

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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In the Matter of the Application of, : Index No. 5210/2011
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SENIORS FOR SAFETY, an unincorporated : IAS Part 8
association, by and in the name of its President, :
Lois Carswell, and NEIGHBORS FOR BETTER : Justice Bunyan
BIKE LANES, an unincorporated association, by :
and in the name of its President, Louise Hainline : **AFFIDAVIT OF MARTY**
 : **MARKOWITZ**
 :
Petitioners, :
 :
For Judgment Pursuant to CPLR Article 78 :
 :
- against - :
 :
NEW YORK CITY DEPARTMENT OF :
TRANSPORTATION, and COMMISSIONER :
JANETTE SADIK-KHAN, :
 :
Respondents. :
 :
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MARTY MARKOWITZ, being duly sworn, hereby deposes and says:

1. My name is Marty Markowitz. I am the Brooklyn Borough President. I submit this affidavit in response to a subpoena served on me by the Petitioners in this action on July 14, 2011.
2. On March 1, 2010, I met with Department of Transportation ("DOT") Commissioner Janette Sadik-Khan, DOT Policy Director John Orcutt, DOT Director of External Affairs David Woloch, and Brooklyn Borough Commissioner Joseph Palmieri.
3. My chief of staff, Carlo Scissura, and my transportation policy analyst, Luke DePalma, also attended the meeting.

4. Commissioner Sadik-Khan requested the March 1, 2010 meeting in order to discuss my concerns about the proposed implementation of a two-way bicycle lane on Prospect Park West (the "PPW bike lane"). I had written to Commissioner Sadik-Khan expressing my concerns about the proposed bike lane on several occasions prior to the March 1, 2010 meeting.

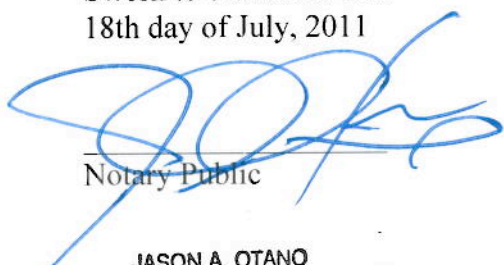
5. During the meeting, I reiterated my concerns that the proposed PPW bike lane would have a negative impact on the area. Among other things, I explained that, given the heavy use of Prospect Park during warmer months by people from all over the City, the addition of the PPW bike lane – and the related elimination of a lane of traffic on PPW – would create severe congestion along Prospect Park West. I also explained that the loss of parking spaces due to the PPW bike lane would have a significant impact, particularly in the warmer months when park usage increases.

6. In response to my concerns, Commissioner Sadik-Khan told me that the PPW bike lane would be implemented on a trial basis. She promised to conduct a careful study of the PPW bike lane once it was installed, including collecting data on the impact of the lane. She further stated that any decision to finalize the PPW bike lane would be based on the data collected during the study period. Commissioner Sadik-Khan explained that she believed that the PPW bike lane would be a success but that, if the study proved her wrong, DOT would modify the lane or even take it out.

7. During this meeting, Commissioner Sadik-Khan explicitly described the PPW lane as a trial.

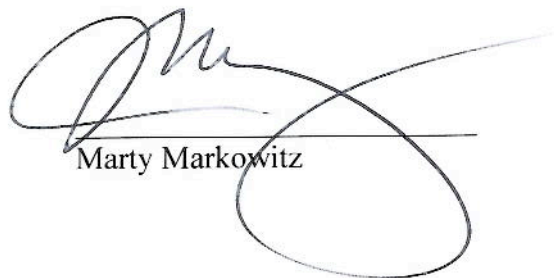
8. Neither Commissioner Sadik-Khan nor anyone else at DOT ever told me that they had changed their minds and that the PPW bike lane was being installed on a permanent basis. Based on Commissioner Sadik-Khan's representations, I believed the PPW bike lane was a trial only.

Sworn to before me this
18th day of July, 2011



Notary Public

JASON A. OTANO
NOTARY PUBLIC STATE OF NEW YORK
NO. 020T6129687
QUALIFIED IN KING COUNTY
COMMISSION EXPIRES 07/05/13



Marty Markowitz