

# **NEIGHBORS FOR BETTER BIKE LANES**

## **Seniors for Safety**

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### **Brooklyn Borough President Submits His Evidence:**

#### **From the Horse's Mouth, PPW Bike Lane Was a Trial**

Brooklyn Borough President Marty Markowitz submitted an affidavit, in response to a subpoena, confirming that DOT Commissioner Janette Sadik-Khan specifically told him the PPW bike lane was a "trial" project and would be removed if it worsened safety along Prospect Park West.

According to Borough President Markowitz's affidavit, Sadik-Khan made the statement in front of two other witnesses from Markowitz's staff, and in the presence of other DOT officials, months before the experimental bike lane ("EBL") was installed. Despite these statements, DOT has claimed in court papers that the EBL was installed on a permanent basis in July 2010, and that a lawsuit filed by Neighbors for Better Bike Lanes ("NBBL") and Seniors for Safety "SFS") was untimely. Markowitz's affidavit directly contradicts DOT's claim in the lawsuit.

In his affidavit, Markowitz affirms that, "During this meeting, Commissioner Sadik-Khan explicitly described the PPW bike lane as a trial. Neither Commissioner Sadik-Khan nor anyone else at DOT ever told me that they had changed their minds and that the PPW bike lane was being installed on a permanent basis. Based on Commissioner Sadik-Khan's representations, I believed the PPW bike lane was a trial only."

NBBL and SFS filed a lawsuit against Commissioner Sadik-Khan and the DOT in March 2011 challenging, among other things, the sufficiency of DOT's study and its reporting to the public of the results of that study. NBBL and SFS have submitted evidence that the DOT manipulated the results of its study in an effort to show that the PPW lane improved safety. In fact, the NBBL and SFS have shown that the number of crashes and injuries on PPW increased after the lane was installed. DOT has attempted to block the court's consideration of that evidence by claiming that the lawsuit was filed too late because the PPW bike lane was always intended to permanent. If the lane was installed as a trial -- as NBBL and SFS have claimed --

the lawsuit was timely and the court can review all of the evidence they submitted. Although there is substantial evidence that both the community and local public officials believed the lane was a trial, DOT has claimed in court that it never told anyone that it was a trial.

“As the Borough President's affidavit conclusively shows, DOT installed the PPW Bike lane as a trial project,” said petitioners' attorney Jim Walden of the law firm Gibson Dunn. “The Law Department has filed false papers and affidavits, saying the bike lane was not a trial. DOT has lied to its own lawyers and to the court. Someone must be held to account for this pernicious attempt to obstruct the court proceeding and mislead Justice Bunyan.”