid, and the survey was promoted through local newspaper stories, and electronic distribution lists through my office, and the offices of Community Board 6 and Council Member Levin. I am also aware that a subsequent public opinion poll was conducted by New York Assembly Member Brennan. (A copy of Kiley & Company, Topline Results: A Survey of Brooklyn Voters, dated March 2011, is attached as Ex. 7.)

16. On December 12, 2010, I attended a hearing of the New York City Council's Committee on Transportation to discuss "Bicycling in New York City – Opportunities and Challenges." This hearing was open to the public and over a hundred individuals attended, including supporters and opponents of the PPW Bike Path. (A copy of New York City Council, Transcript of the Minutes of the December 9, 2010 Committee on Transportation Hearing, is attached as Ex. 8.)

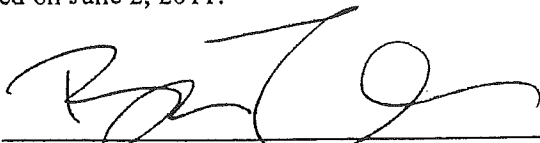
17. DOT presented findings from its installation of the PPW Bike Path at a Community Board 6 Transportation Committee meeting I attended on January 20, 2011. The meeting was widely attended by community members and open to the public. (A copy of NYC DOT Traffic Management Division, Prospect Park West Bicycle Path and Traffic Calming Update Presentation to Community Board 6, dated January 20, 2011, is attached as Ex. 9.) At the meeting, community members had an opportunity to raise concerns with the PPW Bike Path and I recall the DOT explaining it would continue to consider making design adjustments in the future. (A copy of Community Board 6 Transportation Committee, January 20, 2011 Meeting Minutes, is attached as Ex. 10.)

18. The Community Board 6 Committees on Public Safety and Transportation held a joint public hearing to gather community input on the PPW Bike Path on March 11, 2011. I attended this meeting, along with over three hundred people, one hundred of which testified before the Committees. In my opinion, the majority of participants supported the PPW Bike Path. (A copy of Natalie O'Neill, *Hundreds Vent at Bike Lane Hearing*, The Brooklyn Paper, dated March 18, 2011, is attached as Ex. 11.)

19. I also attended a General Board meeting of Community Board 6 on April 13, 2011, during which the Board voted unanimously to support design modifications to the PPW Bike Path proposed by the DOT; including installing raised pedestrian islands at intersections along PPW. (A copy of Brooklyn Community Board 6, April 13, 2011 General Board Meeting Minutes, is attached as Ex. 12.)

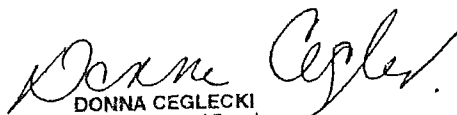
20. Based on my experience living and travelling in the Park Slope community, I believe that cars and trucks routinely exceeded the vehicular speed limit when travelling on Prospect Park West prior to the installation of the PPW Bike Path. I am also aware that community organizations, like the Park Slope Civic Council, were working to address these concerns. (A copy of Park Slope Civic Council, *Final Report: Community Workshop on Livable Streets*, dated February 7, 2009, is attached as Ex. 13.) I was personally concerned about speeding vehicles on Prospect Park West at times when I visited Prospect Park or Prospect Park West on my own or with my family and routinely heard others express similar concerns. In my opinion, the PPW Bike Path has increased safety on Prospect Park West.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this affidavit was executed on June 2, 2011.



BRAD LANDER

NOTARY:


DONNA CEGLECKI
Commissioner of Deeds
City of New York - No. 2-11750
Commission Expires Jan. 8, 2012
