



Report and Advisory Board Review Commission
12/23/24

TO: Adrienne Adams, Speaker of the City Council
Michael McSweeney, City Clerk

FROM: Dan Steinberg, Director, Mayor's Office of Operations

Dear Speaker Adams and Clerk McSweeney,

The Mayor's Office of Operations is tasked with convening the Report and Advisory Board Review Commission (RABRC). This Commission reviews existing reporting and meeting requirements and makes recommendations to waive requirements that are no longer relevant. The Commission's goal is to improve government efficiency and reduce the amount of City time and resources spent on reports and advisory boards.

The Commission, established by Charter §1113, is chaired by the Mayor's Office of Operations and includes representatives from the City Council, the Office of Technology and Innovation, the Office of Management and Budget, and the Law Department.

In accordance with Charter §1113(d)(4), I am writing to notify the City Council that the Commission held a meeting on December 13, 2024, and voted to approve waivers or partial waivers for the following reporting requirements:

1. Interagency Roadway Safety Plan (Ad. Code §19-184)
2. NYC Mobility Report (Ad. Code §19-180)
3. Report on the number of requests for changes in traffic flow (Ad. Code §19-183(c))
4. Report on Variances and Special Permits in the Fiscal Year (Ad. Code §25-208(a)-(b))
5. Report on Agency Compliance with LLs 126, 127 and 128 of 2016 (Charter §15-1(i)-(k))
6. Use of Ultra-Low Sulfur Diesel Fuel and Best Available Retrofit Technology by the City's owned or leased Diesel Fuel-Powered non-road Vehicles Report (Ad. Code §24-163.3(g))

These candidates were gathered through extensive agency outreach and research. They were vetted by members of the Commission and discussed at length. Operations is confident that these reports meet the criteria for waiver established in Charter §1113(e), and that waiving these requirements will reduce administrative burden on the affected agencies, allowing them to better serve New Yorkers by redirecting resources.

Attached are the waiver resolution from the Commission's December 13, 2024, meeting and the finalized waiver determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Steinberg", written over a horizontal line.

Dan Steinberg
Director, Mayor's Office of Operations



**Mayor's Office of
Operations**

Chair, Report and Advisory Board Review Commission

CC: Mayor Eric Adams

First Deputy Mayor Maria Torres-Springer

RABRC Representatives

Malcom Butehorn, On behalf of the Speaker of the City Council

Rose Martinez, On behalf of the Speaker of the City Council

Jack Storey, On behalf of the Speaker of the City Council

Julia Lichtenstein, On behalf of the Corporation Counsel

Stacy Gardener, On behalf of the Commissioner of Information Technology and Telecommunications

Deborah Cohen, On behalf of the Director of Management and Budget



Resolution of the Report and Advisory Board Review Commission:

WHEREAS, the Report and Advisory Board Review Commission (the Commission) is charged under §1113 of the New York City Charter with the power to review all reporting requirements in the Charter, the Administrative Code, or elsewhere in local law, that mandate the issuance of periodic or multiple reports by City agencies, officers, or employees; and

WHEREAS, under such section the Commission has the power, subject to review by the New York City Council and the Mayor as provided under such section, to waive any such reporting requirement which will cause such reporting to cease to be required under law; and

WHEREAS, the Commission has reviewed reporting requirements within its jurisdiction to waive and has solicited the views of groups, organizations, or entities representing the interests of persons and entities that are the subject of or are otherwise affected or benefited by such reporting requirements, and has held a public hearing to solicit views on such reporting requirements on December 13, 2024; and

WHEREAS, the Commission's staff has produced a "Proposed Waiver Determination" recommending waiver of six reporting requirements and setting forth the criteria justifying the waiver of each such requirement consistent with §1113 of the New York City Charter; and

WHEREAS, the Commission will hold a vote on December 13, 2024, to approve or disapprove the waiver for each such reporting requirement and such votes shall be recorded on the "Vote Tally Sheet" (Exhibit A);

Now, therefore, be it RESOLVED that the Report and Advisory Board Review Commission hereby approves the waiver of the reporting requirements in the Proposed Waiver Determination (Exhibit B) that have been approved for waiver by a majority of vote of the members present on December 13, 2024, according to the Vote Tally Sheet;

And be it further RESOLVED that the Commission hereby authorizes and delegates to the Chair and the staff the duty and power to produce a "Final Waiver Determination" containing the reporting requirements waived and/or retained by the Commission on such date and may also include non-substantive technical changes as the Chair deems appropriate, and to promptly file and publish such final determination with the City Council, City Clerk, the Mayor, and others as required by §1113 of the New York City Charter.

The forgoing resolution was adopted by the Report and Advisory Board Review Commission by a vote of 7 with 0 not voting.

DATED: December 13, 2024

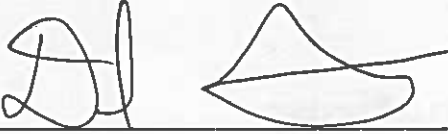
EXHIBIT A

Vote Tally Sheet

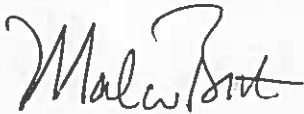
Report	Vote to waive	Vote to retain	Not voting
Interagency Roadway Safety Plan (<u>Ad. Code §19-184</u>)	7	0	
NYC Mobility Report (<u>Ad. Code §19-180</u>)	7	0	
Report on the number of requests for changes in traffic flow (<u>Ad. Code §19-183(c)</u>)	7	0	
Report on Variances and Special Permits in the Fiscal Year (<u>Ad. Code §25-208(a)-(b)</u>)	7	0	
Report on Agency Compliance with LLs 126, 127 and 128 of 2016 (<u>Charter §15(i)-(k)</u>)	7	0	
Use of Ultra-Low Sulfur Diesel Fuel and Best Available Retrofit Technology by the City's owned or leased Diesel Fuel-Powered non-road Vehicles Report (<u>Ad. Code §24-163.3(g)</u>)	7	0	

SIGNATURE PAGE FOLLOWS

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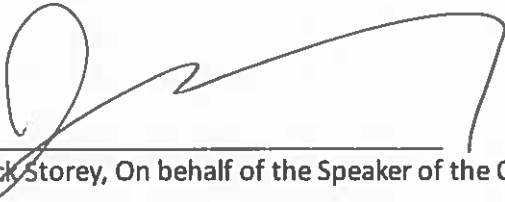
Dan Steinberg, Director, Mayor's Office of Operations



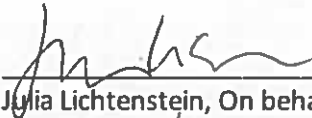
Malcom Butehorn, On behalf of the Speaker of the City Council



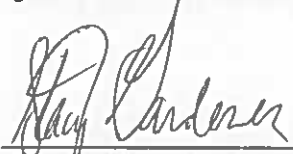
Rose Martinez, On behalf of the Speaker of the City Council



Jack Storey, On behalf of the Speaker of the City Council



Julia Lichtenstein, On behalf of the Corporation Counsel



Stacy Gardener, On behalf of the Commissioner of Information Technology and Telecommunications



Deborah Cohen, On behalf of the Director of Management and Budget

EXHIBIT B

Proposed Waiver Determinations



NOTICE OF REPORT AND ADVISORY BOARD

REVIEW COMMISSION RECOMMENDATIONS

Pursuant to Charter §1113, the Report and Advisory Board Review Commission held a public meeting on December 13, 2024, and voted to waive the following Reports:

1. Interagency Roadway Safety Plan (Ad. Code §19-184)
2. NYC Mobility Report (Ad. Code §19-180)
3. Report on the number of requests for changes in traffic flow (Ad. Code §19-183(c))
4. Report on Variances and Special Permits in the Fiscal Year (Ad. Code §25-208(a)-(b))
5. Report on Agency Compliance with LLs 126, 127 and 128 of 2016 (Charter §15-1(i)-(k))
6. Use of Ultra-Low Sulfur Diesel Fuel and Best Available Retrofit Technology by the City's owned or leased Diesel Fuel-Powered non-road Vehicles Report (Ad. Code §24-163.3(g))

A final copy of the waiver determinations will be filed with the City Council and is included below.



Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of reporting requirements and advisory boards established by the City Charter, the Administrative Code, or local law. The Commission is chaired by the Director of the Mayor's Office of Operations and consists of representatives from the City Council, the Law Department (LAW), the Office of Technology and Innovation (OTI), and the Office of Management & Budget (OMB).

As part of its review, the Commission holds public hearings to solicit feedback from agencies, groups, and organizations that are the subject of, or are affected by, the reports and boards under the Commission's purview. Following this process, the Commission may vote to retain or waive a reporting requirement, in whole or in part, or in the case of an advisory board, may vote to retain or dissolve it. The Commission must prepare formal determinations for all waiver recommendations. Thereafter, the City Council may vote either to approve or disapprove the Commission's waiver and dissolution recommendations.

More information about the Commission is available at <https://www1.nyc.gov/site/operations/projects/report-advisory-board-review-commission.page>.

Waiver Determinations

The Commission's waiver determinations are provided, in their entirety, below:



Interagency Roadway Safety Plan (Ad. Code §19-184)

SUMMARY: Administrative Code §19-184 establishes a requirement for the New York City Department of Transportation (DOT) to develop an interagency plan to improve roadway safety. The plan should include: proposed programs and initiatives to reduce traffic violations and to encourage traffic calming and safety measures; suggestions for behavioral modification to reduce crashes in the City, such as education and strategic traffic enforcement; a plan to increase collaboration between DOT and the police department on roadway safety; and a schedule for implementing the proposals contained in such plan. The Code mandates the plan be updated every five years.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the reporting requirement based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is duplicative of the subject matter of other mandated reports.

DOT's Vision Zero Pedestrian Safety Action Plans, published in 2015 and 2019, fulfill the requirements of this law. The information this report calls for is also duplicated in the comprehensive study of pedestrian fatalities and serious injuries from Ad. Code §19-182 from 2008 and NYC Streets Plan required by Ad Code §19-199.1 passed in 2019.

2. The report is irrelevant in light of changing circumstances, current information needs and technological advances.

This report pre-dates Vision Zero (VZ) and thus comes from a time when City agencies did not work together closely on matters of road safety. Since VZ began in 2014, the VZ Task Force has broken down agency silos and has produced seven reports on progress towards over 100 safety initiatives.

3. Other relevant factors:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by the reporting requirement under review.

Reinvent Albany submitted comments supporting waiver of this report. The comment states, "Support waiving reporting requirement. Agreed that this bill is no longer relevant."



NYC Mobility Report (Ad. Code §19-180)

SUMMARY: Administrative Code §19-180 sets forth performance indicators for which the Department of Transportation must delineate in a yearly written report to be sent to the Speaker of the City Council as well as the mayor and posted on its website. The indicators include: vehicle volume data at city screen lines, borough screen lines and river crossings; vehicle volume data and other data where appropriate, including but not limited to vehicle speed, bus speed and ridership, pedestrian, bicycle and crash data, on key corridors; vehicle speed data to be determined utilizing available global positioning systems data; bicycle volume data based on bicycle screen lines; and ferry volume data based upon information on ridership from city-operated and private ferry services.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the reporting requirement based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is duplicative of the subject matter of other mandated reports.

The information contained within this report can also be found in the Mayor's Management Report, the Mobility in the City Today section of the Streets Plan required by Ad. Code §19-199.1, NYC Bridge & Screenline Traffic Volumes Dashboard, Cycling in the City Report, the vehicle volume dashboard, Open Data products. In addition, the soon to be publicly accessible Traffic Information Management System will further duplicate the contents of the report.

2. The report is irrelevant in light of changing circumstances, current information needs and technological advances.

This report pre-dates Vision Zero (VZ) and thus comes from a time when City agencies did not work together closely on matters of road safety. Since VZ began in 2014, the VZ Task Force has broken down agency silos and has produced seven reports on progress towards over 100 safety initiatives.

Other relevant factors:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by the reporting requirement under review.

Reinvent Albany submitted comments supporting waiver of this report. The comment states, *"Support waiving reporting requirement. Agreed that this bill is no longer relevant."*

Report on the number of requests for changes in traffic flow (Ad. Code §19-183(c))

SUMMARY: Administrative Code §19-183(c) requires the New York City Department of Transportation (DOT) to post on its website the number of requests for changes in traffic flow designations received by the department during the 12 months ending on the preceding June 30, disaggregated by location and by the category of requesting party, and the status of such requests. The Code also requires the department to establish guidelines for the approval and placement of traffic calming devices. Such guidelines shall consider whether such traffic calming devices would be installed adjacent to a school or in a location where a high percentage of seniors use the streets, such as locations adjacent to senior centers and nursing homes, and any other locations as determined by the department. Such guidelines shall list the conditions under which installation of such traffic calming device may be appropriate. These guidelines shall be distributed upon request and published on the department's website.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the reporting requirement based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs or technological advances.**

The report has not been the subject of public inquiries since its original publication in 2020. In addition, Traffic Engineering & Planning (TEP) currently track all one-way conversion requests internally and will continue to do so. Further, in absence of the published list, DOT feels it can adequately respond to specific inquiries from stakeholders when they arise.

- 2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.**

DOT argues that posting this information on the DOT website annually offers marginal public benefit given the low general public interest in the source and parameters of street direction change requests and therefore the benefits do not outweigh the expenditure of public resources to produce it.

The agency estimates it requires 50 hours of employee time to product the report annually. This effort includes time for Traffic Engineering & Planning (TEP) staff to prepare the list, review time for each of DOT's Borough Engineering and Borough Commissioner's Offices, review/approve time for senior DOT leadership, and time spent by DOT's Media team to post the report to the DOT website.

- 3. Other relevant factors:**

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

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SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by, the reporting requirement under review.

Reinvent Albany submitted comments supporting waiver of this report. The comment states, *"Support waiving reporting requirement. Agreed that this bill is no longer relevant."*



Report on Variances and Special Permits in the Fiscal Year (Ad. Code §25-208(a)-(b))

SUMMARY: Administrative Code §25-208(a)-(b) requires the New York City Board of Standards and Appeals (BSA) to submit a report to the Speaker of the City Council twice a year on December 15, covering the first four months of the current fiscal year, and on September 1, covering the previous fiscal year, that includes the following information: the number of pre-application meeting requests filed; the number of applications filed; the number of applications filed for which a pre-application meeting request was held; the number of applications for which an initial hearing was held; the number of applications that were approved; the number of applications that were denied; the number of appeals filed; the number of appeals granted; the number of appeals denied; the average length of time from when an application was filed to when a decision was made; and the average length of time from when an appeal was filed to when a decision was made.

DETERMINATION: Waive

RATIONALE: The Commission staff recommends the waiver of the report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is largely duplicative of data available on Open Data

Of the 11 data points required by the Administrative Code, nine are already available on Open Data. BSA has agreed to post one of the data points not currently on Open Data – “The number of applications filed for which a pre-application meeting request was held” – onto the portal and update the information regularly. That information is available at [this link](#).

2. The other data point required by the Administrative Code - The number of pre-application meeting requests filed – is not useful in evaluating the results and effectiveness of City programs, activities, and functions

The overwhelming majority of “pre-application meeting requests” can be better described as “pre-application questions” and are generally resolved through a short phone call with BSA staff. The requests that end up requiring meetings with the chair – those that cannot be handled at the staff level – do get tracked and will continue to be tracked and posted on Open Data.

Other relevant factors:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

3. SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by the reporting requirement under review.



Report on Agency Compliance with LLs 126, 127 and 128 of 2016 (Charter §15(i)-(k))

SUMMARY: New York City Charter §15(i)-(k) requires the production of a report summarizing the work of six agencies (Administration for Children's Services, Department For The Aging, Department of Education, Department of Health and Mental Hygiene, Department of Social Services/Human Resources Administration, and Department of Youth and Community Development) detailing the demographic questions asked on all offered voluntary forms used for social services, and to note any new forms added or any updates made that year. The Mayor's Office of Operations requests a reduction in report frequency, from annually to every other year.

DETERMINATION: Waive in part

RATIONALE: The Commission staff recommends a reduction in report frequency from annually to biannually, based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The data in the report are redundant of other publicly accessible data.

The Mayor's Office of Operations currently posts the demographic survey results on Open Data and will continue to do so.

2. The report has a low level of relevance in light of changing circumstances, current information needs or technological advances.

The report analyzes agency compliance with LLs 126, 127, and 128 of 2016. The Mayor's Office of Operations argues that when the LLs first passed, the report had relevance because agencies were generally not compliant with the LLs. However, the report is now largely irrelevant because agencies are much more likely to be in compliance.

3. The benefits and usefulness of producing the annually report do not outweigh the expenditure of public resources to produce it.

A yearly report does not provide enough useful information to justify the workload (175 hours of employee time per year) required to produce it.

Other relevant factors:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by the reporting requirement under review.



Use of Ultra-Low Sulfur Diesel Fuel and Best Available Retrofit Technology by the City's owned or leased Diesel Fuel-Powered non-road Vehicles Report (Ad. Code §24-163.3(g))

SUMMARY: Administrative Code §24-163.3(g) establishes that the New York City Department of Environmental Protection (DEP) shall submit a report to the City Council on an annual basis related to the requirements set forth in Local Law 77 of 2003. This local law requires that any diesel-powered off-road vehicle used by the City to begin using Ultra Low Sulfur Diesel (ULSD) Fuel. The report shall include hearings and trials information related to idle vehicle violations, the total number of summonses issued for engine idling, the number of 311 idling complaints disaggregated by borough, and the total number of complaints received by DEP.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends waiving this reporting requirement, based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The data included in this report are no longer as useful because of rising compliance

There is no longer a need for this report as the compliance rate for City vehicles with engines equipped with ULSD fuel has risen significantly in the years since the local law was passed in 2007. The last report achieved a 97.3% compliance rate, which was above the 90% compliance mandate.

Other relevant factors:

The Commission did not receive any public comments or testimony in opposition to the proposed waiver.

SOLICITATION OF SUPPORT: In accordance with Charter §1113(d)(2), the Commission sent e-mail notifications about the public hearing and potential waiver of this report to good government groups and organizations that the Commission reasonably determined were the subject of, or otherwise affected or benefited by the reporting requirement under review.

