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2 CITY COUNCIL

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CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

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of the

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COMMITTEE ON ENVIRONMENTAL PROTECTION

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June 11, 2003

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City Hall

Council Chambers

13

New York, New York

14

B E F O R E:

15

JAMES GENNARO

16

Chairperson,

17

COUNCIL MEMBERS: Margarita Lopez

18

Bill DeBlasio

Alan Jennings

19

Jose Serrano

Peter Vallone

20

Eva Moskowitz

John Liu

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Domenic Recchia

Helen Sears

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2 A P P E A R A N C E S

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Robert C. Avaltroni
4 Deputy Commissioner
Department of Environmental Protection

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Susan Petito
6 Assistant Commissioner
Intergovernmental Affairs

7 NYPD

8 Inspector Ken McGrath
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Henry J. Stern
10 New York Civic

11 Aaron Friedman
Silent Majority/Transportation Alternatives

12

Mateo Taussig-Rubbo
13 Transportation Alternatives

14 Aaron Naparstek
Transportation Alternatives

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Doug Johnson
16 Consumer Electronics Association

17 Carmine Santa Maria
Bensonhurst West End Community Council

18 Big Screechers
Harway Terrace Co-op

19 Community School Board 21

20 Harold Takooshian, PhD
Fordham University

21

Annette Zaner, PhD
22 Audiologist

23 James Shutowich
Audiovox Electronics Corporation

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KC Bean
25 Directed Electronics Inc.

1

2 A P P E A R A N C E S (CONTINUED)

3

Micah Sheveloff

4

Janet O'Hare

5 Coalition for a Quiet Jackson Heights

6 Richard Tur

7 James J. McLoughlin

Belvedere Gardens Coop

8

Drew Robertson

9 Atlantic Systems

10 Steven Barrison

Small Business Center NYC, BIG

11

George Whitehead

12 Slope Sound

13 Michael Infranco

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1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 CHAIRPERSON GENNARO: Good afternoon.

3 Thank you all for coming. My name is Jim Gennaro,

4 Chairman of the Committee on Environmental

5 Protection; I'd like to welcome you to this hearing.

6 Today this Committee will hear

7 testimony on the enforcement of the City's Noise

8 Control Code and two related bills; Int. No. 194,

9 which seeks to prohibit the sale and installation of

10 audible motor vehicle alarms in New York City, and

11 Int. No. 448, which seeks to do that as well as to

12 prohibit car owners from having an audible burglar

13 alarm in operation within the City of New York.

14 A recent New York Times article noted

15 that New York City is bloated with sound, and may be

16 one of the world's noisiest cities. From screeching

17 subway cars and loud honking taxi cabs to booming

18 jet engines and chattering construction work, New

19 York City is inundated with noise.

20 In 1972 New York City became one of

21 the first cities in the nation to adopt a

22 comprehensive noise code. This pioneering effort

23 sought to eradicate noise as a menace to public

24 health, comfort, convenience, safety, welfare, and

25 the prosperity of the people of the City.

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2 Although the City's Noise Control
3 Code improved the quality of life for city residents
4 and visitors, this code must be thoroughly
5 reexamined as we look forward to working with the
6 City's Department of Environmental Protection to do
7 so. They are here today, and they will be speaking
8 to us momentarily. Until that job is accomplished,
9 steps must be taken to address specific sources of
10 noise, and one such source is car alarms.

11 There was a recent survey showing
12 about 90% of city residents indicating that car
13 alarm noise diminished their quality of life. In
14 light of quality of life concerns regarding noise,
15 this Committee seeks to determine what measures the
16 City should adopt in order to decrease noise as a
17 menace to City residents and visitors. As such,
18 we're holding this hearing to hear from people who
19 have studied and researched the issue of noise, and
20 from people who are knowledgeable about car alarms.

21 Today we intend to explore the
22 various concerns and questions about the enforcement
23 of the City's Noise Control Code, how the City can
24 address the issue of car alarms, and most
25 importantly, what anti- noise measure the City

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2 should adopt in order to improve the quality of life

3 in the City.

4 Before I call the first witnesses for

5 the hearing, which will be representatives from the

6 City's DEP and the Police Department, I would like

7 to give Council Member John Liu and Council Member

8 Eva Moskowitz the opportunity to make opening

9 remarks. As many of you know, the two Council

10 Members here with me are the authors of the bills

11 that we'll be hearing today. I thank them very much

12 for their leadership. Without further ado, Council

13 Member John Liu.

14 COUNCIL MEMBER LIU: Thank you very

15 much Chairman Gennaro. I want to thank you for your

16 leadership in spearheading this public hearing on

17 what has become a very critical quality of life

18 issue, and that is the issue of excessive noise

19 pollution emanating from audible car alarms. My

20 bill seeks to prohibit the future sale and

21 installation of car alarms. The intent is not to

22 penalize current automobile owners who have car

23 alarms, but to simply prohibit the future of sales

24 and installation.

25 It is becoming increasingly clear, as

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2 the statistics provided by Chairman Gennaro shows,
3 that 90% of New Yorkers consider the noise emanating
4 from car alarms to be an extreme nuisance and
5 quality of life issue. It's something that we here
6 in the City Council must address.

7 No one is making it difficult for
8 people to protect their cars; we certainly want to
9 combat auto theft, which itself is a problem. The
10 question at hand is whether car alarms actually
11 reduce any kind of auto theft in any way. I submit
12 to you that based on the research that I've
13 conducted, there is no measurable impact that car
14 alarms actually have on reducing auto theft.

15 Today there is new technology with
16 regard to other kinds of systems that do not emit
17 noise, and yet are even more effective in preventing
18 car theft, as well as relocating cars if indeed they
19 are stolen. There are also a number of programs that
20 are provided by the NYPD that also serve to reduce
21 auto theft, and those kinds of programs have been
22 demonstrated to actually work in reducing car theft.

23 I come from Northeast Queens, which
24 has often been called the "Car Theft Capital of the
25 World". Our precincts, the 109th and 111th

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2 precincts, have been able to reduce the level of car
3 theft in our area. That is primarily due to the
4 programs that the police have instituted, such as
5 "VIN Etch" and the Cat Decal Program. Those
6 programs have worked. The new GPS- related systems
7 and Lojack- type systems are now becoming more
8 inexpensive, and are also proven to be more
9 effective in deterring car theft.

10 Today noisy car alarms simply don't
11 do the job; they're ignored by everybody on the
12 street, they're ignored by people in the buildings,
13 they're ignored by the cops. The only time that
14 they are paid attention to is at 3:00 in the
15 morning, when a car alarm goes off for no apparent
16 reason and wakes up everybody in the neighborhood.
17 That is the problem that we're trying to address
18 today.

19 Mr. Chairman, one other issue that I
20 will briefly bring up is an issue from a Consumer
21 Affairs' point of view; that is that there is also
22 an increasing number of consumers who are thinking
23 that they are getting some kind of product, when in
24 fact the car alarm that they purchased and had
25 installed in their cars are not exactly what they're

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2 cut out to be. There's also a Consumer Affairs

3 issue here, but the main thing is quality of life

4 and letting working New Yorkers get a chance to get

5 some rest at night. Thank you Mr. Chair.

6 CHAIRPERSON GENNARO: Thank you

7 Council Member Liu. Council Member Moskowitz.

8 COUNCIL MEMBER MOSKOWITZ: Thank you

9 Mr. Chair, I appreciate very much your willingness

10 to address this issue. To me the issue is very

11 simple; New Yorkers have a right to sleep and think

12 and talk to one another as they walk down the

13 street.

14 Car alarms in 99% of the cases are

15 set off by people walking by. It's hard to say if

16 the product is defective or what the issue is, but

17 noise complaints are the single largest area of

18 complaints that the Mayor's new 311 number is

19 receiving. I Chair the Education Committee, the

20 schools are in crises, we have health care issues,

21 we have many, many issues, and yet the fact that New

22 Yorkers take out the time, because they are being

23 driven crazy by these blaring alarms, I think makes

24 a very, very profound statement.

25 It seems very clear to me that

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2 audible car alarms do not deter theft; I've had my
3 car stolen. From personal experience I can say that
4 the alarm did not do what it was supposed to do. We
5 have to take a step in the right direction in terms
6 of eliminating this irritating quality of life
7 issue.

8 The bill that I have authored is Int.
9 No. 448. It goes a little further than Council
10 Member Liu's Bill in the sense that it bans audible
11 car alarms not installed by the manufacturer. It
12 would be nice to go forward, but if we don't deal
13 with the present state of noise, I think we've not
14 addressed all of the issues.

15 The other difference is that Int. No.
16 448 has an enforcement mechanism. When I talk to my
17 local precincts, one of the things they say, and
18 they're right, is that they're busy dealing with
19 larger crimes; rapes, murders, things that we want
20 the police focused on. It's very, very difficult,
21 given the number of cars we have in the City, to
22 think that it's realistic, even with Operation
23 Silent Night and all of the other things that our
24 men and women in uniform do, to think that they
25 could combat this problem on a case- by- case basis.

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2 In Int. No. 448 there's an
3 enforcement mechanism that a citizen who hears a car
4 alarm can report that, and if the car is found to
5 have the car alarm installed, the police would be
6 able to issue a fine. I think it's very important
7 on quality of life issues to find a way to not
8 completely, in all circumstances, rely on the police
9 or our governmental oversight entities. New York
10 City is just too big, there are too many people to
11 not rely on our citizens to be the eyes and ears.
12 That doesn't mean that accusations that are
13 unverified would stand, but it would give our
14 residents an opportunity to identify offenders, and
15 that's really what it's going to take when you have
16 a city of this size.

17 I appreciate very much, Mr. Chair,
18 your willingness to hear this issue. I look forward
19 to working with my colleague John Liu, who has been
20 a leader on this issue in terms of the precise
21 language of the bill and so forth. Thank you very
22 much.

23 CHAIRPERSON GENNARO: Thank you
24 Council Member Moskowitz. I'd like to indicate that
25 we're also joined by Council Member Vallone, a

1 COMMITTEE ON ENVIRONMENTAL PROTECTION
2 member of this Committee. Before we introduce the
3 witnesses, I'd once again like to thank Council
4 Member Liu and Council Member Moskowitz for their
5 leadership on this issue. Certainly the City pays a
6 very significant price in decreased quality of life
7 because of the presence of these alarms, and the
8 issue certainly is the presence of the alarms and
9 the noise they make; is it worth what we get out of
10 them in terms of reduced crime and so forth. I
11 don't think many here think that. So we will
12 explore this in detail as we proceed through the
13 hearing.

14 Now it's my privilege to introduce
15 our first two witnesses; Robert Avaltroni, Deputy
16 Commissioner of New York City Department of
17 Environmental Protection, it's a pleasure to have
18 you here Bob, and Susan Petito from the New York
19 City Police Department.

20 Before I ask you to commence with
21 your testimony, we have a practice here in the
22 Committee, as you may know, of swearing in our
23 witnesses. Counsel to the Committee, Donna De
24 Costanzo, will administer the oath. I would just
25 like to recognize Donna's good work in getting this

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2 hearing together, as well as Richard Colon, the

3 Policy Analyst. I'd like to thank them for their

4 efforts. Donna, if you could swear in the

5 witnesses, and then if you could just identify

6 yourself for the record and proceed with your good

7 testimony. Thank you.

8 COUNSEL DE COSTANZO: In the

9 testimony that you are about to give, do you swear

10 or affirm to tell the truth, the whole truth, and

11 nothing but the truth?

12 MR. AVALTRONI: I will.

13 MS. PETITO: I do.

14 COUNSEL DE COSTANZO: Thank you.

15 DEPUTY COMMISSIONER AVALTRONI: Good

16 afternoon Mr. Chairman and Committee Members. On

17 behalf of Commissioner Ward, thank you for the

18 opportunity to address the Committee on the subject

19 of noise enforcement.

20 The New York City Department of

21 Environmental Protection is proud of its long effort

22 to improve the quality of life for all New Yorkers

23 by enforcing the Noise Code contained in Title 24 of

24 the New York City Administrative Code.

25 The issue of noise in New York is

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2 complex one. In a city of more than nine million

3 people, with hundreds of diverse and vibrant

4 neighborhoods and at least as many life styles and

5 interests, simply defining noise touches a sensitive

6 spot. But DEP takes its role as an enforcer, and as

7 a mediator, of many of the tens of thousands of

8 annual noise complaints very seriously.

9 DEP responds to all types of noise

10 issues, but as the Committee is aware, our primary

11 duty is to enforce those provisions having to do

12 with what are know as 'stationary' sources. We also

13 participate in key targeted enforcement efforts,

14 including the Multi- Agency Response to Community

15 Hotspots, or the MARCH initiatives, which you heard

16 me speak about before. Here we use the CompStat

17 model of targeting areas with chronic complaints or

18 offenders, and focus on this area over time to

19 ensure compliance with Code. For non- compliers the

20 choice is simple; either be a responsible neighbor

21 or pay the price.

22 The initiative which may have the

23 largest long- term impact on the future of noise

24 issues is our effort to revise the Noise Code,

25 fully, thoroughly, and in a way that is responsive

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2 to the network of needs and concerns throughout our
3 city. This will be the first attempt in more than
4 thirty years, as you suggested Mr. Chairman, 1972
5 was the original Noise Code, to review and improve
6 this part of the Administrative Code.

7 DEP has begun an extensive evaluation
8 and recommendation program. Our work includes a
9 partnership with the League for the Hard of Hearing
10 to obtain feedback from some of the groups and
11 individuals in New York City most interested in
12 noise enforcement.

13 Ultimately all of DEP's
14 recommendations will end up in legislation for
15 review by the City Council. We are confident that
16 we have reached out to work in partnership with a
17 broad cross- section of community representatives so
18 that we can reach a reasonable consensus on a fair
19 and equitable Noise Code for the future.

20 Before I close, I would like to
21 comment briefly on the two bills being considered
22 today by the Committee. I'd just like to go off
23 line from my past statement recognizing the Council
24 Members that are presenting this bill, I certainly
25 respect them greatly for their initiative, and

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2 understand the concerns that they have because it's
3 something that we share as well.

4 The two bills on today's agenda
5 address car alarms. One of the noise complaints that
6 are most troubling in the denser parts of the City
7 were a single car alarm on a quiet night can
8 potentially disturb the peace and quiet of hundreds
9 of people. Both bills, Intros 194 and 448, are
10 intended to achieve a similar purpose; restricting
11 the availability of audible motor vehicle alarms.

12 Although the Administration supports
13 the goals of the sponsors in achieving peace and
14 quiet, both pieces of legislation fail to recognize
15 that audible motor vehicle alarms are one of a
16 number of devices that defect vehicle theft.

17 Prohibiting the operation of car
18 alarms could take away from car owners one of the
19 layers of protection from theft. Although DEP cannot
20 speak to the issue of deterring auto theft, we can
21 suggest that an alternative restriction that we are
22 now considering as part of our Noise Code revision
23 process. Car alarms often disturb people not
24 because they go off once, but because often the same
25 alarm is triggered a number of times. We are

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2 looking at other jurisdictions and at devices

3 themselves to determine if the City would benefit

4 from a restriction on the number of time and alarm

5 repeats in a given period of time.

6 Although we have not yet made any

7 recommendations, the DEP staff does view the

8 solution to car alarm noise in terms of limiting the

9 frequency of alarms or improving enforcement, and

10 not in terms of prohibiting their operation

11 altogether. Until the Police Department advises

12 that the deterrent value of car alarms is

13 negligible, DEP will be extremely reluctant to

14 support legislation that prohibits them altogether.

15 This is just a brief resume of our

16 activities to maintain and improve the quality of

17 life for every New Yorker in every part of the City.

18 I thank you for the opportunity to testify, and I

19 would be happy to answer any of your questions.

20 ASSISTANT COMMISSIONER PETITO: Thank

21 you. Good afternoon Mr. Chairman, members of the

22 Council. I'm pleased to provide to you an update

23 regarding Operation Silent Night.

24 The Police Department began Operation

25 Silent Night in October of 2002 to proactively

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2 address noise complaints. The initiative combats
3 loud and excessive noise in 24 areas throughout the
4 City, three in each patrol borough. Since it began,
5 over 1,700 summonses have been issued for noise
6 violations in these areas. Additionally, over 57,000
7 summonses have been issued and over 4,000 arrests
8 have been made for non- noise related offenses in
9 these areas. New locations are added to Operation
10 Silent Night as others are stabilized. To date, 17
11 Silent Night locations have been stabilized and new
12 locations identified.

13 Thank you, and I'll be pleased to
14 answer any questions you may have.

15 CHAIRPERSON GENNARO: Thank you very
16 much, and yes, we've got a few questions. I'd also
17 like to recognize that Council Member Domenic
18 Recchia from Brooklyn is here with us.

19 Does the Police Department have any
20 opinion on the two pieces of legislation before us
21 today? Your statement doesn't speak to it.

22 ASSISTANT COMMISSIONER PETITO: We
23 agree with the testimony of the Commissioner. We're
24 very reluctant to remove a layer of protection
25 that's available to people, especially those people

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2 who have older cars or less expensive cars that
3 don't have the more sophisticated anti- theft
4 devices, such as the immobilization devices, the
5 ignition interlock devices. We have a layered
6 approach; the most obvious way to deter a car theft
7 is lock the car, take the keys. The level beyond
8 that is visible anti theft deterrents such as the
9 CAT program, I think it's now called "Watch Your
10 Car", or a blinking red light on a dashboard showing
11 that a burglar alarm is on, for example. We really
12 can't know for sure what we deter. We know that car
13 theft is going down, which is a wonderful thing, and
14 that's attributed to many, many layers of
15 enforcement, especially from our Auto Crime
16 Division, but also General Patrol, but we would be
17 very reluctant to say yes, get rid of car alarms
18 because we don't need them anymore.

19 CHAIRPERSON GENNARO: Well even if it
20 wasn't a statement like that, I think something
21 which would be helpful to us to the extent that you
22 might be able to provide or give us some insight; as
23 I mentioned before I turned it over to you and Bob
24 to make testimony, one of the things we're grappling
25 with, we know the cost we're paying in decreased

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2 sleep and all that from having car alarms blaring

3 all over the place. The balance that we're trying

4 to do here is that we know what it's costing us to

5 have car alarms in operation, but what are we

6 getting for it in decreased theft and all that?

7 Certainly it's not a good idea to

8 have cars stolen, the criminal element, the chop

9 shops and all that, but we don't really have a very

10 good sense from our end of the table that these

11 things are really doing an effective job and we're

12 paying a pretty high price for what we think is very

13 little in the way of decreased auto theft. So to

14 the extent that the Police Department now or at some

15 point in the future could endeavor to work with us

16 to assess what we're getting for all this noise,

17 then we're going to be inclined just to sort of do

18 what we think. It would be great to have our

19 actions informed by a thorough Police Department

20 analysis, but absent that, we'll do what we've got

21 to do.

22 ASSISTANT COMMISSIONER PETITO: Part

23 of the problem is that it's very difficult to prove

24 the negative. In other words, we won't know for

25 sure how many thefts were deterred by a car alarm,

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2 or not even the theft of the car so much as break-

3 ins to the car to steal property inside the car.

4 It's very difficult to know for sure. There are no

5 statistics that would reflect that. When we would

6 respond, for example, then the person who tried to

7 break in is gone, we wouldn't know that they were

8 there. It might go as an 'unfounded complaint' or

9 it might go as 'gone on arrival' or something like

10 that. We don't have hard statistics.

11 What we rely on is the expertise and

12 experience of our patrol force in our Auto Crime

13 division to tell us...

14 CHAIRPERSON GENNARO: That's fine,

15 but I think we're going down this road here to the

16 extent that we can get a better sense of how

17 effective these devices are in preventing auto

18 theft. People are sick of paying the price; they

19 don't want to do it anymore. Every Council Member

20 gets complaints about car alarms. We very rarely get

21 calls saying no cars got stolen on my block last

22 night because of the presence of car alarms. Calls

23 like that we don't get. The other ones, we get

24 plenty. So to the extent that we could get more

25 input on that would be helpful.

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2 It would also reduce the burden on
3 the Police Department. Don't you get a lot of car
4 alarm complaints? People calling up the precinct
5 saying this is ringing, this is ringing, the police
6 come, people try to prevail upon them to disable the
7 alarm, they don't really want to do it. It just
8 seems like a very nonconstructive paradigm.

9 ASSISTANT COMMISSIONER PETITO: We
10 understand how frustrated people are, especially in
11 the middle of the night, but the problem is that we
12 can't quantify how many cars are not stolen or
13 broken into. There's no hard data that we have to
14 show the negative. We do know that car theft has
15 decreased dramatically over the last 9- 10 years,
16 it's down 76%.

17 CHAIRPERSON GENNARO: Yes, but car
18 alarms have been around a long time, so I think the
19 decrease in auto theft is consistent with the good
20 decrease in crime we've had overall. I don't think
21 it's attributable to car alarms.

22 With regard to enforcement of car
23 alarms, do we have any sense of how many violations
24 have been issued for car alarms, both from the PD
25 and the DEP?

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2 ASSISTANT COMMISSIONER PETITO: From
3 the PD, we issued 196 car alarm ECB summonses in
4 2002.

5 CHAIRPERSON GENNARO: One hundred
6 ninety- six? You could do that in my district in
7 one night. This is part of the problem. These
8 things ring, and we all know that by law you can't
9 have them ring more than three minutes and all that.
10 The police are ill prepared to wait around, look
11 at their watches, has it been three minutes, then
12 you get the violation.

13 Anyone who has an alarm is supposed
14 to have some contact information for the local
15 precinct, the precinct is supposed to maintain that
16 information. Does any of that happen anywhere?

17 ASSISTANT COMMISSIONER PETITO: I
18 don't know specifically; I'm not sure.

19 CHAIRPERSON GENNARO: I just think
20 that the police, and this is not necessarily a
21 criticism, but they have other bigger fish to fry
22 than dealing with car alarms problems. It just
23 becomes a sort of like the ambient background noise
24 of New York City. The people that we represent kind
25 of want to move on from that. Pending something very

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2 compelling from the Police Department or DEP

3 indicating that there is a real public benefit to

4 having all this noise, and the Police Department and

5 DEP are on top of it, and we're going to make sure

6 everyone has their contact information for their

7 thing in the windshield, and we're going to make

8 sure that proper summonses are given out and these

9 things are monitored regularly. None of that is

10 happening now. We don't see the appropriate

11 government agencies delving in this to the extent

12 that they could. They don't see any crime reduction

13 from this. We're just kind of tired. As we go down

14 this road, we'll try to... (interruption, someone

15 speaking to Chairperson).

16 At this point I'm going to yield this

17 to my colleagues for questions. I'd like to

18 recognize the presence of Council Member Bill

19 DeBlasio from Brooklyn, and Helen Sears as well. I

20 recognize Council Member Vallone for questions.

21 COUNCIL MEMBER VALLONE: Thank you

22 Mr. Chair, and I thank Council Members Liu and

23 Moskowitz for introducing this legislation. As you

24 know, I am Chairman of the Public Safety Committee,

25 and Chairperson Moskowitz you were correct; we are

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2 at the lowest precinct staffing levels since 1991.

3 The Police Department just does not have the

4 resources to respond to false car alarms complaints

5 anymore. Maybe that was true in the past, but now

6 they don't.

7 If you have an accident or some type

8 of break- in in your car, you could wait three hours

9 right now for a police officer. They're doing a

10 great job of responding to emergencies; they don't

11 have the personnel to respond to non- emergencies.

12 They don't even respond for hours if you've had a

13 car broken into; forget about the fact that there's

14 a car alarm going off outside your house. So what

15 used to work in the past, may not be practical or

16 reasonable anymore in the future.

17 Trust me, no one is more loath than I

18 am to remove a law enforcement device that might

19 work. This one doesn't seem to work, and the

20 benefits seem to be outweighed by the disturbances.

21 Mr. Avaltroni, you just said your

22 Commission in the Administration is working on

23 changing the laws regarding noise complaints, and I

24 commend that, but I did hear that won't happen until

25 January. Is that still the time table?

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2 DEPUTY COMMISSIONER AVALTRONI: Yes
3 Councilman. We are looking to come up with a new
4 Noise Code, which as I said, this is a change that
5 hasn't taken place for 30 years, by the end of the
6 calendar year. We will be looking to share with you
7 and this Committee some of our findings certainly
8 before then. I think Commissioner Ward testified to
9 that at our budget hearings, one that I was not able
10 to be at.

11 COUNCIL MEMBER VALLONE: I was at
12 that, and he did give me your name to meet with,
13 because I do intend to set up a meeting with you.

14 DEPUTY COMMISSIONER AVALTRONI: Yes,
15 we did miss each other a couple of times.

16 COUNCIL MEMBER VALLONE: I did tell
17 him, as I'll tell you, January is far too long to
18 wait for a new code. Many of us may not be here in
19 January, and I'd like to work on this while I'm
20 here.

21 DEPUTY COMMISSIONER AVALTRONI: Let
22 me just say this to you. Obviously the timing has
23 nothing to do with the political season, and you
24 know I'm very astute to the political season. This
25 is something that we've gone outside to solicit

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2 support, so we want as many voices heard, as many
3 opinions as possible, so as I've said in my
4 testimony, we've taken the League for the Hard of
5 Hearing to be the consensus builder that will listen
6 to the various advocates in terms of the concerns
7 that they might have. On the flip side of that, we
8 listen to the real estate industry because, as you
9 know, we have the regrowth of our city, so we have
10 to take those two issues into measure.

11 If we could do that quicker, believe
12 me, we will be back to you sooner. We've set a
13 goal, and I think it's an ambitious goal, to do this
14 by the end of the calendar year, and I plan on
15 meeting that goal.

16 COUNCIL MEMBER VALLONE: Let me once
17 again say that that's too long, we won't be waiting
18 that long. I've introduced legislation right now to
19 change the method of enforcement; right now the
20 police officers have to ride around with devices to
21 measure the sound to make many of these arrests or
22 give out these fines. We've introduced legislation
23 to make it an audible standard; if you can stand a
24 certain distance away and hear it, that's enough.
25 That's common sense legislation.

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2 I'd like to sit down and meet with
3 you about that and some other things, but I will not
4 be waiting until January on that. It would be
5 better to do it all at the same time. I'm sure you
6 can reach out to these groups in a quicker period of
7 time. I know you can do it, I know you're good at
8 what you do Mr. Avaltroni, we've worked together.
9 Let me just prod you again on that note, and I look
10 forward to our meeting.

11 One quick question, are there any
12 statistics, and we've danced around this, regarding
13 arrests made as a result of car alarms? Not from
14 them going off, but actually preventing a break in,
15 or an arrest made from someone fleeing a car break-
16 in as a result of a car alarm. Do you have any
17 statistics on that?

18 ASSISTANT COMMISSIONER PETITO: No, I
19 don't have any statistic, I'm sorry.

20 COUNCIL MEMBER VALLONE: Do they
21 exist in any way, shape or form?

22 ASSISTANT COMMISSIONER PETITO: The
23 problem is that it would not be collected in a
24 computerized format. If there was a detective's
25 report about it, a DD5 for example, that he talked

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2 in narrative about having tracked the perpetrator
3 because there was a car alarm. There is no defined
4 computerized way to query a database and get that
5 information, it would be anecdotal.

6 COUNCIL MEMBER VALLONE: Thank you.
7 Thank you Mr. Chair.

8 CHAIRPERSON GENNARO: Thank you
9 Council Member Vallone. Council Member Moskowitz.

10 COUNCIL MEMBER MOSKOWITZ: Thank you
11 Mr. Chair. I wanted to ask Mr. Avaltroni a question
12 about his testimony. You write that "...until the
13 Police Department advises that the deterrent value
14 of car alarms is negligible, the DEP can in essence
15 have a position". Have you been told any time
16 table? Have you been told by the NYPD that they are
17 going to tell you their view?

18 DEPUTY COMMISSIONER AVALTRONI:
19 Council Member, we know today the opinion of the
20 Police Department, that it is a deterrent.

21 COUNCIL MEMBER MOSKOWITZ: That's not
22 what I heard. What I heard was that the Police
23 Department doesn't know. Is the Police Department
24 taking the position that these audible car alarms
25 are a deterrent? Could I just have a yes or a no?

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2 ASSISTANT COMMISSIONER PETITO: I

3 have to give a qualified yes, because we don't have

4 the hard data to support that, but as part of the

5 experience of the Police Department, specifically

6 the Auto Crime Division, we believe that they help

7 to deter. But I don't have hard data...

8 COUNCIL MEMBER MOSKOWITZ: Soft data,

9 any kind of data. Council Member Vallone asked a

10 very poignant question about arrests and the

11 relationship between arrests and the car alarms. You

12 had no statistics; it's not that you didn't have it

13 with you, it's that the computerized system would

14 not record that.

15 ASSISTANT COMMISSIONER PETITO:

16 Right, the presence of an alarm or a decal or some

17 theft- deterrent system is not a caption on our on-

18 line booking system.

19 COUNCIL MEMBER MOSKOWITZ: So what is

20 the evidence that the Police Department has that car

21 alarms have any deterrent effect whatsoever? What

22 kinds of information do you have that you deem to be

23 evidence?

24 ASSISTANT COMMISSIONER PETITO: It's

25 an expert opinion based upon the experience of

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2 investigation of auto theft.

3 COUNCIL MEMBER MOSKOWITZ: Can you
4 flush that out? What kind of expert? The detective
5 tells you what? Or the sergeant tells you what?

6 ASSISTANT COMMISSIONER PETITO: I
7 would have to defer to the Auto Crime Division for
8 specifics, unfortunately I don't know the specifics.

9 We could certainly get back to you
10 with examples, but for now, what I've talked with
11 them about, and they've told me that they think that
12 these things, as part of the overall package of
13 deterrents, are worthwhile. They would be very
14 reluctant to outlaw them entirely.

15 COUNCIL MEMBER MOSKOWITZ: On the one
16 hand I'm hearing contradictory things, because I
17 hear you say that we have no statistical evidence
18 that allows us to know that crime won't go up if we
19 remove these, yet what you have is very vague
20 anecdotal evidence. I really think we need
21 precisely what makes our Police Department think
22 that these have any deterrent effect whatsoever.

23 I'm a little disappointed, given that
24 this is the topic of the hearing, and given that the
25 Police Department does have a position, we can't get

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2 any details right now on that issue.

3 Let me just move to one other comment
4 that you made, because the first comment you made
5 was that we don't have the statistics. If we in the
6 City of New York waited around to make policy once
7 we had a full complete picture, we would not do
8 policy on a lot of other issues. That doesn't mean
9 we want to drive blind; it may be that the ultimate
10 question is irresolvable. It's hard to know for
11 sure that these devices aren't playing some role.
12 What I want to ask you is let's just suppose that
13 two thefts were prevented a year by car alarms,
14 would that be valuable enough to have thousands of
15 New Yorkers not getting any sleep?

16 ASSISTANT COMMISSIONER PETITO: I
17 think that would end up being a discussion, a
18 judgment, a balancing of interests between the
19 Council...

20 COUNCIL MEMBER MOSKOWITZ: You need a
21 discussion if there are two car thefts in the City
22 of New York that are prevented by car alarms? Two?
23 I'm giving a hypothetical, I understand, but two in
24 a City of eight million New Yorkers, it's the
25 position of the Police Department that you would

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2 need to have a discussion?

3 ASSISTANT COMMISSIONER PETITO: I

4 think that would be part of a large discussion, but

5 yes, I think that at this point that would be what

6 Commissioner Avaltroni deemed negligible, so

7 probably we would not see it as a problem. I

8 personally cannot tell you that I would want to talk

9 to the Auto Crime Division and get their input.

10 That's what I mean by a discussion.

11 COUNCIL MEMBER MOSKOWITZ: Thank you

12 very much.

13 CHAIRPERSON GENNARO: Thank you

14 Council Member Moskowitz. We're joined by Council

15 Member Serrano from the Bronx, and I recognize

16 Council Member Liu for questioning.

17 COUNCIL MEMBER LIU: Thank you Mr.

18 Chairman. Let me just say from the beginning that I

19 think, hypothetically speaking, if audible car

20 alarms only deter two thefts a year in New York

21 City, then they should definitely be outlawed. If

22 it's 2,000, that's where we have to start making the

23 judgment, but if it's two per year, there's

24 absolutely no room for judgement. Based on the

25 thousands and thousands of people who are disturbed

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2 by these car alarms, I think if it was just two,
3 that clearly (indicates) that the benefits do not
4 outweigh the costs there.

5 Do you have statistics on the quality
6 of life complaints attributable to audible car
7 alarms?

8 ASSISTANT COMMISSIONER PETITO: I
9 don't. I think that Commissioner Avaltroni might
10 have, but I think that they're about 5% of the noise
11 complaints that come through.

12 DEPUTY COMMISSIONER AVALTRONI: That
13 is correct.

14 COUNCIL MEMBER LIU: In your expert
15 opinion Deputy Commissioner Avaltroni, are audible
16 car alarms a nuisance factor for New Yorkers?

17 DEPUTY COMMISSIONER AVALTRONI: Yes.

18 COUNCIL MEMBER LIU: Are they a
19 significant nuisance for New Yorkers?

20 DEPUTY COMMISSIONER AVALTRONI: Yes.
21 But I'm going to give a qualifier to every answer I
22 give you.

23 COUNCIL MEMBER LIU: I guess
24 everything is qualified around here. That's
25 intuitive to me as a person, it's certainly

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2 intuitive to me based on my being a Council Member

3 and getting innumerable complaints from my

4 constituents. It is a fact that car alarms are a

5 pain; they annoy people, they wake people up at all

6 hours of the night.

7 On the other hand, the question is do

8 the car alarms actually deter theft? There's no

9 conclusive evidence that they actually do the job

10 that they claim to do, and yet they harm New Yorkers

11 in other ways. It makes sense to me that we should

12 just simply ban them from the City, to outlaw them.

13 The reason why car theft has gone

14 down is due to the good work of law enforcement. I

15 am convinced of that. Between all the VIN etch

16 programs, the CAT programs, there are other programs

17 in neighborhoods, the fact that now each vehicle is

18 tracked closely with their VIN numbers; all of that

19 didn't used to be followed carefully. Now those

20 procedures are in place not only in this City, but

21 in the country. So all of those procedures are

22 actually what led to the decline of car theft- not

23 these audible car alarms.

24 I will accept that when these alarms

25 first came out, that people did pay attention to

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2 them, and they did, at that time, we're talking 10-
3 15 years ago, have some kind of a deterrent quality
4 to them. Today they don't deter anything, they just
5 bother people. Since we're on anecdotes, I will
6 tell you that the cops in my area don't pay any
7 attention to them. They told me that these alarms
8 don't work, and they just bother people. I would
9 challenge both of your departments to sit down with
10 Council Member Moskowitz and Chairman Gennaro and
11 myself and our colleagues, and let's randomly pick
12 out a street near a police precinct in New York
13 City. I will personally walk down that street and
14 yell "boo" at a few cars to set off their alarms,
15 and let's see how many cops actually pay attention
16 to that.

17 So when you talk about expert
18 opinion, and the expert judgment that the car alarms
19 do deter auto theft. I think that any kind of
20 expert judgment that has been conveyed was probably
21 from a long time ago, and that today I doubt that
22 you could actually get that kind of judgement.

23 Again, I think we should just do a
24 test to see how many police officers actually
25 respond to them. Whether they do not respond

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2 because there are other more serious crimes to deal
3 with, or whether they don't respond because the car
4 alarms are something that nobody pays attention to.
5 That's irrelevant. The fact that no one responds to
6 these car alarms is already proof, in my mind, that
7 they simply don't work.

8 We're not trying to make it easier
9 for car thieves to do what they do, but we're trying
10 to improve quality of life. It is clear, based on
11 what you've said, that this is a nuisance for New
12 Yorkers, this is a significant hinderance on good
13 quality of life for New Yorkers, yet there's no
14 evidence that these car alarms actually deter theft.
15 It's absolutely time that we ban these audible car
16 alarms in the City of New York.

17 DEPUTY COMMISSIONER AVALTRONI:
18 Council Member Liu, I agree with you on several
19 (points), and I said I had a qualified opinion on
20 that. I don't like car alarms, I don't think
21 anybody here is suggesting that they enjoy being
22 awakened in the middle of the night by a car alarm.
23 I think if we're going to use a hypothetical
24 situation, and I just throw this out to the entire
25 Committee here, and on behalf of the Administration,

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2 and on behalf of the Police Department, your comment
3 about the Police Department, I happen to agree with
4 that too; the fine work that they've done in
5 reducing crime. But no one could really make a
6 statement by the presence of a cop in the area, what
7 type of a preventive measure that has. Again, it's
8 a perception issue, that there is a cop around.

9 Is there a better car alarm out
10 there? I think you alluded to that in your
11 statement. That is something we should look at. I
12 agree wholeheartedly with that. But the fact of the
13 matter, perception is very important when you look
14 at crime, and if you look back, probably in 1994
15 when crime started coming under control. It was the
16 different interpretation, and in fact the Police
17 Department was going to be there. We were going to
18 go with quality of life crimes; we use the squeegee
19 to people as an example. So I think that what you
20 do is you set a pattern, and in fact if you have a
21 car alarm, maybe one is reluctant to go and try to
22 steal a car that has a car alarm.

23 Are there better car alarms? We
24 should look at that. What I would suggest to this
25 Committee, we would be happy, as the Department of

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2 Environmental Protection, to work with you. As I

3 said, it's only 5%, but they're a nuisance 5% of

4 complaints we get to work with you in areas where we

5 might have problems where we have already started

6 going out, and this is within the last month or so.

7 If a car alarm goes off, we need information; the

8 make of the car, the license plate, etc., so we know

9 what car we're dealing with. We are leaving

10 information brochures now on vehicles where a car

11 alarm has gone off where we've gotten a complaint.

12 People have called us back. So we would be willing

13 to do that.

14 We also have to take a look at the

15 economics of the situation. As one would know, a

16 person would get a 15% reduction on their insurance

17 rate if they have an alarm on their vehicle. Again,

18 a better alarm, that's what I would like to look at

19 with you; if there's a better alarm system out

20 there, that's something that we would be promoting

21 as well. But you're looking at economics, is the

22 City of New York going to become victim to the

23 insurance industry, who are going to drive up rates

24 of the same citizens we're talking about in the

25 future. Again, this is a hypothetical situation,

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2 but it may be reality.

3 We are willing to work with you. As

4 I said, no one likes to deal with the problem we are

5 dealing with. We're on the same page, I think if we

6 can come together we can work this out.

7 COUNCIL MEMBER LIU: Thank you. If I

8 may just follow- up; I think that the insurance

9 companies actually themselves are beginning to look

10 at this issue of whether it makes sense to provide a

11 discount for audible car alarms. They are looking

12 at more effective means, such as ignition disabling

13 systems, that are more effective and do not create

14 the kind of quality of life problems that audible

15 car alarms do create. I think it's a great

16 suggestion, I'm happy to work closely with you on

17 it, but in terms of the issue of economics that you

18 brought up and the discounts on insurance, I think

19 that's not as clear an issue anymore.

20 DEPUTY COMMISSIONER AVALTRONI: I

21 don't want to give the insurance industry the

22 ability to say hey, okay, New York, now we're going

23 to tax you and burden other constituents that we all

24 represent.

25 CHAIRPERSON GENNARO: I just want to

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2 weigh in on that. Thank you, Council Member Liu.

3 With regard to the insurance industry

4 and extra costs people may be paying in insurance

5 due to the lack of having the discount, I think the

6 insurance companies are looking for anti- theft

7 devices, not necessarily audible car alarms. I

8 think any discussion of any action that we may be

9 contemplating resulting in any kind of higher price

10 that people may be paying for their car premiums is

11 not accurate. As John indicated, and at least my

12 insurance company specifically indicates that

13 they're looking for an anti- theft device, which I

14 do have, and a silent one at that. I do get my

15 discount for that.

16 I recognize Council Member Recchia.

17 COUNCIL MEMBER RECCHIA: Thank you

18 Chairman. I have a few questions.

19 First, I want to say that a lot of

20 people think that they're not getting complaints,

21 but...because what's happening in the City is that

22 when people hear these car alarms going off, they're

23 tired of calling the precincts because the police

24 officers respond three hours later because there are

25 other things happening. What happens is the next

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2 day they call up their elected officials. If you

3 want, I could give you a long list of all the

4 complaints that come into my office every week. I

5 represent Coney Island, Graves End and Brighton

6 Beach; I have many highrises where thousands of

7 people live. One car alarm goes off, with all those

8 highrises, I get a call at least every other day in

9 my office about these car alarms. I have statistics

10 if you want them, I can make them available.

11 More importantly, I want to talk

12 about program Silent Night. I'm not understanding

13 this, if you could explain it. You testified that

14 "...the initiative combats loud and excessive noise

15 in 24 areas throughout the City". Then you stated

16 that "...three in each Patrol Borough". Explain

17 that.

18 ASSISTANT COMMISSIONER PETITO: There

19 are three locations selected in each patrol borough

20 which receive this enhanced enforcement effort as

21 part of this operation. That's not to say that

22 noise complaints coming from other parts of the

23 borough or the precincts are not handled, but

24 there's intense enforcement effort in these specific

25 locations, three in each patrol borough, which have

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2 been identified based on the number of noise

3 complaints received in those areas as well as the

4 input of the precinct and the borough commanders.

5 COUNCIL MEMBER RECCHIA: So you have

6 let's say three teams in each borough that go out?

7 ASSISTANT COMMISSIONER PETITO: No,

8 it's usually done with patrol resources, either as

9 part of normal patrol or as specific operation at a

10 particular time.

11 COUNCIL MEMBER RECCHIA: Is this like

12 a team made up of certain people on this team; is

13 this like an officer and a special team that goes

14 out to an area?

15 ASSISTANT COMMISSIONER PETITO: It's

16 not a different team from normal patrol resources,

17 it's the regular patrol officers, plus if they need

18 help from the borough. Maybe I can turn to

19 Inspector Ken McGrath from Manhattan South to

20 describe it a little better for you.

21 INSPECTOR MCGRATH: Good afternoon.

22 I'm Inspector Ken McGrath, I'm assigned to patrol

23 the Borough of Manhattan South, I'm the Operations

24 Commander.

25 Basically a meeting was convened last

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2 Fall and they asked each of the eight patrol
3 boroughs to select a few locations where we feel
4 that we could have some impact on the noise. We
5 were provided statistics giving us the areas of the
6 most prevalent noise complaints. We selected three
7 locations, two in the Sixth Precinct, down in
8 Greenwich Village, and one over in the Ninth
9 Precinct. We still kept the two in the Sixth
10 Precinct, it's down in the Bleaker Street, there's a
11 lot of clubs down there, and it lends itself very
12 well to enforcement. We've been very successful
13 down there, we have a great deal of statistics down
14 there. The area we had in the
15 Ninth Precinct was a club; we were able to
16 successfully close that club, so as Commissioner
17 stated, that one is abated, and we selected another
18 location in the Ninth Precinct. Again, looking at
19 the most current statistics of noise complaints,
20 which were initially at the Quality of Life Hot
21 Line, now they're coming in on the 311 system. Our
22 most heavy noise complaints are still coming in in
23 the Sixth and the Ninth Precinct. That's in
24 Manhattan South, which covers everything south of
25 59th Street.

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2 As for the enforcement, that's
3 basically up to the precinct commander, sometimes we
4 augment it with the borough staff, the task force,
5 and we will do operations on say a Saturday night,
6 10:00 at night until 3:00 in the morning. We'll go
7 down there, do vehicle check points, we will bring
8 noise meters, although most of the summonses have
9 been given just for unreasonable noise. It's very
10 difficult on an outside location to use those noise
11 meters and be really accurate with all of the other
12 noise that's going on in the area.

13 That may be done by normal patrol in
14 a normal sector car, it also could be like a team-
15 lead enforcement, a supervisor out there with either
16 the Cabaret Unit, the Conditions Unit, depending on
17 what resources the precinct and the borough can
18 provide to it. That doesn't mean we don't enforce
19 it at other times, when just a normal car could come
20 down on a noise complaint, and take action.

21 COUNCIL MEMBER RECCHIA: What I'm
22 concerned about is the outer boroughs getting
23 neglected. I understand Manhattan, there's a lot of
24 nightlife here, but what I'm trying to find out is
25 if there are special patrols that get assigned to

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2 the boroughs, and they get sent out through the

3 boroughs in certain areas. I'm not clear how this

4 whole thing works, and that's what I don't

5 understand. Is there a special team in each borough

6 that goes out to areas that focuses on the noise, or

7 is it that you just pick an area and that's where

8 we're going to go in the outer boroughs? I don't

9 understand how this whole thing works; it's not

10 clear to me. INSPECTOR MCGRATH: The

11 procedures that I outlined we followed in Manhattan

12 South. I've worked in other boroughs, and I'm sure

13 it's the same in the other boroughs. They've

14 targeted these locations, and both precinct and

15 borough resources are sent out to take action there.

16 COUNCIL MEMBER RECCHIA: How many

17 noise meters do we have in the Police Department?

18 INSPECTOR MCGRATH: I can only speak

19 for Manhattan South; we have one for each precinct

20 and a couple in our task force.

21 COUNCIL MEMBER RECCHIA: And in the

22 outer boroughs?

23 INSPECTOR MCGRATH: Again, I work in

24 Manhattan South, I couldn't comment on city- wide,

25 but it's probably similar. Just for an example, we

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2 have about 2,000 cops, we have 38 people trained, so

3 we don't have a large amount of people trained to

4 use the noise meters. Our biggest tool is the

5 unreasonable noise summons.

6 COUNCIL MEMBER RECCHIA: This is

7 information we need to know in the City Council

8 because maybe we're focusing in the wrong area;

9 maybe we have to put more in identifying certain

10 ways that we could help our constituents by maybe

11 helping to fund getting more noise meters, get more

12 police officers trained so we could have more

13 enforcement. I need to know, and maybe Susan Petito

14 could tell us, get the information to this Committee

15 about exactly the outer boroughs, how many noise

16 meters they have, if there's a noise meter in every

17 precinct, if there is someone trained in every

18 precinct. This is information I would like to know.

19 ASSISTANT COMMISSIONER PETITO:

20 Absolutely. Most precincts have at least one sound

21 meter device, but I can get you more specific

22 information about that. They are also located in

23 the borough, so if a precinct doesn't have one, or

24 the one they have isn't working, you can also ask

25 for the borough to come and help them, give them a

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2 person trained in the use of the sound meter device.

3 COUNCIL MEMBER RECCHIA: That's my
4 next question, how many officers are trained on how
5 to use this per precinct? Let's say there's only one
6 or two and they're off on a Saturday, then that
7 means Saturday night we have nobody to go out there
8 to see the noise.

9 ASSISTANT COMMISSIONER PETITO: But I
10 think one of the main issues to remember is that we
11 always have the ability to summon someone for
12 unreasonable noise, which is an unclassified
13 misdemeanor in the Administrative Code. We don't
14 need a sound meter device, except for very specific
15 enforcement, I think for decibel level for VTL
16 violations, for example, in a car.

17 COUNCIL MEMBER RECCHIA: That's why I
18 think my colleague, Peter Vallone, introduced
19 another bill that we should move on quickly. I
20 thank you, but if you could get us that information,
21 because that could really help us. I really think
22 we have to work on this because I have my
23 constituents here today, and they will be testifying
24 because we have a problem in our community with
25 this.

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2 DEPUTY COMMISSIONER AVALTRONI: Let
3 me offer also, DEP is available to you, certainly
4 you can call me, and we would be happy to work with
5 you. You mentioned before you had a list of names,
6 we'll look at that with you. I also mentioned the
7 MARCH issues, that's the Multi- Agency Response to
8 Chronic Hotspots; if you have an issue in a
9 community, we'd like to look at it, and we'd like to
10 help you.

11 CHAIRPERSON GENNARO: Thank you
12 Council Member Recchia. I'd like to recognize that
13 we've been joined by Council Member Jennings from
14 Queens, and Council Member Jennings is next up for
15 questioning.

16 COUNCIL MEMBER JENNINGS: Mrs.
17 Petito, do you have the statistics, or I'm sure you
18 may know, car theft was high in the 90's, is that
19 correct?

20 ASSISTANT COMMISSIONER PETITO: Yes.
21 Since 1993 car theft is down 76%.

22 COUNCIL MEMBER JENNINGS:
23 Particularly these last few years, car theft is
24 really pretty low throughout the City of New York,
25 right?

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2 ASSISTANT COMMISSIONER PETITO: I

3 don't know that I'd characterize it as low, it's

4 still over 26,000...

5 COUNCIL MEMBER JENNINGS: I could

6 say, for example, the 106th Precinct in Queens

7 County, which is the lowest reduction of crime rate

8 in New York City and the lowest reduction in car

9 theft, the 102nd Precinct is the second lowest

10 reduction in car theft, the 103rd is number five in

11 lowest reduction in car theft, and overall the

12 crimes....I know part of the efforts of car theft

13 being really low is because of the efforts of the

14 Police Department. At the same time, couldn't that

15 be because of the theft devices, such as alarms

16 installed in cars, has been a deterrent in stopping

17 car theft?

18 ASSISTANT COMMISSIONER PETITO: I

19 think it's a combination, yes.

20 COUNCIL MEMBER JENNINGS: And people

21 install car alarms for what reasons? One is,

22 wouldn't you say, to deter criminals from stealing

23 their car, that once they get into their car the car

24 alarm goes off?

25 ASSISTANT COMMISSIONER PETITO: And

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2 also to deter them from stealing property from

3 inside the car.

4 COUNCIL MEMBER JENNINGS: Would it

5 make sense to not have car alarms in cars?

6 ASSISTANT COMMISSIONER PETITO: I

7 think it's the Police Department's opinion that we

8 don't want to remove that as a possible deterrent,

9 as part of an over- arching layer of deterrent by

10 warning devices. So I think yes, we are very

11 concerned about removing that layer of protection

12 from the public.

13 COUNCIL MEMBER JENNINGS: Car alarms,

14 as you just stated, not just stops someone from

15 stealing a car, but also breaking into the car and

16 taking valuables that may be in plain view, or a bag

17 or a hat or car radio. You could devices sure to

18 stop the car from being taken away, you could have a

19 Club, but what deters someone from going into a car

20 to take away air bags, which commonly happens, or to

21 steal a radio. Usually a person breaks into a

22 window, the car alarm goes off, right?

23 ASSISTANT COMMISSIONER PETITO: Yes.

24 COUNCIL MEMBER JENNINGS: And many

25 times when the car alarms go off, is it always

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2 because the car alarm just decides to malfunction,

3 or is it because people are actually trying to break

4 into a car and the car alarm goes off?

5 ASSISTANT COMMISSIONER PETITO:

6 That's the problem; we don't have statistics for

7 that because nobody is there to see it, but I think

8 that certainly sometimes it's because someone

9 touched the car with the intention of breaking in or

10 stealing it. COUNCIL MEMBER JENNINGS:

11 Right, and if someone lives in a neighborhood, even

12 if it's in Queens or wherever it is, many times if

13 someone is in their yard, if they have a sensitive

14 car alarm, the car alarm goes off and maybe not only

15 deters someone stealing the car, but maybe it deters

16 someone from breaking into a house if they brush

17 across the car in the middle of the night. Would

18 that seem reasonable to you?

19 ASSISTANT COMMISSIONER PETITO: It's

20 a possibility.

21 COUNCIL MEMBER JENNINGS: Deputy

22 Commissioner Avaltroni, you talked about insurance;

23 insurance companies give a 10% discount for having a

24 car alarm, right?

25 DEPUTY COMMISSIONER AVALTRONI: Yes,

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2 before you came in we had somewhat of a debate with
3 respect to that. My opinion, again, is that it's an
4 issue that we have to look at because we don't want
5 to give the insurance companies premium to just jack
6 up every constituents car rates.

7 COUNCIL MEMBER JENNINGS: Right,
8 because you get discounts for anti- lock breaks, you
9 get discounts for...

10 DEPUTY COMMISSIONER AVALTRONI: Yes,
11 that being said, we understand completely the
12 disturbance that the alarms cause, but we have to
13 really take one step back and look at this and see
14 how we deal with this, as I suggested to Councilman
15 Liu, collectively because we have two issues here.
16 Again, you're presenting the other point of view.
17 There's no doubt about it, we cannot allow the
18 public to continually be jarred from sleep with
19 respect to car alarms, however, you are raising the
20 same point that I was attempting to do before; if
21 it's a deterrent to crime, we need to work with
22 that. If there's a better way to do that, that's
23 fine, if there's a different type of car alarm,
24 which Councilman Liu suggested before, these are
25 some things that we have to take a look at. We'd be

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2 happy to work with you.

3 COUNCIL MEMBER JENNINGS: With

4 regards to the enforcement of this, in this

5 provision it calls for the first offense, \$1,000,

6 the second offense, \$2,000, if someone's car alarm

7 goes off, and the third time imprisonment. We're

8 actually talking about imprisoning the citizens of

9 our city because their car alarm goes off. Did you

10 read this in the provisions of these two

11 introductions?

12 ASSISTANT COMMISSIONER PETITO: I

13 think that's the penalty for sale and installation.

14 COUNCIL MEMBER JENNINGS: Which I'm

15 going to get to in a second, but I thought I saw for

16 the fact that your car alarm went off, you're going

17 to get a \$1,000 fine.

18 ASSISTANT COMMISSIONER PETITO: I

19 think that operation in the longer bill is

20 punishable by a civil penalty, I think that's

21 because it's subdivision E of that section, it's

22 different from subdivision L.

23 COUNCIL MEMBER JENNINGS: There's

24 Int. 194 and there's Int. 448, and in 448 I believe

25 that the actual owner of the vehicle suffers serious

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2 civil penalty and may even face imprisonment. Does

3 that sound reasonable to do something like that to

4 our citizens?

5 DEPUTY COMMISSIONER AVALTRONI:

6 Again, the position that we have taken before you

7 arrived, is one that we could not support the two

8 Bills that you have before you, however, recognizing

9 that there is a problem in the City that we'd like

10 to deal with, and that's a forum for discussion in

11 the future.

12 COUNCIL MEMBER JENNINGS: Let's go to

13 bill number 194, because I think that's really

14 interesting. We're saying to an industry, to

15 businesses in New York City, that they should have

16 to shut their doors, they cannot do business in New

17 York if they sell car alarms. There are many, many

18 small businesses around every community, Bronx,

19 Queens, Manhattan, that that's all they do, they

20 install car alarms. Is that not correct?

21 ASSISTANT COMMISSIONER PETITO: I

22 think people do conduct that business, certainly. I

23 don't know if they often combine that with

24 installing sound systems and other things.

25 COUNCIL MEMBER JENNINGS: But there

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2 are some companies that that's all they do, they
3 install car alarms. We're talking about shutting
4 down a whole industry, and also killing jobs. If
5 you can't have a business anymore, if you have five
6 or ten employees, you're about to unemploy thousands
7 of New Yorkers. Is that possible?

8 DEPUTY COMMISSIONER AVALTRONI: I

9 think what we suggested earlier is that we need to
10 take a better look at the total picture of any
11 legislation. I think the Council Members that
12 presented this bill, it's certainly well intended,
13 and I think it's a first step, as I said. We have
14 to balance the ball here, but we do not want to be
15 intrusive to the people of the City of New York who
16 are awakened at night from car alarms, however, we
17 don't want to just knee- jerk to this, and as you
18 said, create economic problems, and I mentioned the
19 insurance industry. The situation you raise is a
20 valid one as well.

21 COUNCIL MEMBER JENNINGS: But Int.

22 194 in particular, that's a job killer. We're
23 talking about possibly closing down hundreds of
24 businesses and laying off thousands of New Yorkers
25 if that bill was passed.

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2 DEPUTY COMMISSIONER AVALTRONI: I'm
3 not going to say that, because again, we don't
4 support it, but we certainly don't want that to
5 happen. So if you're asking me do we need to take
6 one step back and take a better look jointly with
7 this Committee and with the appropriate agencies, I
8 think that is very valid.

9

10 COUNCIL MEMBER JENNINGS: Ms. Petito,
11 the other bill talks about the police doing whatever
12 it takes to enter a car and stop an alarm. What's
13 your interpretation; what does that mean?

14 ASSISTANT COMMISSIONER PETITO: Under
15 current law, when an alarm goes on over three
16 minutes, a police officer, if he cannot correct the
17 condition by contacting the car owner, has the
18 ability to try to disconnect the alarm. Sometimes
19 he needs to call in assistance from the Emergency
20 Service Unit...

21 COUNCIL MEMBER JENNINGS: That means
22 he has to break into a car to disconnect the alarm?

23 ASSISTANT COMMISSIONER PETITO: Open
24 up the hood usually. If he can't open up the hood
25 easily, if it's got a lock in it, which most cars

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2 have I believe, then he would call the Emergency

3 Service Unit. In certain instances, it can also be

4 towed away.

5 COUNCIL MEMBER JENNINGS: Right, I

6 know this bill calls for towing away cars as well.

7 CHAIRPERSON GENNARO: I'd like to

8 point out that the current law provides for the

9 police to disable car alarms.

10 COUNCIL MEMBER JENNINGS: But how

11 often do the police have to do that? How often do

12 police have to go under hoods and break into cars to

13 turn off the alarms? If someone tries to break into

14 a car, they don't stay on for a long time, they

15 usually just turn off right away, right?

16 ASSISTANT COMMISSIONER PETITO: It

17 depends on how it's malfunctioning. In 2002, for

18 example, we had 128 cars towed away in response to

19 car alarms.

20 COUNCIL MEMBER JENNINGS: And how

21 many cars did you have to break into?

22 ASSISTANT COMMISSIONER PETITO: I

23 don't have a number for that. I don't know.

24 CHAIRPERSON GENNARO: Whether or not

25 cars get broken into are not a matter for the

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2 legislation that we're considering; that's a

3 separate matter. Let's restrict the questioning

4 to...

5 COUNCIL MEMBER JENNINGS: Thank you

6 Mr. Chairman. In terms of enforcement, this

7 enforcement of giving people fines of \$1,000 or

8 \$2,000 or imprisonment for an alarm, or maybe

9 someone, because they want that protection, that may

10 force people to go to New Jersey and spend money in

11 New Jersey instead of spending money here and

12 contributing to our budget crises...

13 CHAIRPERSON GENNARO: I'd like to

14 point out for the record that they've already

15 indicated their opposition to the legislation at

16 hand. If you were to testify on the bill, I'm not

17 looking for testimony, I'm looking for questioning.

18 All I'm saying is that these witnesses are here to

19 answer specific questions on the legislation and on

20 the oversight topic. If you have a specific

21 question on the legislation or on the oversight

22 topic, please ask it, otherwise I have to move on.

23 COUNCIL MEMBER JENNINGS: One last

24 question; do these bills make sense as they are

25 written now?

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2 DEPUTY COMMISSIONER AVALTRONI: These
3 bills address a problem that we all agree exists.
4 The methodology employed to address the problem we
5 may have a difference with. That's something we
6 should work to as a committee and as a government
7 agency.

8 COUNCIL MEMBER JENNINGS: Ms. Petito,
9 if this bill, if it was passed, would it burden the
10 Police Department in any way?

11 ASSISTANT COMMISSIONER PETITO: We
12 would have to enforce it, so I don't know what that
13 enforcement would look like because there is an
14 exception built into both of them for a car alarm
15 that's installed or repaired pursuant to warranty.
16 We would have to talk about what that meant. In
17 other words, is the person just left alone to do it.
18 I'm not sure how that also dovetails with the
19 issue of the prohibition against operating a car
20 alarm. We would have to look at that as well to see
21 the interplay with that exception.

22 I think there is also a specific
23 problem about the complainant being able to
24 electronically file a complaint. We would have to
25 work that out. We would have to see how that would

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2 work out in practice, and maybe we would sit down

3 and talk about how that could be effectuated.

4 COUNCIL MEMBER JENNINGS: Last week

5 many of us had a press conference on the

6 unreasonable amount of summonses on unreasonable

7 reasons, which are laws on the books; I think this

8 probably would just add to that collage, right?

9 Thank you very much for your testimony.

10 CHAIRPERSON GENNARO: Thank you

11 Council Member Jennings. I recognize Council Member

12 Sears.

13 COUNCIL MEMBER SEARS: Thank you Mr.

14 Chair. I appreciate my being able to sit in on this

15 Committee. I'm not a member of the Committee, but

16 the issue is so key and so serious throughout the

17 City, that I appreciate that.

18 I have two very short questions.

19 Since 311 has been initiated, and when a call is

20 made to 311 there's also a tracking system, either

21 agency, how do you respond to an alarm going off

22 when they call 311? Do those numbers fit into the

23 CompStats? I'm hearing that it's difficult and it's

24 hard to separate. Since 311 was put in, it doesn't

25 take more than a day or something to get back to the

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2 complainant? Is 311 used when car alarms go off?

3 ASSISTANT COMMISSIONER PETITO: Yes,

4 when the person calls...

5 COUNCIL MEMBER SEARS: So then you

6 must have information, either agency, on exactly how

7 do you respond when an alarm goes off? What is the

8 answer to that complainant?

9 ASSISTANT COMMISSIONER PETITO: When

10 the call comes in that it's a car alarm to 311, 311

11 will route it to 911 because theoretically it's a

12 potential theft. Then that will become part of the

13 Police Department's obligation to dispatch a unit to

14 go see what's going on. It becomes a 911 call

15 because it is an allegation of theft.

16 COUNCIL MEMBER SEARS: So then alarms

17 going off should be directed to 911 and not 311?

18 ASSISTANT COMMISSIONER PETITO: We'll

19 take it from wherever it comes from.

20 COUNCIL MEMBER SEARS: But also

21 there's a time period. By the time you relay it to

22 the appropriate source, there's a delay in that. If

23 311 is referring to 911, there is such a delay in

24 that, and if the City and people are directed to use

25 311 for their complaints, then it seems that we have

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2 to look at exactly how those complaints are

3 directed.

4 ASSISTANT COMMISSIONER PETITO: I

5 would just defer to do it to find out what kind of a

6 delay there is. I think it's actually pretty quick,

7 that it would be routed immediately to 911.

8 COUNCIL MEMBER SEARS: Well that

9 certainly would be in you CompStat records, which

10 should be looked at. Secondly, you stated

11 Commissioner that you are revamping your code and

12 your rules and regulations for the first time in 30

13 years; are you working with the Police Department

14 knowing that the alarms are such a serious offense

15 in this City? If you're doing this, where do car

16 alarms fit in to your revisions of your regulations?

17 DEPUTY COMMISSIONER AVALTRONI: We're

18 looking at all elements of noise.

19 COUNCIL MEMBER SEARS: Are you

20 working with the Police Department in your

21 revisions?

22 DEPUTY COMMISSIONER AVALTRONI: We're

23 working with PD, but right now, as I said, we're in

24 a stage where we'd like to hear from, as I said, we

25 had a very renowned group in the League for the Hard

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2 of Hearing, who we hired to build a consensus. We
3 have a good number of people and advocates from the
4 noise side who are making their feelings known to
5 us. That's good, that's healthy, because we want
6 this to be something that's inclusive, we want
7 everyone to be heard, as I suggested before.

8 In fact some of the people in this
9 room sit on that panel. Their information is going
10 to be invaluable. June 26th I have a meeting with
11 these folks to see what we've come up with thus far.
12 This will be a sharing of information with the
13 Police Department, with other agencies, to ensure
14 that we have a comprehensive noise code that
15 addresses this decade that we live in.

16 COUNCIL MEMBER SEARS: Does your
17 meetings with people include the alarm companies?

18 DEPUTY COMMISSIONER AVALTRONI: I'll
19 be honest with you, I've left that with the
20 advocates, and we are covering many facets, but I
21 can't answer that for you, but I will take that
22 back. I appreciate that.

23 COUNCIL MEMBER SEARS: Thank you, and
24 thank you Mr. Chair.

25 CHAIRPERSON GENNARO: Thank you

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2 Council Member Sears. We've kept you up here for a
3 long time. I appreciate your good testimony, and
4 we'll be working with you as we pursue this
5 legislation. Thank you both very much, it's been a
6 pleasure having you before this Committee.

7 Now it's my pleasure to call up my
8 next witness, Henry J. Stern, former Commissioner of
9 the Parks Department. Henry will be testifying on
10 behalf of New York Civic. Mr. Stern, a pleasure to
11 have you here. I indicated that you're here on
12 behalf of New York Civic. As you saw with the last
13 witnesses, we'll subject you to the usual ritual;
14 Counsel will administer the oath.

15 MS. DE COSTANZO: Please raise your
16 right hand. In the testimony that you are about to
17 give, do you swear or affirm to tell the truth, the
18 whole truth, and nothing but the truth?

19 MR. STERN: Yes, I will.

20 CHAIRPERSON GENNARO: Thank you
21 Henry, it's a pleasure to have you here before this
22 Committee, and we thank you for your interest in
23 this issue. I and my colleagues eagerly await your
24 testimony on this. Please state your name for the
25 record.

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2 MR. STERN: My name is Henry Stern,
3 I'm Chief of New York City. If I may add an
4 historical footnote, the last time I was sworn in,
5 it was by your colleague, the Councilman's father,
6 and it was much more contentious as it is today. I
7 see you're now following the practice of swearing
8 everybody in.

9 CHAIRPERSON GENNARO: In this
10 Committee, I don't think all Committees do it.

11 MR. STERN: It's fine with me; no
12 perjury here. First let me say it's a pleasure to be
13 here in front of you guys, and women, and this is a
14 great endorsement for term limits. First of all,
15 nine of you were here at one point, which is a
16 record. I've never seen nine Council Members at a
17 Committee hearing, except the budget, when they came
18 in serially, so that's good. And you're also
19 relatively young. It's like they skipped a
20 generation. I was a Council Member for nine years,
21 age 38- 47, but now that's history.
22 Anyway, it's really good.

23 I want to thank two groups of
24 research. Transportation Alternatives did this
25 terrific book, which they're going to present when

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2 they testify, but also your Infrastructure Division,
3 Marcel Vanowen. I have a marvelous report here,
4 which I want to commend the Counsel staff which very
5 rarely gets credit for the work that they do. This
6 is an excellent piece of work.

7 CHAIRPERSON GENNARO: I'd like to
8 thank Donna De Costanzo and Richard Colon, who's
9 sitting to my right, as I did at the beginning of
10 the hearing, for their always good work.

11 MR. STERN: This is publishable and
12 should be widely distributed. Now, I think the time
13 has come to pass this bill. Basically, why is it
14 that City officials, when they appear sitting in
15 this position, and I was one for three years, are so
16 frequently mistaken in what they're saying. I offer
17 a number of reasons. First of all, because the
18 people who appear are so low on the food chain that
19 they cannot change policy and must say what it is
20 they've been directed to say, and are therefore
21 relatively unresponsive to questioning, even when
22 they are well- meaning and decent and honorable, as
23 the witnesses are today. They're lovely people, but
24 the system has a stalling effect.

25 CHAIRPERSON GENNARO: That's why we

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2 have New York Civic.

3 MR. STERN: That's what we try, and
4 why you have the Committee. Don't be fooled into
5 waiting for a revision of the Noise Code. You will
6 be gone before the Noise Code is revised. There's no
7 term limits on the Noise Code, and we've had the
8 same one for 30 years. Do not be fooled. Do what
9 you have to do, and do it within 30, 45 days, and we
10 will get improvement.

11 The car alarm is ridiculous because
12 it's obsolete. If there was a medicine that say
13 cured one person but made 1,000 other people suffer,
14 do you think that medicine would be allowed to be
15 sold? It's absurd. The principal impact of car
16 alarms is to harass and disturb and annoy, vex,
17 molest, degrade, frighten the innocent. Little
18 children are woken up at night, they cry, they don't
19 know what it is. People are trying to get to sleep,
20 they can't, they're bad the next day, they have
21 accidents because they didn't get a decent night's
22 sleep. This is more than a whim or a luxury; sleep
23 is a basic necessity of life.

24 Remember Coleridge, The Ancient
25 Mariner, "Oh sleep, it is a gentle thing beloved

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2 from Pole to Pole. To Mary Queen, let praise
3 begin." It benefits the soul. It's sleep, it's not
4 a whim. Furthermore, how many have to keep their
5 windows closed so they will not be disturbed by
6 these noises. When the windows are closed, they get
7 hot, they get sweaty, they have to turn on the air
8 conditioning; that costs money, that consumes
9 electricity. These people are prisoners in their
10 own bedroom because they don't want to be assaulted
11 audibly by these alarms.

12 It's an absurdity in this day and
13 age, in the year 2003, which I've lived to see. If
14 you want to stop theft, you have a little bottom
15 that you press; this is the computer age. The town
16 crier is gone. You don't have to scream and wake up
17 the whole neighborhood just because someone is
18 trying to steal a car. That's ridiculous. It's
19 totally obsolete.

20 Then it says the old cars wouldn't
21 have it because they can't afford these devices, or
22 they can't install them. I have a proposal; to the
23 old cars they should use a Club, or one of its
24 imitators. It costs \$40. But generally, people
25 don't steal old cars. As long as you steal a car,

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2 you steal something you can get money for; you don't

3 steal old cars. The few old cars that would be

4 prey, get a Club.

5 For the new cars, you get a computer

6 chip. This is like an argument about the carbon

7 paper. Someone said the best thing is, lock the

8 car, take the keys. That's most of it. The enemy

9 here is not greed, it's sort of bureaucracy, it's

10 sort of the general 'things are okay now'

11 unsupported data. I think there is an important

12 statistic, which I think Council Member Vallone or

13 Liu asked for, how many people have been arrested

14 for trying to steal a car whose theft what called to

15 the attention of the police by a car alarm? That's

16 a very good question. That's the heart of it. Then

17 you weigh that against how many people have been

18 disturbed by car alarms in the course of the year?

19 There's no question, and I don't know for sure, but

20 it's probably around 1 to 1,000.

21 It's a relatively simple bill. What

22 you do is call the agency in, you tell them there's

23 going to be a bill, what input do you have on the

24 bill? If there are things the agency can

25 contribute, that's helpful. Don't go in for this

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2 phase out; please, it will be forever.

3 On behave of the citizens who we

4 represent in New York City, not any special

5 interest; we don't represent car owners, we don't

6 represent neighbors, we try to get to the general

7 interest. The general public interest would clearly

8 be served by adoption of this bill as appropriately

9 modified to make it effective, and put it into

10 effect right away. So many things have happened to

11 burden the citizens of New York this year, some

12 caused by the necessity of fiscal privation and the

13 necessity to raise taxes; do something good for the

14 people by saving them from car alarms. Thank you.

15 CHAIRPERSON GENNARO: Thank you

16 Henry. I greatly appreciate your testimony and your

17 wonderful common sense perspective on this. You

18 served on this side of the table for so many years,

19 and you served in that seat for so many years; it's

20 hard for me to think of someone's perspective I

21 would value more than yours on this.

22 MR. STERN: Thank you Mr. Chairman.

23 If I could summarize my testimony in three words,

24 it's called Rule 8J, Just Do It.

25 CHAIRPERSON GENNARO: Okay, thank you

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2 Henry. The next witnesses will be a panel; Aaron

3 Naparstek, Aaron Friedman, Mateo Taussig- Rubbo.

4 This will be a panel to be followed by Mr. Douglas

5 Johnson from the Consumer Electronics Association.

6 Thank you very much, we appreciate

7 you being here. Counsel to Committee will administer

8 a group oath, if you will, and then we'll proceed.

9 MS. DE COSTANZO: Please raise your

10 right hands. In the testimony that you're about to

11 give, do you swear or affirm to tell the truth, the

12 whole truth, and nothing but the truth?

13 MR. NAPARSTEK: Yes.

14 MR. FRIEDMAN: Yes.

15 MR. TAUSSIG- RUBBO: Yes.

16 MR. JOHNSON: Yes.

17 CHAIRPERSON GENNARO: Thank you very

18 much. We appreciate you being here. I'll ask you,

19 each of you, when you speak in turn, just state your

20 name for the record before you begin your testimony,

21 and then we'll listen to all your statements before

22 we pose questions. Thank you.

23 MR. NAPARSTEK: My name is Aaron

24 Naparstek, I'm a Project Coordinator at T.A. We are

25 representing Transportation Alternatives, which is

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2 5,000 member group. We are the authors of this
3 report "Alarmingly Useless". We actually have a lot
4 of the data that was lacking in some of the previous
5 conversations, so we're hoping to share that with
6 you today. I'm going to turn it over to Aaron
7 Friedman to speak first.

8 MR. FRIEDMAN: My name is Aaron
9 Friedman, I'm co author of this report, and also the
10 founder of a group called Silent Majority, Citizens
11 Against Car Alarms. The first thing I'd like to say
12 is just to correct the impression that there is no
13 data about how effective car alarms are. In fact
14 the non- profit Highway Loss Data Institute in 1997
15 surveyed claims data from insurance companies from
16 73 million vehicles, and the idea was to compare
17 cars that had alarms with cars that did not have
18 alarms. You'd think that if the alarms did
19 anything, cars with alarms would get stolen less
20 frequently. That's not true. Cars were stolen just
21 as much if they had an alarm as if they did not.

22 CHAIRPERSON GENNARO: Could it be
23 that the cars with alarms are newer, and therefore
24 more desirable to steal, and that skews the result?

25 MR. FRIEDMAN: No. The way the study

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2 was done, they looked at cars where an alarm became
3 a standard feature partway through the same model
4 year, so there were no other design changes on the
5 car. They looked at theft rates comparing those
6 different groups, so it should be a good control
7 group.

8 CHAIRPERSON GENNARO: Unless those
9 cars that had the alarms were in the area where cars
10 are more likely to get stolen, and those cars that
11 didn't have any alarms were in rural areas or
12 whatever where people were less likely to steal cars
13 or something, and as a result, the cars with alarms
14 are in sort of like areas more prone to car theft.
15 I'm just thinking out loud.

16 MR. FRIEDMAN: In this case you're
17 looking at the same make and model year, so the same
18 people who are buying one kind of Toyota are
19 presumably going to buy the same one, so...You
20 talked before about the statistics from the Quality
21 of Life Hot Line, that 83% of the calls in 2001 were
22 complaints about noise, which is an enormous number.
23 In the 2001 US Census Housing Survey, more people
24 in New York were bothered by traffic noise,
25 including car alarms, than by any other factor,

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2 including crime and the condition of local schools.

3 Earlier this year, Transportation Alternatives

4 surveyed 800 New Yorkers, three- quarters of them

5 said that car alarms interfered with their sleep,

6 and 90% said that alarms diminished their quality of

7 life.

8 In short, New Yorkers hate car

9 alarms, and it's not hard to see why. Studies show

10 that car alarm noise raises blood pressure,

11 increases stress hormones, and exacerbates illness.

12 It leads to learning problems as children struggle

13 to concentrate or to sleep, it makes neighborhoods

14 less civil, and finally, car alarm noise actually

15 contributes to crime. The New York Police

16 Department, in its 1994 booklet "Police Strategy No.

17 5", writes that "Car alarms are an annoying and

18 sometimes unbearable disturbance for residents in

19 their homes. They frequently go off for no apparent

20 reason, and as one of the signs that no one cares,

21 they invite both further disorder and serious

22 crime." So if we were to put up with car alarms,

23 there ought to be a pretty compelling reason for it,

24 but amazingly there's none.

25 Car alarms are completely useless,

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2 they do nothing to stop car theft. There are two
3 reasons for this; one is people know that the vast
4 majority of blaring car alarms are false alarms, so
5 no one responds to them, not even the car owners
6 themselves. That's why some thieves actually prefer
7 to steal from cars with alarms. First they jiggle
8 the car to set off the alarm, then the alarm covers
9 up the sound of the breaking glass. People might
10 respond to the breaking glass, but no one responds
11 to the car alarm.

12 In 1992 Daryl Izza, a spokesman for
13 the car alarm manufacturer Directed Electronics, and
14 also a former Chairman of the Consumer Electronics
15 Association, told this New York City Council that an
16 alarm is ineffective "only in areas where the sound
17 causes the dispatch of the police or attracts the
18 owner's attention". In New York City that just
19 doesn't happen.

20 The second reason alarms don't work
21 is they're very easy to disable. About 80% of
22 stolen cars are taken by professional car thieves,
23 and they know how to deactivate an alarm in just a
24 few seconds according to police and criminologists.
25 It's not surprise the insurance statistics show what

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2 they do.

3 Car alarms are bothersome, harmful,
4 and essentially useless. What can we do about this?

5 The best solution is to ban the use of car alarms
6 in New York City. A ban would be easy for the
7 public to understand, and it would be easy to
8 enforce. Police officers, workers for the
9 Department of Sanitation, and workers for the
10 Department of Transportation could issue tickets
11 immediately when they hear an alarm without having
12 to sit around and timing the noise for three
13 minutes, as the current law requires. Or as Int.
14 448 mentions, citizens could file complaints; that
15 would be another good enforcement mechanism.

16 Enforcement would involve no time
17 consuming and resource consuming arguments; did the
18 noise last three minutes? Did the alarm go off for
19 some legally acceptable reason? Was the alarm
20 bought in New York or Connecticut? No, the alarm
21 noise would just be banned.

22 Instead of sending car owners to New
23 Jersey to buy alarms that couldn't be sold here in
24 New York, an outright ban would support local
25 businesses that are trying to sell people silent

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2 alarms and other products that are actually

3 effective.

4 Of course we support any bills that

5 might help reduce the car alarm noise in our

6 streets, but we're asking you to really solve this

7 problem and to ban car alarm use completely. Thank

8 you.

9 CHAIRPERSON GENNARO: Thank you.

10 MR. TAUSSIG- RUBBO: Good afternoon,

11 my name is Mateo Taussig- Rubbo, I'm an attorney

12 admitted to the New York Bar, and worked on this

13 report in the capacity of a legal consultant

14 analyzing a variety of legal issues. That's my

15 capacity here, and I look forward to answering any

16 questions that might come up.

17 I'd just like to start by echoing the

18 comments made by Commissioner Stern; I think this

19 would be a great gift to the people of New York, to

20 finally rid them of this noise. In particular I

21 think this is one of those small things that a City

22 Council could actually have a huge impact on, but I

23 think the key, as my colleague said, is really

24 thinking closely about the enforcement mechanism.

25 The key here, in Bill 448, there needs to be a more

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2 general mechanism included, in addition to the
3 towing, which is provided, and in addition to the
4 citizen complaints via written format, you really
5 need to allow police officers and other city
6 enforcement agents to write up tickets as the
7 problem arises. I think 448 and the companion bill
8 are steps forward, but I think if we think about
9 what's the most likely way to really get at the
10 problem, I think that's a crucial thing; easy
11 enforcement.

12 I'll just make one or two comments about
13 the city authority to ban and regulate alarms. This
14 issue hasn't come up so far in the discussion; it
15 might, and I'd be happy to answer any questions.
16 Very briefly, the City does have authority to act on
17 this issue under basically two arguments. The first
18 and most intuitive one is the Police Power
19 Regulation, which is the basis of the Noise Code and
20 allows the City to deal with these matters of local
21 concern. There's also support for a ban in the
22 Vehicle and Traffic Law, which is a state law and
23 which does contemplate local regulation of car
24 alarms.

25 There's no federal issue here, and

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2 there's no inconsistency or preemption by state law.

3 I'd be happy to go into any of these matter in

4 more detail if the Committee deems that they're

5 relevant. Thank you very much.

6 CHAIRMAN GENNARO: Thank you.

7 MR. NAPARSTEK: Aaron Naparstek,

8 Project Coordinator at Transportation Alternatives.

9 I just want to touch on a couple of key points from

10 our report, and show some examples of automobile

11 security devices that do do a good job of working

12 and would be effective here in the City.

13 First I want to say that car alarms

14 impose a noise tax on every New York City resident.

15 The type of noise produced by audible alarms is

16 linked to costly public health problems, lost

17 productivity, decreased property value, and

18 diminished quality of life. The average New York

19 City resident pays a noise tax of between \$100- \$120

20 per year, and we detailed the model that we used in

21 the back of this report.

22 Much has been made in the past of the

23 fact that some insurance companies give a discount

24 to car owners who install audible alarms. Car

25 insurance, as we all know, is incredibly expensive

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2 you car will not start without this key and this
3 computer chip. When Ford added immobilizer systems
4 to the Mustang, theft rates dropped 77%. When Ford
5 added them to the F150 pickup truck, insurance
6 claims fell from 786 a year to 198. These stats go
7 on and on, and they're from independent insurance
8 sources.

9 The second device we'd like to show
10 you is the personal car alarm pager. If you press
11 one of the buttons on their, it will beep. This is
12 the ideal security device for the big city. These
13 devices beep or vibrate when a person's automobile
14 is interfered with. This model is made by a company
15 called directed electronics, it costs about \$100,
16 and it works from a quarter mile away. So if you're
17 sitting in a restaurant or you're in your bedroom,
18 your car is parked a couple of blocks away, this is
19 going to beep for you; it's not going to wake up
20 your whole neighborhood. The third device
21 is the Lojack. We don't have an example of this
22 here, but it's a box about the size of a deck of
23 cards, it emits a unique radio signal, and is hidden
24 somewhere inside of your car. The recovery rate for
25 cars with Lojack is 95%. Lojack often leads police

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2 directly to chop shops, thus reducing car theft for
3 everyone in the community. That's been very
4 effective, especially in Las Angeles. General
5 Motors OnStar and Directed Electronics are all
6 selling similar tracking systems, and the prices for
7 these devices are coming down. It's the most
8 expensive. Those other two devices cost no more than
9 a regular car alarm.

10 Then we have audible car alarms. We
11 were going to play one for you, but we don't have it
12 plugged in. You're glad we're not playing one for
13 you basically. The audible car alarm simple doesn't
14 work in the dense urban environment of New York
15 City. All the credible independent research shows
16 this to be true. The only people who can show us
17 evidence that says otherwise are the folks who are
18 profiting literally hundreds of millions of dollars
19 by putting products called Viper, Cobra, Hell Fire,
20 and the like in our neighborhood streets.

21 In 1992 the multi- millionaire
22 founder of Directed Electronics, Daryl Izza, flew in
23 from suburban California to testify in this very
24 chamber, before Mr. Vallone's father actually.

25 CHAIRPERSON GENNARO: And before me.

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2 I was in the room as well. I was the Policy Analyst
3 for the Committee back then.

4 MR. NAPARSTEK: Or really, I didn't
5 know that. He said that the only way car alarms
6 really truly work is if owners and police respond to
7 them. In New York City, and this is a place where
8 the NYPD didn't have data that we do have, in New
9 York City we know, the State knows, that 99% of
10 alarms that ring are false. Generally we hear 95-
11 99%. We found that only 5% of New Yorkers have ever
12 responded to a car alarm by taking action against a
13 possible theft. Meanwhile, 60% of New Yorkers have
14 called the police or taken action against the noise
15 created by an alarm. Often times the action that New
16 Yorkers take is in fact unfriendly and uncivil.
17 People do bad things to cars that have obnoxious
18 alarms blaring. Car alarms become a form of civic
19 poison. They create more strife on the street.
20 Today the car alarms themselves are a much more
21 pressing and time consuming crime problem than the
22 thieves they're meant to deter.

23 I want to wind up by saying we
24 support both of the bills before City Council today.
25 We urge you, however, to simplify the legislation

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2 and its ultimate enforcement by mandating a total
3 ban of audible car alarms, taking effect over some
4 reasonable period of time. We feel like the best
5 enforcement mechanism for this, and I don't know if
6 you can pull this off, but the ideal enforcement
7 moment is during the annual state inspection
8 process, during emissions testing. Car alarms are a
9 form of pollution in an urban environment, and our
10 cars get checked once a year for pollution, for
11 emissions, so why not have that combined with the
12 State process.

13 Finally, our biggest concern here in
14 the legislation you're talking about is the affect
15 it might have on the local business people who sell
16 these devices. We feel that a total ban would in
17 some ways be better for the local installers and
18 sales people because rather than having car owners
19 going to New Jersey and Long Island to install their
20 car alarms there, and we still have these Hell Fires
21 and Cobras and Vipers on our street here; if you do
22 a total ban, then the installers who want to migrate
23 over to silent devices, which work better and cost
24 about the same, they're going to have the
25 opportunity to sell those devices to New York City

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2 car owners. It's potentially a boon for them, and a
3 boon for the car owners who will have devices that
4 work and bigger car insurance discounts. We think
5 the time is right for this. Thank you for letting
6 us speak.

7 CHAIRPERSON GENNARO: Thank you very
8 much. We've been joined by Council Member Lopez, a
9 valued member of this Committee. We have Council
10 Member Vallone, who has a question, followed by
11 Council Member Liu. First I just have a brief
12 question. To what extent have bans on audible car
13 alarms been implemented in other cities or
14 localities that you may know of? And what has
15 happened as a result of the bans, if anything?

16 MR. NAPARSTEK: We don't know of any
17 cities that have banned car alarms. In Albuquerque
18 there is a pretty recent law that tries to do what
19 someone suggested earlier; giving fines to car
20 owners who have alarms that go off for more than a
21 certain number of minutes in a given 24 hour period,
22 which is an interesting idea, but the enforcement
23 there is even more difficult than the existing law
24 we have here.

25 COUNCIL MEMBER VALLONE: Let me first

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2 commend your organization for this report. The
3 legal arguments and the data you collated is going
4 to be very useful to this Committee. I'm not
5 familiar with your group, Transportation
6 Alternatives; is that a private group or publicly-
7 funded group?

8 MR. NAPARSTEK: It's member driven,
9 it's a non profit organization. We usually deal
10 with pedestrian advocacy issues and bicyclist
11 advocacy; sensible transportation New York City
12 issues.

13 COUNCIL MEMBER VALLONE: No public
14 funds?

15 MR. NAPARSTEK: We do get grants for
16 specific projects from the Department of Health and
17 places like that, but it's mainly member driven.

18 COUNCIL MEMBER VALLONE: I don't see
19 you out there handing out flyers. I figured if you
20 had funds, you'd be out there.

21 Yeah, I was one of the 60% that took
22 action two nights ago and called the police on a car
23 alarm right outside my bedroom window where I had
24 the air conditioner on, a wave machine going, all
25 these things to try and drown out these noises.

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2 Even when you do take action, and I'm a Councilman

3 so the police did show, but the car alarm went off

4 after a half hour. I finally got back to sleep, and

5 they showed an hour later, so I'm up again, it

6 didn't help. So, you're right, I agree with your

7 analysis.

8 You came in with some alternatives,

9 which were great. I support this bill, but I do

10 want to know if you have any alternatives to prevent

11 someone from breaking into the car to say steal air

12 bags? Have they come up with something along those

13 lines yet? That's the only argument that I've heard

14 here that makes any sense at all, not that it sways

15 me, but do we have any alternatives there?

16 MR. NAPARSTEK: All anyone has is

17 anecdotal evidence because these crimes are not

18 reported to insurance companies necessarily. Some

19 of the anecdotal evidence is that thieves actually

20 prefer to break into cars that have alarms. As I

21 said, no one responds to the alarm noise. But they

22 would respond to maybe the sound of broken glass,

23 the idea that there's something going on that might

24 actually be a crime.

25 MR. TAUSSIG- RUBBO: There have been

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2 some studies by psychologists on that issue, and

3 they say that a lot of times people with car alarms

4 have a false sense of security, and they actually

5 leave stuff in their cars thinking that it's

6 protected, whereas people who don't have car alarms

7 are actually more careful about leaving things in

8 their cars that might get stolen. The answer to

9 your question is no, we really don't have specific

10 data on that.

11 COUNCIL MEMBER VALLONE: Obviously

12 people shouldn't leave things in their cars, and

13 that's not a reason to have an audible car alarm and

14 annoy the rest of the people you live next to.

15 Radios can be secured with certain devices. Air

16 bags, I'm not sure there is a way to secure those.

17 Now they're stealing the TV's from the back of the

18 seats. I was just wondering if you had an

19 alternative. If you do, you can let us know at any

20 time. Thank you for this report.

21 CHAIRPERSON GENNARO: Thank you

22 Council Member Vallone. I recognize Council Member

23 Liu.

24 COUNCIL MEMBER LIU: I just have a

25 quick question. Do you have any sense as to how long

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2 car alarms actually continue to function? If

3 someone installs a car alarm, that doesn't

4 necessarily last as long as the car itself does. Is

5 there any kind of data...

6 MR. NAPARSTEK: You mean how many

7 years in the life of the vehicle. I'm sure a car

8 alarm installer would know, and there should be an

9 installer testifying later I believe.

10 COUNCIL MEMBER LIU: Thank you.

11 COUNCIL MEMBER LOPEZ: I have a

12 couple of questions. In regard to the personal

13 pager, how much does that cost?

14 MR. NAPARSTEK: I bought the one

15 you're looking at now yesterday at Canal Audio for

16 \$99. This isn't a pager that works with an existing

17 installed alarm, so it's \$99 more than the existing

18 alarm.

19 COUNCIL MEMBER LOPEZ: Clarify for me

20 what kind of alarm has to be in existence.

21 MR. NAPARSTEK: In this case you need

22 one made by a certain company, Directed Electronics,

23 but there are others that are more universal. If

24 there's one for \$85, which you can put into any

25 existing alarm installation...

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2 COUNCIL MEMBER LOPEZ: Anyone, with
3 the sound also?

4 MR. NAPARSTEK: Yes, you can take out
5 the horn and then take one of these pager devices
6 and it will cost you about \$85 to get the pager...

7 COUNCIL MEMBER LOPEZ: And the sound
8 will be off?

9 MR. NAPARSTEK: Yes, you can install
10 it that way.

11 COUNCIL MEMBER LOPEZ: Instead of
12 sound you will have vibration?

13 MR. NAPARSTEK: Yes, and it will be
14 personal, you'll just hear it, not all of your
15 neighbors.

16 COUNCIL MEMBER LOPEZ: So to know
17 that it was activated, you have to be holding that?

18 MR. NAPARSTEK: This goes on your key
19 chain, and it beeps when your car has been
20 disturbed.

21 COUNCIL MEMBER LOPEZ: I see, so it's
22 a sound inside of your house also, besides a
23 vibration.

24 MR. NAPARSTEK: Yes. This one
25 actually will show you what part of the car has been

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2 tampered with.

3 COUNCIL MEMBER LOPEZ: So it's \$99

4 plus whatever it costs for the other alarm?

5 MR. NAPARSTEK: Yes.

6 COUNCIL MEMBER LOPEZ: And you can

7 retro fit the ones that you have by using this?

8 MR. NAPARSTEK: Yes, that's right.

9 COUNCIL MEMBER LOPEZ: How much does
10 the Lojack cost?

11 MR. NAPARSTEK: They have different
12 sorts of plans. It's something like \$695 for the
13 device, and sometimes there's a monthly or yearly
14 fee for the responder that they would have at a
15 police station to track your car. I think that
16 might be a few dollars a month. There are new
17 systems, like the OnStar system that GM sells...

18 COUNCIL MEMBER LOPEZ: No, don't go
19 to that, repeat what you just said, I want to
20 understand this.

21 MR. NAPARSTEK: The Lojack system
22 costs around \$700. Then there's a maintenance fee.

23 COUNCIL MEMBER LOPEZ: For how much?

24 MR. NAPARSTEK: There are different
25 plans; you can pay it all up front, and then you get

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2 the maintenance for life, or you can pay a certain

3 amount each month. I think it's about \$5- \$6 a

4 month.

5 COUNCIL MEMBER LOPEZ: And the

6 vehicles that have the new keys are only the new

7 models?

8 MR. NAPARSTEK: Yes and no; 98% of

9 all new GM cars come with this; virtually all of the

10 new Fords come with this standard, no extra cost.

11 You can also get an after- market immobilizer system

12 and put it on an existing car.

13 COUNCIL MEMBER LOPEZ: It can be put

14 in any car?

15 MR. NAPARSTEK: As far as I know,

16 yes.

17 COUNCIL MEMBER LOPEZ: With this key

18 system?

19 MR. NAPARSTEK: Right, it's not

20 exactly the same...

21 COUNCIL MEMBER LOPEZ: But something

22 similar to it. And how much does that cost?

23 MR. NAPARSTEK: I think it would

24 depend on the kind of car you're installing into. I

25 think maybe \$300.

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2 COUNCIL MEMBER LOPEZ: Okay. The
3 purpose of this bill will bring, therefore, the
4 following consequences; anybody who owns a car that
5 has an alarm will have to disconnect that alarm in
6 the sound form. Correct?

7 MR. NAPARSTEK: Yes.

8 COUNCIL MEMBER LOPEZ: And nobody in
9 New York City who currently owns that system that
10 makes noise can use it any longer, they have to stop
11 using it.

12 MR. TAUSSIG- RUBBO: There are two
13 bills; Bill 448 is the more expansive one, and that,
14 in Section E, does have a statement to the effect
15 that you cannot use an audible car alarm, however,
16 in the enforcement mechanisms, it provides two
17 enforcement mechanisms. One is permitting the
18 police to tow the vehicle after making reasonable
19 attempts to deactivate the alarm. The second is
20 allowing written complaints by members of the
21 public. There's not a universal mechanism given to
22 agents of the City to give tickets or summonses. In
23 theory what you say is correct, you cannot use these
24 alarms; in practice, our concern is that the
25 enforcement mechanisms are a little narrow.

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2 COUNCIL MEMBER LOPEZ: Then how do
3 you propose to deal with people who come from out of
4 state who are unaware of this law, where out of
5 state it's okay to use these devices.

6 MR. NAPARSTEK: That's an excellent
7 question. Every alarm that is sold can be put into
8 either active installation or passive installation.
9 What this means is with passive installation, as
10 soon as you lock your car, the alarm turns on
11 automatically. But if you have it set up for active
12 installation, you have to press a button to activate
13 the car. Someone coming in from Connecticut could
14 just not activate the alarm.

15 COUNCIL MEMBER LOPEZ: But they need
16 to know the law exists here.

17 CHAIRPERSON GENNARO: I think the
18 Council Member's question is you have this device,
19 and you don't know that you're not allowed to be
20 able to use it, and I don't want to put words into
21 your mouth, you just mentioned the State of
22 Connecticut; when you enter the State of Connecticut
23 it says "Radar- detecting devices are illegal". It
24 says it right on the signs. When you drive into the
25 state, when it says "Welcome to Connecticut",

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2 there's a little sign underneath that says radar-

3 detectors are illegal. That's at least one example

4 of electronic gizmos that when you enter the state,

5 they tell you right up front that you're not allowed

6 to use certain things in the state. Certainly it's

7 an important question because people have to know

8 that alarms are illegal here.

9 MR. TAUSSIG- RUBBO: I think whenever

10 you go from one jurisdiction to another, you have to

11 change your behavior. In New York we have no right

12 turn on red, which is advertised as you enter the

13 City. It is a problem, but it's general to the

14 particularities to every jurisdiction. In New York

15 it's the particularities of high density living.

16 People would be notified in the same way as with the

17 right turn on red signs that you see coming in.

18 Something along those lines.

19 COUNCIL MEMBER LOPEZ: I just want to

20 make a comment to you. I live in what I call the

21 'mile of hospitals'. To me and to my community,

22 it's more problematic, the issue of the sirens; the

23 ambulance, the Fire Department, the Police

24 Department, and everyone who has a siren in the car,

25 are used more than the alarms in the cars. I can

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2 tell you that we are constantly bombarded in our

3 area by these vehicles that I'm talking to you

4 about, because we live surrounded by hospitals.

5 Although I'm sympathetic and I'm listening to the

6 proposal of this law, the noises in communities like

7 ours that are more prominent on a continuous basis

8 than this one is. Why are you zeroing in on this

9 one when the other noises that I referred to, the

10 sirens, which can drive you crazy, why is this not a

11 prominent concern?

12 MR. TAUSSIG- RUBBO: There's a couple

13 of things; in my neighborhood in Brooklyn, car horns

14 are actually the bigger problem than car alarms. We

15 put this question out there to Transportation

16 Alternatives members who really live all over the

17 City. The response we got was very intense; it was

18 a much more heated response about car alarms than

19 we've ever gotten on any other issue that we put

20 out. So for whatever reason, car alarms seem to be

21 an issue that just affect a very broad portion of

22 New York City residents.

23 I'll say this about sirens; in a

24 number of European countries now emergency vehicles

25 are using a technology that allows the emergency

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2 vehicle to actually control traffic light
3 signalization, so when a fire truck is trying to go
4 down 30th Street and all the traffic is stuck at the
5 avenue, the fire truck can actually turn the light
6 green in front of it and go through. That's being
7 used very effectively in a couple of different
8 European countries.

9 There are solutions that we should
10 also look at for sirens. It's not what these two
11 bills address, but I would hope that you wouldn't
12 put off the concerns of the car alarm folks because
13 the siren folks also have problems. It's all part
14 of the same problem. I think all these things need
15 to be addressed in the Noise Code revision in
16 particular, which is something the Mayor is working
17 on.

18 CHAIRPERSON GENNARO: We have a huge
19 amount of witnesses yet still to testify, so we have
20 to keep the ball moving down field here. Thank you
21 Council Member Lopez. Thank you very much, we
22 appreciate it. Once again, great work on the
23 report. As previously mentioned, Doug Johnson of
24 the Consumer Electronics Association, to be followed
25 by Carmine Santa Maria.

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2 MR. JOHNSON: Thank you Mr. Chairman
3 and Council.

4 MS. DE COSTANZO: Please raise your
5 right hand. In the testimony that you are about to
6 give, do you swear or affirm to tell the truth, the
7 whole truth, and nothing but the truth?

8 MR. JOHNSON: Yes I do. Thank you
9 Mr. Chairman, members of the Council and Committee.
10 My name is Doug Johnson, I represent the Consumer
11 Electronics Association. We're a high- tech trade
12 association that represents about 91 New York
13 companies, 175 companies in the tri- state area, and
14 about 1,200 member companies nationally. Our
15 members design, make and sell a wide variety of
16 consumer electronic products that you find in the
17 home, but also in the car. Those products include
18 vehicle navigation and entertainment products as
19 well as vehicle security systems.

20 We agree that excessive noise is a
21 quality of life issue. We think it makes sense to
22 take reasonable steps to mitigate noise, especially
23 at night. Int. Nos. 194 and 448 are not the best
24 way to address concerns about audible car alarms.
25 We believe that they would create more problems than

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2 they would solve. Int. 194 and 448, as you know,
3 prohibit the sale and installation of car alarms,
4 and we think this is going to have a profound
5 adverse impacts, from a practical standpoint as well
6 as an economic standpoint. We think it would drive
7 consumers out of New York, certainly to seek
8 products that they can afford to purchase. We think
9 this would cause a loss of sales and jobs, certainly
10 to those stores are devoted to selling these
11 products. We think a ban on product sales is a bad
12 precedent that also raises some interstate commerce
13 issues as well.

14 Both bills actually also address
15 installation issues, and there is an area where we
16 can focus the industry's resources. We have right
17 now a certification program for installers of mobil
18 electronics products, including vehicle security.
19 At this point we have about 300 certified installers
20 in the state. To the extent that alarms go off as a
21 result of faulty installation or hook- up problems,
22 we believe that focusing on the installation side,
23 especially on certification, is a wise move.

24 There's value in having these
25 products, certainly. You've heard about the number

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2 of car thefts in New York City. A car is stolen

3 every 15 minutes, or 35,000 a year. We recognize

4 also that insurance companies offer deductions, but

5 we'd also like to emphasize that people buy these

6 products, as our research shows, not only to protect

7 their motor vehicles, but also to protect

8 themselves. We've done research that shows that

9 nine out of ten buyers say car alarms are for

10 personal safety. For example, most key chain

11 controllers for anti- theft systems include a panic

12 button, which can be utilized in a parking garage

13 late at night should you be under threat in that

14 situation. We would emphasize that these products

15 are not just for physical property protection, but

16 also for personal protection as well.

17 There's a strand of comment that

18 you've heard in the testimony that preceded me, and

19 that is that technology is today offering solutions

20 that address the audible car alarm issue. On that

21 point I would agree with the party that preceded me

22 up here, in that there are products currently on the

23 market, and you've seen some of those before you

24 today, that do offer other choices and uses of

25 technology so that consumers can shut off the

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2 audible portion of this. Some have features known

3 as 'city mode', much like cell phones give you the

4 option of going on vibrate in certain environments.

5 There are products out there on the market now that

6 offer features and functions that take us away from

7 the audible side more toward the personal

8 notification that there's a problem with your car.

9 In addition there's technology that encompasses more

10 than just the alarm; tracking technology, the

11 interlock devices, shock sensors, and this sort of

12 thing. So there are very effective means of

13 protecting your car besides the audible alarm.

14 We think it would be wise to focus

15 not on a product ban because of the serious

16 practical and legal and economic issues that come

17 along with that, but rather let the market continue

18 to do its work. I'm sorry that I don't have an

19 answer as to how long these products last, but over

20 time the strict audible alarm products certainly

21 will be replaced and superseded by more

22 sophisticated products that offer the solutions that

23 Council Members and some residents are looking for

24 in these products.

25 Rather than pursuing this from the

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2 standpoint of a ban on sales, and all the problems
3 that that entails, we know that things are happening
4 in the marketplace now, products are available, but
5 if you ban products, it's going to force consumers
6 to look elsewhere for them or force consumers to
7 purchase products at a higher price point. That's
8 where they are today, the latest products with the
9 newest features cost more than the products that are
10 lower level. That's not a wise economic approach to
11 solving this problem. Over time I think the problem
12 will solve itself.

13 I've submitted a written statement
14 that goes into some more details on those points,
15 but in essence that is my statement. Thank you.

16 CHAIRPERSON GENNARO: Thank you. You
17 raise an interesting point with regard to the panic
18 button feature, and the cases in which these devices
19 are used for personal safety. I think it's
20 something we have to take a look at, and perhaps
21 there may even be ways to continue to permit the use
22 of audible panic button alarms or personal panic
23 button alarms to the extent that we have a
24 technology which is being used for personal safety.
25 That is something that we cannot take lightly. I

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2 can see that as being a significant consideration as
3 we contemplate our next move on this legislation. I
4 thank you for bringing that issue to the table. You
5 can rest assured that it will get our attention, and
6 we know where to find you if we have other questions
7 regarding your positions on this. Thank you very
8 much, in particular for the panic button thing.

9 Next, Mr. Santa Maria. Donna will
10 (administer the oath).

11 MS. DE COSTANZO: In the testimony
12 that you are about to give, do you swear or affirm
13 to tell the truth, the whole truth, and nothing but
14 the truth?

15 MR. SANTA MARIA: I do. Good
16 afternoon, my name is Carmine Santa Maria. I am the
17 President of the Bensonhurst West End Community
18 Council, the President and founder of the Big
19 Screechers, the President of the Harway Terrace Co-
20 op, and the President of Community School Board 21.
21 I am here to speak in favor of banning car alarms on
22 behalf of all these organizations, and especially
23 for the schoolchildren and teachers in District 21
24 where education is constantly interrupted each time
25 a car alarm goes off.

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2 Bensonhurst has become a cacophony of
3 unattended, unwanted, shrieking, wailing, annoying
4 perpetual car alarms. A community of 200,000 people
5 subject to the tremendous din of the Elevated lines
6 and subways. I started fighting noise some 28 years
7 ago when I founded the Big Screechers, an
8 organization dedicated to fighting the roars and
9 screeches of the New York subway system. What am I
10 doing here? The MTA is responsible for many, many,
11 many car alarms going off. The tremendous noise and
12 vibrations of its passing buses and trains often
13 sets off these alarms.

14 I attest to this, especially as
15 president of Harway Terrace, where any given night
16 anyone from the 360 families living there feel that
17 it is my personal responsibility as President to do
18 something about these perpetual wailing alarms. I
19 refer them to Councilman Recchia's office. I'm
20 doing that right now.

21 I would get awakened in the middle of
22 the night from cooperators who would ask "Do you
23 hear that car alarm?" The Harway Terrace Coops are
24 two nineteen story buildings that face all
25 directions, with outdoor parking lots on all sides

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2 of it. Unless the car is directly underneath my
3 bedroom window, I might not know where the noise is
4 coming from where it not for these wonderful sharing
5 neighbors of mine waking me to alert me to it.

6 Add to the logistics of the building
7 that the W line runs parallel to them, and then
8 screeches into switches leading to the Coney Island
9 Yard or the Stillwell Avenue Terminal. Do you know
10 how many car sensors these trains, as well as buses,
11 trip off each night?

12 Car alarm manufacturers in their zeal
13 to make their product more marketable put in car
14 sensors so sensitive that heavy winds trip them off
15 constantly. Harway Terrace has winds that have
16 knocked over this 300 pound individual before you;
17 can you imagine the alarm symphonies we hear on
18 stormy and windy nights? If any of your City
19 Council members could experience my living
20 conditions, spoiled by these car alarms, you would
21 have passed this law banning car alarms a decade
22 ago. Any of you are welcome to spend a night at
23 Harway Terrace to hear for yourself.

24 Prior to 311, I recall the local
25 police precinct in Coney Island complain to the

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2 front desk about the shrieking non ending car

3 alarms. Because of our proximity to New York City

4 housing projects, where their disturbing noises are

5 primarily gun shots between drug dealers, the 60th

6 Precinct rarely has time to enforce the Noise Code

7 on the books which says they can shoot the car

8 provided they use a silencer. Actually, I'm not

9 that far off because a police officer can break into

10 a car as a last resort to try to shut off an alarm,

11 but all hesitate and never do so for fear of being

12 sued.

13 I'm not going to go into detail about

14 the wonderful precise and technical report by

15 Transportation Alternatives and my allies Aaron

16 Naparstek and Dr. Arline Bronzaft. It is a document

17 that you should carefully study and act immediately

18 upon. The facts are there before you. Car alarms

19 don't work. I should know, I've had three cars

20 stolen from me, all equipped with car alarms. They

21 don't deter car theft, and they make a hell of a lot

22 of noise; unhealthy, unwanted, unnecessary noise.

23 Why they haven't been banned in the past is beyond

24 all logic. No one pays attention to them except

25 those whose quality of life has been ruined by them,

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2 like me, the 200,000 residents of Bensonhurst, as

3 well as the seven million residents of this City.

4 Insurance companies would fare far better by

5 offering discounts great enough to offset the cost

6 of Lojack systems, which have been proven so

7 effective in recovering cars that are stolen.

8 The southern tier of Brooklyn has a

9 notorious car theft rate, and the insurance

10 companies charge us unreasonably hefty premiums,

11 because you know they're not going to lose any

12 money. Banning car alarms must start here in New

13 York City where every car has a car alarm, and every

14 alarm goes off some time or another, often

15 simultaneously, and no one ever responds because no

16 one knows whose car it is, as the alarms go off

17 indiscriminately because of vibrations.

18 Shame on your predecessors for not

19 having the gumption to right this terrible wrong.

20 At one time a car alarm might have scared off a

21 thief, but as time passed by and technology got

22 better, the thieves adapted to it and actually

23 perfected methods of quickly shutting them off, if

24 they wanted to. Or they would set off many alarms

25 in the area to detract from their particular theft

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2 of the car they wanted.

3 I thank my City Councilman Domenic
4 Recchia Jr. For signing onto this necessary
5 legislation, and I hope the rest of you can convince
6 your colleagues in the City Council that the time
7 has come to give the residents of this City a break
8 in the never- ending odyssey of noise that pervades
9 this City. Although I rarely agree with Mayor
10 Bloomberg, in this particular issue of noise he will
11 be a strong ally and I think you should take
12 advantage of the Mayor's interest in banning it.
13 Thank you.

14 CHAIRPERSON GENNARO: Thank you Mr.
15 Santa Maria for your spirited testimony. We greatly
16 appreciate your patience in waiting to testify.
17 Yes, you do have a good Councilman.

18 MR. SANTA MARIA: I might add that I
19 was very perplexed at the attitude of the Police
20 Department and DEP. I worked with DEP fighting
21 noise for many years, and they were never that
22 effective in the past, especially in the Noise Code
23 that they haven't perfected in 30 years. There is
24 an exemption of noise for the Transit Authority,
25 which makes all the noise in the City. They just

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2 lay back and do as little as they can do, so don't

3 pay attention to them. Pay attention to the

4 citizens that are hurting. Thank you.

5 CHAIRPERSON GENNARO: Amen. Thank

6 you Mr. Santa Maria. Okay, we have a panel next;

7 Harold Takooshian, Fordham University, Annette

8 Zaner, and Jon Orcutt of the Tri- State

9 Transportation Campaign. That panel will be

10 followed by James Shutowich of Audiovox, and KC Bean

11 of Directed Electronics Inc.

12 MS. DE COSTANZO: Please raise your

13 right hand. In the testimony that you are about to

14 give, do you swear or affirm to tell the truth, the

15 whole truth, and nothing but the truth?

16 MS. ZANER: I do.

17 MR. TAKOOSHIAN: So help me God.

18 CHAIRPERSON GENNARO: Thank you very

19 much.

20 MR. TAKOOSHIAN: Mr. Colon advised me

21 I had three minutes; I could do it in less than that

22 since I have a written statement. Just briefly, in

23 1978 I began studying auto theft as an academic

24 researcher; I do claim to be an expert on research

25 methods. I heard a lot of tepid statements here. I

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2 spoke in 1984 with James K. Stewart, National
3 Institute of Justice, about a possible independent
4 study because the aftermarket was beginning at that
5 time for auto security devices. I was advised by
6 the federal government that this was a private
7 matter, industry should do it.

8 Since 1984 I have been asked, and
9 asked others, if there's any independent research on
10 the effectiveness of vehicle security alarms, and
11 the answer is no. In fact, the evidence that I've
12 collected by various methods, including experiment
13 and observation, is that if anything, the audible
14 security alarms increase street crime by giving what
15 actuaries call "moral hazard", a false sense of
16 security that owners have that they can leave things
17 in their car. Audible alarms are false alarms; they
18 do absolutely nothing, and there's not a single
19 shred of evidence that they are effective.

20 It would be very easy for the
21 industry to test this if it wanted to, unfortunately
22 the insurance industry, when I've spoken officially
23 with them, I'm told that they're not interested, and
24 unofficially it's pretty much acknowledged; every
25 time you hear the word 'layered' that vehicle

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2 security alarms are not effective at all, and if
3 anything, go in the other direction. Let me leave
4 my comments there.

5 CHAIRPERSON GENNARO: Thank you very
6 much. I appreciate your detailed work on this. You
7 can be assured that as we continue to consider the
8 legislation before us, we'll be reaching out to the
9 good people at Fordham, including yourself. Thank
10 you very much for your testimony.

11 MS. ZANER: Good afternoon, my name
12 is Dr. Annette Zaner. I want to thank the honorable
13 Council Members for the opportunity to address you,
14 and I'm most pleased to present testimony today in
15 favor of the two Intros.

16 As an Audiologist licensed by New
17 York State, and as a frequent participant in
18 community groups concerned with noise, I have become
19 very familiar with burglar alarms as one of the most
20 offensive quality of life issues in our City. Until
21 recently I served for about 12 years as one of the
22 Citizen Members- the Noise Specialist, on the New
23 York City Environmental Control Board, where
24 infractions relating to burglar alarms, particularly
25 car alarms, are periodically aired.

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2 Currently I'm participating on a
3 committee at the League for the Hard of Hearing,
4 dealing with reviewing the DEP's proposed revision
5 of New York City's Noise Code. Here again the
6 question of car alarms is one of the issues being
7 discussed. As a private citizen, needless to say,
8 one of the more disturbing events in my otherwise
9 fairly quiet existence, is the raucous, unceasing
10 din of a car alarm, often in the middle of the
11 night.

12 Noise is, by definition, unwanted
13 sound. Those sounds not welcomed by the hearer, and
14 sounds that have a known adverse effect on human
15 beings, have been present as environmental
16 pollutants for thousands of years. With rapidly
17 increasing technological development, however, noise
18 becomes ever more polluting. As a result, today we
19 have a growing body of research dealing with noise
20 as it affects our health, our children's education,
21 and our general well being. Car alarms add mightily
22 to these adverse conditions.

23 The banning of car alarms, if that
24 could be accomplished, would certainly be cheerful
25 news for many New Yorkers. As a matter of fact, car

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2 alarms are often non- alarming in that they are
3 mostly ignored rather than responded to as requiring
4 emergent action. I feel responsible, however, to
5 raise the question of enforcement. That is, how can
6 we guarantee, with these new Intros included in the
7 Administrative Codes, that cars from out- of- state
8 or out- of- city, where they are legal, will not
9 have alarms. Should such car alarms be activated,
10 for example, when a motorcycle with a straight pipe
11 that's illegally attached, rattling the entire
12 neighborhood, what can be done about it? I raise
13 this question only out of concern for the pending
14 legislation.

15 Although burglar alarms can be
16 considered to have a socially beneficial purpose,
17 the sounds they produce are too often experienced as
18 polluting noise by those of us who are not
19 necessarily directly affected by the potential
20 emergency or the danger that they signal, and by the
21 people who are as a matter of fact, if in fact they
22 are activated by an emergency, and if they are
23 automatically deactivated in the legally designated
24 time period. Therefore, I most definitely agree
25 with the intent of the Intros. Here under

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2 discussion, and I thank you again for the

3 opportunity to present this testimony.

4 CHAIRPERSON GENNARO: Thank you. You

5 mention a couple of interesting questions, which we

6 are looking at in our legislation; the straight

7 pipes, as you know there is legislation in on that.

8 We've already talked about the question of people

9 who come in from out- of- state and how we do that.

10 These are certainly the key questions that we have

11 to pose to ourselves. Thank you for so cogently

12 doing that. Thank you both very much for your

13 testimony, we appreciate it.

14 MS. ZANER: May I just say one other

15 thing. As Bob Avaltroni indicated, I'm one of the

16 people that's reviewing the recommended changes to

17 the Code, and one of the things that I was

18 interested in hearing; I'm very concerned that

19 there's too much effort devoted to technological

20 instruments to measure sound. I don't think it's

21 needed.

22 CHAIRPERSON GENNARO: Thank you. I

23 know that Council Member Lopez has a question for

24 you.

25 COUNCIL MEMBER LOPEZ: It's a

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2 question for you Mr. Chair. I just need a point of

3 clarification here. I'm a little bit confused about

4 these bills because one bill prohibits the sale of

5 this product, and the other bill is dealing with the

6 issue of the noise and these alarms creating the

7 problem for the population. My concern is the

8 following thing; why do we have to pass a bill

9 prohibiting the sale of a product. That doesn't

10 resolve the problem. If you're going to resolve the

11 issue of noise, what we need to deal with is the

12 alarms on the street being stolen, being used, and

13 having the noise, but the sale of the product, I

14 think that businesses have the right to sell

15 whatever.

16 CHAIRPERSON GENNARO: I'm not a

17 sponsor of either of these pieces of legislation

18 right now. I'm holding the hearing because I think

19 that the subject matter is compelling and needs to

20 be addressed. We have two bills on the table now.

21 Maybe there will ultimately be one bill that will

22 come out of this, maybe there will be none. I think

23 these were two bills both speaking to the issue car

24 alarms from different angles, and I have some of the

25 same concerns that you have. We're just beginning.

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2 COUNCIL MEMBER LOPEZ: Okay, I just
3 want to air my concerns about that. Passing a bill
4 prohibiting the sale of a product doesn't change any
5 reality for people.

6 CHAIRPERSON GENNARO: We're just at
7 stage one. Thank you very much. Okay, James
8 Shutowich and KC Bean. Counsel to the Committee
9 with administer the oath. Thank you very much for
10 being here.

11 MS. DE COSTANZO: Please raise your
12 right hand. In the testimony that you're about to
13 give, do you swear or affirm to tell the truth, the
14 whole truth, and nothing but the truth?

15 MR. SHUTOWICH: I do.

16 MR. BEAN: I do.

17 MR. SHUTOWICH: My name is James
18 Shutowich, I'm the Regional Vice President of
19 Audiovox Electronics Corporation. It's a New York
20 Corporation based on Long Island. I want to discuss
21 some of the facts about auto security, and mainly
22 about Audiovox Electronics and the products that we
23 sell.

24 First of all, Audiovox is certified
25 as a QS 9000 facility, meaning that we meet the

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2 strictest standards in manufacturing products. It
3 also means we can do business with the leading
4 manufacturers, whether it's Ford, Chrysler, General
5 Motors, and so forth. We also meet ISO 14001, which
6 is an environmental management system, and Audiovox
7 is only one of 5,000 in the country that meet those
8 standards. There's a little brochure in here that
9 is concerned with waste, noise, pollution, and so
10 forth. Being from Long Island, being from New York,
11 we're all concerned with those situations, so it's a
12 priority with our company.

13 I'd like to point out that we also
14 have features on our alarms besides protecting the
15 vehicle, via panic buttons located on the key fob
16 transmitter. We also have, which I think is a great
17 feature for the City of New York, it's called "City
18 Mode". I put brochures in here for the Council
19 Members to look at and review. What we did in
20 designing our product is we went one step further
21 than existing car alarms. We changed some of the
22 features so that, for instance, the pre- detects on
23 our alarm system. What a pre- detector means is if
24 you walk up to a car with an alarm system, it has a
25 shock sensor; in old alarm systems, if you just hit

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2 the car, the alarm would go off. Now with the new
3 technology, you have pre- detect chirps, the siren
4 does not sound, it lets the thief know that there's
5 an alarm system in the car. If it's hit with full
6 impact, the alarm will go off. That's called a two-
7 stage shock sensor.

8 We have the ability on certain
9 models, not on all of them, for instance one of the
10 gentlemen mentioned parking under an el where trains
11 would go over and an alarm would go off. The
12 consumer, via the transmitter, can shut that shock
13 center down so when that train goes by, the alarm is
14 not going to go off. When that motor cycle goes by
15 with a loud muffler, it's not going to go off. The
16 technology is there to change the products to meet
17 the certain Noise Codes. The alarms, I agree, 10,
18 15 years ago, they did go off, but products that
19 come from leading manufacturers like Audiovox and
20 Directed Electronics and a number of other
21 companies, have perfected the products over the
22 years. We would not enjoy the sales of products if
23 our alarms falsed all day long. People wouldn't be
24 on their second, third, fourth alarm system if they
25 did not work and they did not save them from having

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2 their car broken into or stolen.

3 We also have defective zone by- pass,
4 which means if the zone is defective, the alarm
5 stops from sounding. Our alarms also will ring for
6 30 seconds up to a maximum of six cycles, or three
7 minutes, and then stop ringing. The days of an
8 alarm system ringing all night long, we've prevented
9 that over the years with technology. Again, we've
10 perfected the different products. L.E.D.'s on the
11 dashboard, they indicate which zone is defective.
12 When a consumer walks back to their car and their
13 car has gone off the night before, they can tell
14 which zone in that car that alarm has gone off for,
15 whether it was a door or trunk. They know if it
16 went off in the middle of the night and it was a
17 trunk zone, they can open the trunk and see; did it
18 actually go off or was there a problem with the
19 alarm, and they could have it corrected if need be.

20 There are a lot of self- diagnostics
21 built into car security now that 10- 12 years ago
22 did not exist. Again. L.E.D. Indicators and even
23 audible indicators; when you disarm your alarm
24 there's going to be a different number of chirps
25 that you hear when you disarm it that's going to let

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2 you know what zone you had a problem with.

3 Like some of the previous testimony

4 also, we recommend MECP certified installers; we're

5 concerned with the number of businesses that install

6 products like this in the metro New York areas.

7 Insurance premiums, as far as how they would be

8 affected, are of big concern. My recommendation is

9 that we, and I'd be more than happy to discuss with

10 the Council Members at later dates also, coming up

11 with products that meet the codes of New York. We

12 can change our product, and we have on certain

13 models, to ring for only 15 seconds, and not 30

14 seconds. That's selectable on some of our models

15 right now. A consumer uncertain about City Mode

16 models, they can change it to ring a maximum of 15

17 seconds or have longer pre- detect chirps, again to

18 eliminate the siren going off for a full 30 seconds.

19 We built that into some of the products.

20 I would be more than willing to work

21 with any of the Council Members in helping to

22 educate both the Council Members and the consumers

23 on different products that are available out there. CHAIRPERSON

24 GENNARO: Thank you very much, I appreciate that.

25 We know that you'll be able to provide information

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2 for us as we go down this road.

3 Yes sir. I notice that you have a
4 lengthy statement, all of which you will not have an
5 opportunity to read.

6 MR. BEAN: That's perfectly
7 appropriate, and much of this reiterates some of the
8 things that have been said. I would like to just
9 touch on a few points, if I may. First of all,
10 thank you for inviting us.

11 To reiterate, Directed Electronics
12 has also worked very hard and long over the years to
13 integrate many of the features that have already
14 been discussed. Those are very powerful tools to
15 eliminate false alarms. We feel that this product
16 has allowed us to integrate a number of features
17 that have reduced these alarms. Other things that
18 I'd like to discuss are some of the greater economic
19 impacts. Directed Electronics sells to about 6,000
20 retailers across the US, and about 200 in the New
21 York Metropolitan area, including Best Buy, Circuit
22 City, P.C. Richards and other smaller mom and pop
23 businesses. Many of these businesses will be
24 significantly impacted by the ban on sales of these
25 systems.

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2 We also promote installation
3 standards that have been established by the Consumer
4 Electronics Association. Directed Electronics
5 trains 5,000 installers across the nation annually;
6 hundreds and hundreds in the New York area. These
7 techniques help eliminate any false alarm. These
8 products do in fact work.

9 I think there are correlations
10 between the level of alarm sales in the area and the
11 reduction in car theft. If you're looking for
12 stats, I think those correlations can be established
13 very clearly. Directed Electronics has been key in
14 developing these two- way technologies.

15 Just to follow- up on some of the
16 questions that you asked the previous speaker from
17 Transportation Alternatives, that product is not yet
18 retro- fitable; you would have to buy a whole new
19 security system to get that retro- fitable feature.
20 You cannot go back into the old systems, at least at
21 this point, and retrofit those with those two- way
22 alarms. We are also developing GPS interface
23 devices, and those alarms do sound when the system
24 is activated. We have some information that the
25 activation of the alarm is significant in deterring

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2 theft.

3 We are also developing other
4 alternatives with some GPS tracking devices that
5 will send automatic notifications when the alarm is
6 activated. Somebody can actually have notification
7 of their alarm activation and turn those systems
8 off. However, if it is a theft or an attempted
9 entry of the vehicle, it's important to have these
10 alarms so that you can deter the theft and frighten
11 them away.

12 We also have some additional concerns
13 about the actual legality of this. We feel that
14 there is some strong interstate commerce clause
15 implications that I'm not sure have been fully
16 looked at and developed here. We also feel that
17 there may be some conflict with existing New York
18 State law in regards to the insurance deductibles.
19 Other than that, if you have any questions, I'm
20 happy to address them.

21 CHAIRPERSON GENNARO: Thank you very
22 much, I appreciate your testimony. We have some
23 questions for you; Council Member Sears.

24 COUNCIL MEMBER SEARS: Thank you Mr.
25 Chair. Early in the testimony from the Department

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2 of Environmental Protection, I had asked them in

3 their revision of their code, which is the first in

4 30 years, if they had included in their process the

5 alarm companies. Is that a very valid question?

6 Would the input from your industry be very valuable

7 to them in terms of revising their 30 year code?

8 MR. BEAN: I believe so. The

9 Consumer Electronics Association has developed some

10 standards in terms of testing the audible levels of

11 our sirens. I think that information could be

12 valuable to the Department. We could also offer

13 some alternatives in terms of sensor sensitivity,

14 siren duration, the programmability of these

15 different siren features. One big complaint that I

16 heard here today was the fact that people ignored

17 these. We have capabilities where you can program

18 the siren tones in certain sequences so that you can

19 recognize when your vehicle specifically is being

20 sounded.

21 We have attempted to, and are eager

22 to work with, local governments to meet their

23 compliance. It's our position that this particular

24 legislation just doesn't effectively deal with all

25 the interests involved in this situation.

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2 COUNCIL MEMBER SEARS: I understand

3 the points that you made, and they're very valid

4 ones. This is such a pressing issue because it's

5 probably one of the highest on the ladder of quality

6 of life issues, and when you're in densely populated

7 areas, as the City of New York is, and the boroughs

8 are, it's something that needs to be addressed.

9 Certainly legislation should not be in violation of

10 other regulations, whether they be state or federal,

11 but the issue needs to be addressed in the best

12 possible way so that something's right and there are

13 no violations of other levels of government.

14 Perhaps you can be very helpful with that. I'll

15 speak to them; I'm going to call them up.

16 MR. BEAN: Just one additional point.

17 I agree wholeheartedly with that, and we are

18 certainly willing to work with the Committee here,

19 but again, I think the exclusion for OEM

20 manufacturers and this bill, those systems are

21 allowed to come into the market, those systems will

22 still sound and you'll still have issues with those.

23 There are other sound sources; taxi drivers;

24 walking down the street today, I came here from

25 California, I was amazed at the honking from taxi

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2 drivers, and I didn't hear a single alarm. So many
3 other sources of sounds that are not built into this
4 statute and aren't considered...frankly we think
5 it's a bit unfair in terms of how it's presented in
6 this particular graph.

7 MR. SHUTOWICH: The technology is
8 there to change it, to find a happy medium between
9 improving the quality of life, but also having an
10 ability to protect your vehicle. The technology is
11 there, we just have to be able to discuss this and
12 find a happy medium between both parties.

13 COUNCIL MEMBER SEARS: Thank you.
14 Thank you Mr. Chair.

15 CHAIRPERSON GENNARO: Thank you
16 Council Member Sears. Before I recognize Council
17 Member Lopez for questions, I'd like to make
18 apologies to all here. I have an emergency, I'll
19 have to be leaving. Council Member Lopez is a
20 member of this Committee, and she will conduct the
21 rest of this hearing as Chair. I wish to thank
22 everyone who has come here to present testimony, and
23 rest assured that any word that's uttered here in
24 this room between now and the end of the hearing
25 will come to the full attention of myself as

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2 Chairman, as well as Council Member Moskowitz and

3 Council Member Liu, the authors of the legislation

4 that we're currently considering. Thank you very

5 much. Chairman Lopez.

6 CHAIRPERSON LOPEZ: Thank you. My

7 question to you is the following thing; right now,

8 if an alarm system becomes defective, is there any

9 way that those alarm systems can be tested prior to

10 becoming damaged or malfunctioning in order to avoid

11 the sound when the sounds are unnecessarily not

12 connected to possible theft to the car?

13 MR. SHUTOWICH: We have a feature in

14 all of our alarms called "defective zone by- pass",

15 meaning that the siren sounds a number of different

16 times, it senses that zone is defective and shuts

17 down automatically.

18 CHAIRPERSON LOPEZ: That's the new

19 technology?

20 MR. SHUTOWICH: It's in almost all of

21 our alarms that we currently sell. We have

22 additional alarms that also have that "City Mode"

23 where the user can, via the transmitter, shut off

24 the shock sensor, so when the motorcycle goes by,

25 it's not going to go off; when it's parked under an

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2 EI when the train goes over it, it's not going to go
3 off. They can also change the ring time of the
4 siren from 30 seconds to 15 seconds, and the pre-
5 detect chirps, instead of having a small number of
6 pre- detect chirps where the car actually chirps and
7 then the siren goes off, they will be longer and the
8 siren will only ring for 15 seconds.

9 CHAIRPERSON LOPEZ: This is in the
10 new technology?

11 MR. SHUTOWICH: These are in models
12 that we sell now. We have about three different
13 models that we sell now, and we're starting to phase
14 those into a lot of different models in response to
15 conversations and comments we've had in the past.
16 My point is if we had more comments and
17 conversations instead of just trying to ban
18 something, we could say okay, how can we improve
19 this without putting people out of business or
20 changing the way we sell things.

21 CHAIRPERSON LOPEZ: Let me ask you
22 this favor. I'm asking you these questions for the
23 purpose of me acquiring information. I'm going to
24 ask you to please not editorialize for me on this
25 because I don't have a position yet, against or in

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2 favor. Just looking into the matter, for example, I
3 think that passing legislation not allowing the sale
4 of a product in New York, it will harm our economy.
5 That doesn't resolve this issue of noise; to sell or
6 not to sell the product.

7 My questions to you with regard to
8 the new technology that is available; right now you
9 said to me that the new technology contains the
10 possibility of shutting down parts of the alarm
11 system in the areas. Is there any other new
12 technology that exists that improves the product,
13 besides the one that you just described?

14 MR. SHUTOWICH: Technology changes,
15 circuitry changes, the product just normally
16 improves yearly anyway.

17 CHAIRPERSON LOPEZ: Right now, is
18 there any new technology?

19 MR. SHUTOWICH: I'm not an engineer,
20 I'm in the Sales Department, they're always bringing
21 out new products every year.

22 MR. BEAN: I can address that. We
23 have just recently launched a product which
24 interfaces with our security system that will give
25 you an automatic notification via e- mail, vial

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2 phone, pager, fax, if your alarm is activated. Your

3 alarm goes off, it goes through the cellular

4 network, and you are actually notified...

5 CHAIRPERSON LOPEZ: That this is

6 happening. How much money does this cost compared

7 to the old system?

8 MR. BEAN: Currently it is much more

9 expensive; the price on that, MSRP is about \$700,

10 and that includes stolen vehicle tracking, so if the

11 vehicle is actually stolen...

12 CHAIRPERSON LOPEZ: It's like Lojack?

13 MR. BEAN: It's better than the

14 Lojack. I think there's a bit of confusion about

15 the Lojack. With Lojack somebody has to steal the

16 car, the owner calls up the police, and they have to

17 go out in two separate police cars and actually

18 drive around until they get a ping from that

19 vehicle. Once they get a ping, they get closer and

20 closer until they get close enough to actually find

21 that. If that car has already left the

22 jurisdiction, they're never going to get a ping.

23 CHAIRPERSON LOPEZ: This new

24 technology that you're talking about?

25 MR. BEAN: The new technology is GPS

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2 based, so you can actually go to the internet, pull

3 up a map and find the stolen vehicle anywhere in the

4 US.

5 CHAIRPERSON LOPEZ: And how much does

6 that cost?

7 MR. BEAN: That's about \$700 right

8 now.

9 CHAIRPERSON LOPEZ: Is there a

10 maintenance cost to it?

11 MR. BEAN: There is. We have three

12 different levels; there's one that's bundled with

13 the purchase cost, and then depending on how much

14 you want to use the system, it's like \$49 and like

15 \$99, and I'm not exactly sure on those costs.

16 CHAIRPERSON LOPEZ: And that system

17 includes sound?

18 MR. BEAN: Yes, if the alarm is

19 activated. But again, these sirens can be

20 programmed to either have shorter durations, the

21 sensors themselves can be programmed to be turned

22 off, they can be programmed to give specific tone

23 sequences so that you know it's your alarm. We

24 tried to really work with communities and users to

25 make sure that they're getting the response that

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2 they need from these systems.

3 CHAIRPERSON LOPEZ: The new
4 technology that both of you are talking about would
5 not benefit the communities in terms of the problem
6 with the sound, in terms of the people who possess
7 these alarms already in the cars.

8 MR. BEAN: Many of the systems that
9 are currently on the market have many of the
10 features we've been talking about. If there's a
11 sensor that's too sensitive, they should go back to
12 their retailer who installed it and have them make
13 the sensor less sensitive. If they want to program
14 that sensor off, they need to go through their
15 owner's manual and read that and turn it off.

16 CHAIRPERSON LOPEZ: Perhaps what we
17 need to do here is to pass a piece of legislation
18 that would mandate the inspection of those alarms
19 yearly with the inspection of the car. What do you
20 think about that?

21 MR. BEAN: I think we would have to
22 consider and look at what the inspection regimen
23 would entail to understand...

24 CHAIRPERSON LOPEZ: To fix it. If
25 you have an alarm that is malfunctioning, obviously

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2 it's a nuisance to the community where it is; it
3 doesn't matter which community. It may not matter
4 to you if you're not in the community where this is
5 happening, but if you live in the apartment where
6 this is happening, it will drive you crazy. If
7 there's a mandate to inspect these alarms together
8 with the yearly inspection of the car, how will that
9 affect your industry?

10 MR. SHUTOWICH: Well our products
11 come, for the most part, if not all of them, a
12 lifetime warranty, and I think the DEI products are
13 all lifetime warranty on their electronics. The
14 labor portion is either covered for a year or so.
15 For the most part, if someone has a problem with
16 their car alarm, they're going back to the retailer
17 where they purchased it, which is usually a local
18 shop in their town, which if they're a good business
19 person, they're going to take care of that consumer
20 because they want them to buy their second, third
21 and fourth alarm...

22 CHAIRPERSON LOPEZ: But people don't
23 function that way. Let me ask you this; do you care
24 for the communities where this product is used?

25 MR. SHUTOWICH: Of course I do.

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2 CHAIRPERSON LOPEZ: Then if you care
3 for the communities where this product is used, you
4 said you don't want these communities to be victims
5 of this noise, would you say that?

6 MR. SHUTOWICH: Sure.

7 CHAIRPERSON LOPEZ: Then human
8 beings, for the most part, don't necessarily take
9 care of their cars appropriately, and that's the
10 reason we mandate inspections. That's the reason.
11 We have the inspection in place to protect safety of
12 the other human beings who are on the streets not to
13 get hurt by a vehicle that doesn't function
14 appropriately. What would be wrong with adding to
15 the inspection that any car that has an alarm be
16 inspected also for proof that these alarms function
17 adequately and they are not a nuisance to the
18 communities where they are?

19 MR. SHUTOWICH: The only problem I
20 see is that the State Inspectors may not be
21 qualified, may not be MECP certified in automotive
22 alarm installation and diagnostics.

23 CHAIRPERSON LOPEZ: Well you certify
24 them; that would become a requirement.

25 MR. SHUTOWICH: We would have to work

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2 with you to get them certified because they're
3 usually auto mechanics that inspect your car,
4 they're not usually alarm installation shops; it's a
5 little bit different. We would have to work
6 together to get them trained.

7 CHAIRPERSON LOPEZ: It would be a
8 requirement. The inspections that take place in
9 every inspection station have a requirement for the
10 people who do the inspections, they are trained to
11 do that, and there's equipment in there to prove
12 that these inspections are kosher. That is not a
13 problem, to have somebody who is required to learn
14 the procedure to inspect these alarms, and if these
15 alarms work or not, to make clear that they are in
16 good shape and that the inspection is passed. If
17 it's not passed, those alarms have to be fixed
18 because they are a nuisance, just like a car that
19 doesn't have proper brakes. Isn't that the same.

20 MR. SHUTOWICH: A different
21 inspector. It would be harder to do, but it could
22 be done. They would have to train the mechanics on
23 proper alarm installation and diagnostics.

24 CHAIRPERSON LOPEZ: I'm just trying
25 to comprehend where the communities are, and the

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2 people who sell the products, and people who make

3 the products are, and how they can compromise on

4 this issue. The reality is that the noise creates

5 problems in communities. Also it's a reality that

6 we will lose the revenues from selling these

7 products in the City. I understand that this

8 represents a series of problems in terms of crime

9 and the increase in crime in our communities. I

10 understand all that.

11 MR. SHUTOWICH: I would rather see a

12 way of getting the person back to where they had it

13 originally installed and have them correct it.

14 CHAIRPERSON LOPEZ: Then I put a

15 friendly proposal in place that will satisfy that,

16 and I invite you to think about it. Maybe that can

17 be a solution to this problem.

18 MR. SHUTOWICH: Whether it's a

19 warning or such, they have 30 days to bring it back

20 and have a receipt from the original store that the

21 problem was corrected. I think most retailers would

22 not have a problem with checking out a system if

23 it's a problem.

24 CHAIRPERSON LOPEZ: The majority of

25 the alarms out there that exist today in the cars,

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2 can you give me information if the majority of these
3 alarms are the old type or the new type?

4 MR. SHUTOWICH: I could get you those
5 statistics.

6 CHAIRPERSON LOPEZ: That would be
7 useful for this Committee. According to what you
8 said, the new types have technology that indicates
9 to me that they are not so problematic, but it would
10 be good for us to know how many out there are with
11 the new technology and how many are not.

12 MR. BEAN: Just a data point on that
13 issue, the average life of a vehicle is about ten
14 years, so generally these are phasing out on that
15 time line.

16 CHAIRPERSON LOPEZ: Well everything
17 depends on who is the owner of that vehicle.
18 Councilwoman Lopez has a vehicle from 1990 and it's
19 still in use in my hands. Everything depends. I
20 have another vehicle that is 1986, and it works
21 pretty good, but it doesn't have alarms. Thank you.

22 Okay, Micah Sheveloff.

23 MS. DE COSTANZO: In the testimony
24 you are about to give, do you swear or affirm to
25 tell the truth, the whole truth, and nothing but the

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2 truth?

3 MR. SHEVELOFF: I will.

4 MS. DE COSTANZO: Thank you.

5 MR. SHEVELOFF: My background is a

6 former shop owner, I used to sell and install

7 security systems as a livelihood. I'm currently

8 working mostly as a trade editor in that industry. I

9 am self- employed, I don't have any loyalties or

10 special interest ties to any organization. I just

11 thought I would present some facts that so far you

12 have not heard.

13 The problem is that automotive alarm

14 systems have created unacceptable level of noise

15 pollution in a densely populated area such as New

16 York City. The cause for that is simply that

17 commerce has been put before proper procedure. The

18 automotive aftermarket industry has been allowed to

19 police itself since its inception, and the lack of

20 manufacturing and installation standards have not

21 only caused car alarms to become a nuisance, but it

22 has allowed thieves to more easily defeat the

23 systems as well, tarnishing the reputation of the

24 entire product category.

25 Currently, the alarm systems are

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2 available to anyone for purchase uninstalled in
3 stores and on the internet, even by such nationally
4 reputable firms as Crutchfield. Installation is
5 left up to the consumer. In most states a car alarm
6 shop can and will hire anyone, regardless of
7 experience level, to install these devices. Car
8 alarms are NOT do- it- yourself items. They should
9 not be installed by untrained novice installers.
10 With the complexity and vulnerability of today's
11 automotive electrical systems, there is no reason
12 that some form of licensing or certification should
13 not be required and enforced, and the aftermarket
14 industry should have seen to that years ago. Those
15 are the type of regulations or laws that should
16 really be considered today.

17 The technology; basic car alarm
18 technology blueprinted by engineers, viewed from
19 that perspective, is sound capable of doing what
20 it's supposed to in a best- case scenario? In other
21 words assuming that the installations are done
22 correctly; alert consumers of an intrusion and delay
23 a would- be thief from being able to start the
24 vehicle. That's their job, and the engineers, in
25 most cases, have successfully designed them to be

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2 able to do that.

3 First, in defense of retailers and
4 installers, manufacturers have contributed to the
5 general unreliability of their own products in two
6 ways: 1) they pressure retail channels for sales
7 volume, including substantial monetary incentives
8 that place an emphasis on quantity rather than
9 quality. Manufacturers may preach about their
10 dealer training programs and about how aware they
11 are that quality installations count, but the bottom
12 line is the bottom line with these companies. I've
13 seen that as a retailer firsthand.

14 I was regularly criticized for being
15 too slow in the way that I did the installations;
16 taking three, four, five hours to do a job; too high
17 priced and called unrealistic because of my focus on
18 quality, both as a shop owner and a journalist
19 trying to point out the changes that needed to be
20 made within the industry. As long as the consumer
21 perceives that a car alarm is a \$199 installed
22 commodity, all of these problems will continue to
23 persist.

24 2) Cost cutting by supplying cheap
25 hardware and accessories. Devices called pin

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2 switches, shock sensors, motion sensors, tilt
3 sensors, wire harnesses, and main plug assemblies,
4 wire connectors, including the very unreliable T-
5 Tap type connectors, all substandard in comparison
6 to OEM automotive grade components. As an example,
7 if you take virtually any Honda product, you look at
8 the switch that indicates that the hood is open or
9 closed, you compare that to the switches included by
10 the alarm manufacturers with their kits, and it's
11 like a cereal box prize; night and day difference.
12 Factor in oxidation, road grime, salt, and the many
13 hands repairing and maintaining any automobile
14 through its life span, and you have a recipe for
15 unreliability and disaster.

16 The retailers and installers,
17 however, bear a heavy responsibility as it pertains
18 to the unreliability of these systems. Rather than
19 compete by creating and adhering to a high standard
20 of system design and installation, educating
21 consumers about the importance of quality rather
22 than the cheapest price, the retail installation
23 channel has trained consumers to think that car
24 alarms are cheap and unreliable. That is the
25 current market perception, and it is for the most

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2 part not inaccurate.

3 I look at the home electronics

4 industry, which I also cover as a journalist

5 currently, in comparison their dedication to

6 training and education through groups and forums

7 such as CEDIA, PARA, HTSA; they have made a

8 statement that they will high standards, they will

9 charge accordingly for their services. The

10 automotive aftermarket needs to join together and

11 raise the bar for itself in an effort to prevent

12 groups of rightfully annoyed citizens from trying to

13 outlaw their livelihood

14 In conclusion, I think the solution

15 is for them to A) create necessary standards, such

16 as mandatory state licensing programs for retailers

17 and installers. B) Create governing bodies. I

18 don't know a whole lot about this, but there is a

19 group in Great Britain called Thatchem, and they

20 rate car alarm products. I believe they may have a

21 tie to the insurance industry. They test and rate

22 the manufacturing standards of alarm products. C)

23 Require consumers to use silent forms of automotive

24 security, which has already been discussed here

25 today.

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2 Car alarms can effectively serve
3 consumers. I have seen them work time and time
4 again in less densely populated areas than New York
5 City to successfully protect their cars without the
6 breach of peace that has brought about this hearing.
7 It is the careless application of the technology
8 that needs to be addressed.

9 CHAIRPERSON LOPEZ: I'm very
10 impressed with your testimony because I was thinking
11 along those lines when I was looking at this issue.
12 I just have one question to ask you; then you
13 believe that the alarms that contain the sound are
14 alarms that are okay to use if they are installed
15 adequately and appropriately?

16 MR. SHEVELOFF: In most cases, yes.
17 In other words, if you gave me the same product to
18 install in the exact same vehicle as you gave ten
19 other shops to install, you're going to get a
20 different level of reliability than you are when
21 it's done in four or five hours and done carefully.
22 You're not only going to get a different level of
23 reliability, you're going to get a different level
24 of theft protection as well.

25 CHAIRPERSON LOPEZ: But that's not my

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2 question. I understood your point of

3 professionalism in the process of selling this

4 product, installing this product, and monitoring

5 this product; I understand that point. My question

6 to you is, therefore, what is the need to have sound

7 alarms when there are other alarms that are not

8 sound alarms. Why are the sound alarms needed if

9 the other products are as good and will protect the

10 property in a way that is adequate? Is there any

11 reason you can give me why the sound alarm is

12 needed?

13 MR. SHEVELOFF: First of all, the

14 alternatives to the sound alarm only just recently

15 came into existence. Secondly, in a suburban type

16 of community where your car is parked in your

17 driveway within a very short physical distance from

18 where you are, and your neighbors cars are much

19 further away, if you hear an alarm, you're going to

20 know that that's your car. In that type of

21 environment, the sounding alarms have been an

22 effective deterrent. Before they are even set off,

23 the thief knows that if they set that alarm off,

24 because there's a big red flashing light, the

25 residents in the area are going to be aware that

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2 something is going on, as opposed to a densely
3 populated area like New York City where it goes off
4 constantly, and like you said, nobody pays any
5 attention to it at all.

6 These new technologies that I'm
7 actually currently writing an article about, do
8 offer an alternative to the sounding alarms.

9 CHAIRPERSON LOPEZ: And the
10 alternatives will greatly reduce the complaints that
11 we constantly hear about; the alarms that go on and
12 on, or that go off in the middle of the night waking
13 people up.

14 MR. SHEVELOFF: That's correct. The
15 only concern there would be the vulnerability that
16 it created for property within the vehicle; air
17 bags, radios, all that kind of thing, which would
18 have to be addressed in some way or another.

19 CHAIRPERSON LOPEZ: Thank you.
20 Council Member Sears has a question.

21 COUNCIL MEMBER SEARS: Thank you. If
22 I hear you correctly, you're saying that when alarms
23 are installed properly, and when they really have
24 quality installation, they end up not being the
25 problem, as what we have for all these alarms that

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2 are going off that may be so inferior in the
3 installation process. Also, for those motion alarms
4 that may be on a person or in their home; when
5 you're living in an area that has high density and
6 high multi- level apartment buildings, they can park
7 six, seven, eight blocks away. Do any of those
8 respond to such as distance, with the other alarms,
9 the new technology that we're talking about? Street
10 space is very, very scarce.

11 MR. SHEVELOFF: I'm not representing
12 the technology that exists. In the article I'm
13 doing now, I'm told 800- 1,200 feet is an average
14 range for some of the technology, however, they also
15 talked about these devices that are now able to link
16 with cellular phones and communicate via the phone
17 line, which means the car could be anywhere. So
18 there are alternative means of becoming aware that
19 your car has been breached from a great distance,
20 and as I'm sure with many consumer electronics
21 technologies, these things will become more
22 prevalent, less costly, etc. As we move forward.

23 COUNCIL MEMBER SEARS: It is a
24 problem though, because as people move along and
25 they can afford to buy these expensive items,

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2 residents are still absolutely staggered with waking

3 up in the middle of the night where (the alarms)

4 repeat and repeat and not go off. This has to be

5 addressed. Are you writing any articles on that,

6 besides the information that you're really

7 providing?

8 MR. SHEVELOFF: I am on a legislative

9 committee involved in being aware of what is

10 happening with noise. I'm assuming that as these

11 noise issues and more hearings like this occur, that

12 these will become issues that industry press, like

13 myself, will take notice of and cover with the

14 detail and intensity that it deserves.

15 COUNCIL MEMBER SEARS: Thank you.

16 MR. SHEVELOFF: My pleasure.

17 CHAIRPERSON LOPEZ: I'm going to call

18 three witnesses at the same time.

19 MS. DE COSTANZO: James McManus,

20 Diana Delgrosso, Richard Tur, James McLoughlin,

21 Janet O'Hare, and Drew Robertson.

22 If you could all please raise your

23 right hands, I'll swear you in. In the testimony

24 that you're about to give, do you swear or affirm to

25 tell the truth, the whole truth, and nothing but the

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2 truth?

3 MS. O'HARE: Yes.

4 MR. TUR: Yes.

5 MR. MCLOUGHLIN: Yes.

6 MR. ROBERTSON: Yes.

7 MS. DE COSTANZO: Thank you.

8 MS. O'HARE: The Coalition for a

9 Quiet Jackson Heights is two years old this month.

10 It is a grass roots organization formed to address

11 noise pollution in our community. In our first year

12 we collected more than 1,200 signatures in a

13 petition against noise; a very diverse group of

14 signatures from the most diverse neighborhood in the

15 City of New York.

16 We held a town hall meeting at the

17 end of last year and 400 people came to tell the

18 elected and the appointed officials that we wanted

19 no more. Council Member Sears heard some of those.

20 Our guest speakers, two professionals, spoke on the

21 negative effects of noise on our physical and

22 psychological health. Dr. Anie Kalaygian, a

23 psychology professor at Fordham University, stated

24 that noise contributes to a litany of ailments

25 including insomnia, fatigue, high blood pressure,

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2 and sexual dysfunction. Audiologist Yale Brevda
3 stressed that hearing damage is cumulative over
4 time, and is affected by both intensity and duration
5 of noise. He stated that "many inner ear problems
6 are due to noise pollution".

7 The problem, as you well know, is
8 that car alarms go off every single day and night,
9 triggered by a truck, the elevated subway, someone
10 leaning against the vehicle, the driver setting it
11 off as he opens his own car doors, or for no reason
12 at all. Once the alarm starts, it is typical that
13 it goes off continually, day and night, until the
14 owner comes, or as I've seen, the battery goes dead.
15

16 The noise is a constant intrusion
17 into the private spaces of home, interrupting
18 conversations, meals, and worst of all, sleep. For
19 most of us, when sleep is disturbed, the following
20 day is wasted.

21 I understand that members of Council
22 are fearful that our citizens will rebel because
23 they receive a small deduction on car insurance if
24 they have an audible alarm. I called my insurance
25 agent, I asked him if I put in an audible alarm,

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2 what would my deduction be? He said I wouldn't get

3 a deduction because I don't have the requisite

4 insurance coverage. I said okay, if I get more

5 insurance coverage, how much deduction will I get?

6 I will get \$1.60 per six months; that's \$3.20 a

7 year- not even a round trip on the subway. I will

8 donate that money to any cause the Council would

9 like to donate to if the Council gives us a little

10 peace.

11 We thank you for recognizing that car

12 alarms are a huge thorn in the sides of all eight

13 million New Yorkers. However good your intentions

14 may be, the bills before you today do not solve the

15 problem. This Council has passed some very

16 progressive legislation. In these days when we are

17 all living with colorful alerts and armed militia, I

18 urge you to take the most radical action; ban all

19 alarms from cars, buildings, stores- no alarms,

20 period.

21 Please, save our sanity! Thank you.

22 (For the record) I'm submitting for

23 Jim McManus a statement from the Queensboro Houses

24 Association urging you to ban car alarms. Thank

25 you.

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2 RICHARD TUR: I want to thank the
3 Council for having this hearing. Car alarms have
4 ruined my neighborhood in Astoria Queens. I live
5 near a police station with a big parking lot. Most
6 of the people that set their car alarms are away
7 from their neighborhood and they're not around to
8 hear the noise their cars make. The noise created
9 by car alarms is perpetual because they go off every
10 time a truck passes by or a motorcycle, or sometimes
11 even when a 'boom' car passes by.

12 The noises from car alarms are
13 deafening, they're making me and my family sick.
14 They wake me up at night, they disturb us at dinner,
15 when we're watching television or reading, or when
16 we're having a conversation. It makes my wife
17 upset, and it makes my mother nervous, and it makes
18 us all feel like we're under siege. My mother gets
19 severe headaches because of this.

20 I have complained to the police many
21 times about false car alarms in my neighborhood, and
22 even in their own parking lot, and they do
23 absolutely nothing. In all fairness, they do have
24 other problems to deal with, such as murder,
25 robberies, etc., etc. What happens a

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2 lot of the time is that they set their car alarms,
3 and when they enter or leave their car, they have a
4 chirping system in the vehicle. Every time they go
5 in and out of their car, it starts chirping. The
6 other thing is that even if a motorcycle passes by,
7 the car will just chirp once, except that every time
8 another vehicle passes by, it chirps again. Every
9 three minutes you're hearing this chirping sound.
10 If you're working on a project or if you're doing
11 something, your concentration goes off, you can't
12 get anything done. I don't want to keep hearing car
13 alarms or things coming out of other people's cars
14 all day and all night.

15 The companies that make and install
16 these devices advertise how effective they are.
17 They even tout their car alarms as a safety device,
18 which they are not. Who are they going to protect?
19 The cars are sitting there just chirping all day;
20 nobody's lives are in danger. It's one thing if a
21 siren goes off from a fire truck or a police car;
22 it's a legitimate emergency. When a car alarm goes
23 off, nothing.

24 Frankly, I don't think they care
25 about the community. The car alarm manufacturers,

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2 the trade associations, they don't care. I think
3 that the people who run these organizations live in
4 very comfortable suburban settings where they don't
5 have to hear that crap all day. They don't care
6 about the people who live in New York who have to
7 hear that day in and day out.

8 The Consumer Electronic Association
9 and its members tricked City Hall in 1997 when they
10 promised new technologies and certified programs to
11 insure that when these alarms are installed, that
12 they will not go off and that it would solve the
13 problem. That was six years ago, and today we have
14 even louder car alarms than we had then.

15 The people that buy these car alarms
16 are people who think that \$40,000 for an SUV is a
17 good idea. They blow \$1,000 on these car alarms.
18 What happens is they go off all the time. There was
19 one that went off so loudly that people were coming
20 out of their houses because of this one SUV. They
21 called the police station, nobody came.

22 Noise from car alarms are a serious
23 health hazard. They cause hearing lose, sleep
24 deprivation, aggressive behavior, chronic fatigue,
25 and high blood pressure. Noise is damaging to

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2 children. In July, 2001 the Centers for Disease
3 Control announced that one out of eight children
4 between the ages of 6- 19 suffer from noise- induced
5 hearing lose. In New York City, the land of the all
6 night car alarm, this causes declining school
7 performance and aggressive behavior.

8 In the last 15 years noise levels
9 have risen six fold in major US cities. The Census
10 Bureau reports that noise is America's top complaint
11 about their neighborhoods and the major reason for
12 wanting to move. When New Yorkers leave the City,
13 we lose tax revenue, we lose jobs, and we lose safe
14 neighborhoods. Noise destroys a community, and
15 that's not progress.

16 Noise makes conversation difficult or
17 impossible, it reduces human interaction, noise is
18 an expression of aggressive behavior. Twenty- eight
19 million Americans suffer from permanent hearing
20 loss. As city dwellers, whether we realize it or
21 not, we have lost some or part of our hearing. When
22 I hear a car alarm, after it goes off, I can still
23 hear it ringing in my ear.

24 If a law is passed to prohibit car
25 alarms, the rest of country will take notice. You

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2 will show everybody that New York City cares about

3 its people and that we continue to take a leadership

4 in improving people's quality of life. I want other

5 American communities, who will also examine and

6 debate this issue, and decide to ban them as well.

7 Other countries will take notice, even in far away

8 countries like Russia, China and Europe, where car

9 alarms are also a menace.

10 I want to thank Councilman Liu and

11 Councilwoman Moskowitz for having the courage and

12 good conscience to bring this issue before the

13 public and City Hall. Your vote in favor of any

14 bill to prohibit car alarms or the sale of car

15 alarms in New York City will make the world a better

16 place to live in. Thank you.

17 CHAIRPERSON LOPEZ: Thank you sir.

18 MR. MCLOUGHLIN: Thank you. My name

19 is James McLoughlin, and I represent the residents

20 of Belvedere Gardens, a coop in the Jackson Heights

21 Historic District, and I think one of the areas of

22 the City worst affected with car alarms.

23 We are most encouraged to see any

24 attempt to deal with car alarm problem, and we

25 highly commend Council Members Moskowitz and Liu for

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2 their legislative efforts, however, neither bill

3 will cure this disease. Any security system that

4 has at least a 98% false alarm rate that this one

5 does, has to be labeled a complete failure. Why is

6 the Council even trying to salvage something with a

7 track record like this?

8 When people are given privileges that

9 are potentially at the expense of everyone else,

10 there has to be an enforceable responsibility that

11 goes with that privilege. In the 15 or so years

12 we've had to observe car alarms, there is no

13 demonstrable sense of responsibility by car owners

14 as a class. Enforcement has been a non- issue. Why

15 is it that the Council now believes that an already

16 over- burdened Police Department facing yet more

17 cutbacks, that enforcement will work this time. Earlier

18 in the day Council Member Vallone told us de facto,

19 it won't.

20 The Council should not be trying to

21 regulate a failed and obsolete technology. Instead

22 it should be sending a message that more practical

23 ones need to be created. Banning audible alarms

24 would almost instantly lead to the design of more

25 palatable technologies. In fact I was very pleased

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2 to learn today that there are some, and I had some
3 prepared remarks here on the idea of a beeper- like
4 technology myself. I think that's been aired
5 sufficiently, so I don't need to expound on it.

6 I would say though, there is a great
7 precedent in New York City for this kind of thing,
8 from the audible alarm to the beeper- like
9 technology, and some of you older folks who might
10 remember this; in the 1980's we were all treated to
11 the freedom and the fairness that came with the Sony
12 Walkman when that replaced boom boxes. What did
13 that do? It gave everyone a choice as to what music
14 they wanted to listen to, but it was a choice that
15 was not at any one else's expense. That's what we
16 need to do with car alarms.

17 How is it that a city having endless
18 legislation to protect people against lead paint,
19 and which has recently enforced a non- smoking law
20 in public places, does not have even one law with
21 teeth to protect people from car alarms? Aren't we
22 convinced by now that prolonged exposure to any of
23 them does permanent damage?

24 Lastly ladies and gentlemen, at a
25 time of heightened security alert, I consider it

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2 blatantly uncivilized to ask people to choose
3 between a nuisance and an emergency when an alarm
4 sounds. I would make one final observation; so far
5 in the testimony today the only people advocating
6 car alarms are those selling them. We have not
7 heard from one car owner in New York saying he
8 should have a car alarm. Thank you.

9 MR. ROBERTSON: Thank you for the
10 chance to speak here. My name is Drew Robertson,
11 I'm the President of Atlantic Systems; we're a New
12 York City transportation consulting firm, and
13 consequently I'm able to speak for less than three
14 minutes at a time.

15 ASI is a national distributor of Car
16 Guard, an anti hijacking device that prevents
17 terrorist attacks on trucks carrying HAZMATs. As we
18 speak here, one of my distributors is displaying
19 this at the California Highway Patrol in California,
20 looking at the security of gasoline trucks in
21 California to prevent hijacking by terrorists.

22 I'm also the Director of the Freight
23 Transportation Security Consortium, a voluntary
24 group of over 50 companies in the fields of
25 transportation security and safety. Among the

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2 members are Lojack and HGI Wireless and Criticom,
3 who is working with DEI right now on their new
4 products for car security. I am also a long- time
5 resident of New York City and know first- hand about
6 the issues being addressed by the Council. I have
7 professional business and personal interest in the
8 proposed legislation.

9 As the Director of the FTSC, I have
10 been quite familiar over the last two years, since
11 9/11, about the various security technologies being
12 used to prevent truck theft and hijacking, and am
13 aware of government efforts in this area. Over
14 those two years, stand- alone audible alarms have
15 never been considered as an adequate solution for
16 truck security.

17 As a Manhattan car owner, I know the
18 anguish of losing a car and having a break- in, and
19 I can understand the emotions of car owners who want
20 to have some technological solution. The question
21 before the Council, however, is do audible alarms
22 provide tangible and unique security benefits that
23 justify the noise and inconvenience they cause? My
24 opinion, which is not professional, is auto alarms
25 don't work.

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2 That's not the purpose of my
3 testimony. I'm trying to evaluate what the impact
4 of a ban on aftermarket sales of auto alarms would
5 be in New York. They won't disappear overnight, as
6 you mentioned, they'll be around for years and
7 years, and if somebody wants to, they can leave New
8 York and have it installed elsewhere and put it in
9 their car. They're not going to disappear, but they
10 will slowly be reduced in New York City with a
11 modest drop in the number of false alarms.

12 I believe the impact on auto theft
13 will be trivial. I don't believe it works very well
14 right now. If the ban on auto alarm installations
15 in New York goes forward, however, and it prompts
16 car owners to seek out alternative anti- theft
17 devices that work better, I believe that the safety
18 and security of New York City car owners will
19 improve.

20 Fortunately there are several proven
21 alternatives to audible alarms which should be
22 considered by New York City car owners as well as
23 the installers. We've discussed the OEM systems,
24 the Smart Keys, that have made it very difficult for
25 amateur thieves to hot wire new cars. We've

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2 discussed recovery systems such as Lojack system, a
3 member of our consortium, but also the one being
4 developed by DEI right now. In addition to that,
5 there are two other classes of systems. One is
6 called the Vehicle Immobilization System. I am here
7 also representing Auto Watch, which is a South
8 African company. They provide a system which cuts
9 off three points of immobilization, which makes it
10 virtually impossible, 80% impossible, for a thief to
11 steal a car.

12 There's also a problem with these new
13 safety devices. Because of the effectiveness of new
14 anti- theft devices, especially in other countries,
15 there has been an unfortunate rise in violent car-
16 jacking incidents. In response, new anti- car
17 jacking technology, such as the one I have here, has
18 been developed. These devices allow the car- jacker
19 to take the car, but after a few moments, and well
20 away from the point of confrontation, the vehicle
21 becomes inoperable and slows to a stop. This is the
22 technology we're providing to fuel haulers in
23 California and New York at this time.

24 Vehicle immobilization and anti-
25 hijacking systems are widely available in other

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2 countries with much more serious auto theft problems
3 than ours. Indeed in Europe and Australia, in South
4 Africa, in Canada, only vehicle immobilization and
5 anti- hijacking systems are endorsed. In South
6 Africa, if you don't have an immobilization system,
7 no insurance. In Belgium, if you don't have this
8 device on a car of over 25,000 Euros, no insurance.
9 These are countries that have serious auto theft
10 problems, and the insurance companies are vigorously
11 looking at the actuarial numbers that come out of
12 the various choices, and they've selected these
13 kinds of technologies, and they're the only ones
14 that are approved- not audible alarms. Elsewhere in
15 the world, high- pitch auto alarms are deemed to be
16 ineffectual by insurers, law enforcement, car owners
17 and thieves.

18 We've discussed briefly the economic
19 impact of a ban on installations in New York City.
20 In my opinion, the impact on these installers, known
21 as 12- Volt shops, would be trivial. In my research
22 I've talked to several of these installers, and I
23 believe that the auto alarm part of their businesses
24 is diminishing. One person said, in a very thick
25 Brooklyn accent, "they're passe", which I thought

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2 was interesting.

3 The important thing is, if other
4 systems, such as ours, are developed, and there are
5 dozens of these alternatives to audible alarms,
6 there will be a resurgence in the kind of auto
7 security business, which seems to be diminishing for
8 several New York City installers at this time.

9 Secondly, there's an issue as far as
10 the manufacturers. You've heard from some of the
11 alarm manufacturers. Of course if there is a turn
12 toward modern technology, companies such as Car
13 Guard, such as Auto Watch, will benefit from that,
14 but we are by no means alone. Several manufacturers
15 of vehicle immobilization systems are eager to enter
16 the New York market. You know about Lojack, which
17 is re- vivified their marketing efforts here in New
18 York City. I know the people at DEI are working on
19 their new system, which is from their perspective, a
20 better and more profitable system. I know Audiovox
21 is doing some research in this area. In my opinion,
22 the economic impact of a ban in New York of alarms
23 on installers and manufacturers will probably be
24 positive. For car owners, it would be very positive
25 as the new technology replaces the old.

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2 It's my recommendation to the Council
3 that any legislation that's past has strong
4 provisions to encourage the purchase and
5 installation of new auto security technologies that
6 do now require high- pitch audible alarms. We could
7 hope that the alarm manufacturers and the auto
8 insurers in the United States will support such
9 legislation. This would give New York City drivers
10 a financial motivation to select new technology from
11 New York City installers rather than purchasing old-
12 style audible alarms out of state. Ultimately such
13 a proactive approach will be good for New York City
14 business, New York City drivers, and make for a
15 quieter and safer city.

16 Thank you for the ability to testify
17 here.

18 CHAIRPERSON LOPEZ: Thank you.
19 Council Members, any questions?

20 COUNCIL MEMBER SEARS: I just want to
21 welcome Janet O'Hare and Mr. McLoughlin; they are
22 very strong advocates in the community of Jackson
23 Heights, and I'm really glad you're here today. I
24 do want to say that this is the first process; this
25 is not something that's being voted on today, it's

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2 not something that's being passed immediately. The
3 door has been opened. We have a hearing, and
4 obviously there has been so much that has been heard
5 today. One of the key things, for me anyway, is the
6 quality of life, and just how we maintain our sanity
7 in our communities, recognizing perhaps some of the
8 restrictions of law, which I'm going to give over to
9 the Legal Department to look at that. Then we can
10 review it.

11 It was very important that all of you
12 are here today because it's really opening the door.
13 As Mr. McLoughlin pointed out, this has been done
14 before and before, and the problem has just gotten
15 larger and larger. We really need to deal with this
16 in a very positive way so that it does have its
17 impact, and it does have an effect. Believe me,
18 you're doing that today, because this is the first
19 step. Thank you very much.

20 CHAIRPERSON LOPEZ: What is the cost
21 of that product that you are showing?

22 MR. ROBERTSON: The cost, again as
23 everyone will say, it depends on the vehicle, but
24 they're installing these on large Class 8 tractors
25 for about \$800 a piece.

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2 CHAIRPERSON LOPEZ: And what would be
3 more or less the price in the installation and the
4 buying of the product for regular people?

5 MR. ROBERTSON: As it turns out, US
6 cars are more complicated than Japanese cars and
7 European cars, I would say maybe a couple of hundred
8 dollars less for a relatively simple Japanese car.
9 The net effect though is that you're not going to
10 have your car stolen, and you're not going to have a
11 hijack. It's about between \$600- \$800 installed.

12 CHAIRPERSON LOPEZ: Between \$600-
13 \$800? Because at the end of the day, if you are
14 able to reduce greatly the stolen cars, what does
15 that contribute to the lowering of insurance for the
16 cars?

17 MR. ROBERTSON: If something can be
18 done positively, it would be to encourage New York
19 City actuaries to come in here and discuss how they
20 calculate the comprehensive part of the insurance
21 policies. I believe that \$3, \$4 doesn't even
22 quantify the benefits of a car alarm to car owners.

23 CHAIRPERSON LOPEZ: It seems to me
24 that they lied to the people that they're selling
25 this to. The people that are selling the alarms are

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2 lying, and the people who are selling the insurance
3 are lying also because they encourage people to go
4 and buy these alarms, and in reality they are not
5 giving any real rebates.

6 MR. ROBERTSON: The problems you're
7 talking about for automobiles are multiplied in
8 spades when you look at the area of my concern,
9 which is truck security. We have a concern in New
10 York City about terrorism. There are technologies,
11 such as ours, which we believe can reduce the risk
12 of terrorist attacks, and also reduce the risk of
13 theft and other kinds of accidents. We believe that
14 the insurance industry, by and large, for the last
15 ten years has been unwilling to sharpen their
16 pencils as far as looking at the real benefits from
17 this.

18 If New York City were to move away
19 from less effective devices, such as audible alarms,
20 towards systems like this one, or the systems that
21 they have in South Africa, that the benefits as far
22 as reducing car theft, would be enormous. The
23 benefits should go to the car owners through their
24 insurance policies.

25 CHAIRPERSON LOPEZ: Thank you. Thank

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2 you to all four of you.

3 COUNCIL MEMBER VALLONE: Can I just

4 say that while I thought we heard some wonderful

5 testimony today, if you have to listen to just one

6 person today, I hope it was the former Parks

7 Commissioner Stern. That was the best.

8 MS. DE COSTANZO: The next witnesses

9 will be Steven Barrison and George Whitehead.

10 CHAIRPERSON LOPEZ: I'm going to ask

11 both of you to make your presentations as briefly as

12 possible because I have to be out of here by 5:00.

13 I will beg you to be precise and specific and to

14 target. Thank you.

15 MS. DE COSTANZO: Please raise your

16 right hand. In the testimony that you're about to

17 give, do you swear and affirm to tell the truth, the

18 whole truth, and nothing but the truth?

19 MR. BARRISON: I do.

20 MR. WHITEHEAD: I do.

21 MR. BARRISON: My name is Steve

22 Barrison, I'm an attorney in Midtown, and I

23 represent a lot of different groups. I found this

24 whole proceeding interesting; I wish everyone was

25 here to hear what I have to say. I've been coming

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2 before this Council for over 20 years. I'm Vice
3 President of the Small Business Congress; you may
4 remember us from '96 and '97. We represent over
5 100,000 small businesses, we employ over one million
6 people. We're the people that stood up to the
7 previous Mayor when he tried to put mega stores down
8 our throat without community input. You remember
9 what happened; 40,000 phone calls to City Hall in
10 one week. Then we quietly went back to work. Most
11 mom and pop stores worry about their day- to- day,
12 not hearings like this.

13 I've given up my day, nobody even
14 knows I'm here except the President of the
15 organization, because we only found out about it
16 yesterday. I have nothing written, but I did make
17 some comments that I thought might help you, both
18 wearing that hat, I sit on the State Board for
19 almost 12 years, called the New York Main Street
20 Alliance, also dedicated to small business, I'm an
21 advisor for the last six years to the Kings County
22 Boards of Trade, that's over 33 different trade
23 organizations in Brooklyn, again small business, and
24 I myself am President of a coalition in South
25 Brooklyn known as BIG, commonly referred to locally

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2 as the Bay Improvement Group in Sheepshead Bay
3 primarily, also dedicated to main streets and small
4 business.

5 First, I will just go down the list;
6 today we've heard what I think is a tale of two
7 cities. May I remind you that I'm also here as an
8 individual. My family currently owns four cars. I
9 have had eight cars stolen from Sheepshead Bay, all
10 of them with alarms, however, I still think alarms
11 are a good thing. I've been working closely with the
12 Police Department in Brooklyn South as a volunteer
13 with Crisis Intervention for over 20 years. I know
14 exactly what goes on with alarms and VIN etching and
15 the CAP program, no one even mentioned the HEAT
16 program, which is another program the police do.
17 All these things are different levels of deterrents,
18 and if the police were here and not out doing more
19 important things than this hearing, they would all
20 line up, every precinct in the City, and tell you
21 the more things you can do to layer your car, the
22 better.

23 So what do we do to solve the
24 problem? The idea is certainly a burden, it's a
25 burden to everyone. There's no one here that's not

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2 going to say they haven't been woken up by a car
3 alarm. I live right next to the Belt Parkway; those
4 motorcycles and trucks and loud things that come
5 through in the middle of the night wake us up every
6 15 minutes. I don't think I've slept in 20 years a
7 solid night through. On balance, the car alarm does
8 what it's supposed to do. It affects everyone, it
9 annoys everyone, it drives us crazy, but yes, nobody
10 pays attention to it, except the one person that
11 it's supposed to be, and that's the thief.

12 The thief comes in three categories.
13 I'm sure if you get the crime people here, the
14 police, they will tell you there's the professional
15 that will take any car in the City of New York no
16 matter what, even if they have to come back the next
17 night with a tow truck. I know, I had a car stolen
18 during the big blizzard when Mayor Giuliani shut the
19 City down and there was three feet of snow on my
20 block with no snow plow, but they wanted my fancy
21 sports car. You know what, they took it with alarms
22 and everything else, with a tow truck. If they
23 really want it, they're going to come get it.
24 There's no question about that.

25 The statistics that were passed

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2 around today, and I don't know them all off the top
3 of my head, say that 20% are not done by
4 professionals. As a quick calculation that means
5 over 5,000 vehicles were stolen by amateurs; those
6 are the people you can deter. There was not
7 testimony here today showing us how many people are
8 affected by the alarms, or how many thieves have
9 stopped, because you can't possibly do that. How
10 can you do that? Are you going to stop and have
11 somebody with a clipboard on every corner of the
12 City, and when the thief runs away "excuse me, we'd
13 like to interview you, what made you run away?"
14 It's not practical, it's not realistic; it's
15 absolutely impossible to do. I've worked on this; as
16 part of my profession as an attorney, we also do
17 analysis and statistics with different cases;
18 certain things can't be measured in that manner.
19 What you have to do is devise legislation that makes
20 sense.

21 Now that I've given you that off-
22 the- cuff premise, I'll just read my little notes
23 based upon what everybody said today. 1) What
24 percentage of the 5% of the complaints we heard
25 about own their own cars? You have a city where

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2 three- quarters of the people don't own cars, so a
3 lot of the non- car people are the first to
4 complain, unless it's your car getting stolen. We
5 don't know the answer to that statistic, and we
6 never will. Why not amend the law, make the alarms
7 better, forcing them to control the cycling. The
8 people that have these bad alarms overwhelmingly are
9 irresponsible car owners. My neighbors who have
10 alarms like this are irresponsible car owners. The
11 reason why I'm so smart is because I have cars with
12 alarms that all used to false alarm, but in the last
13 few years as I've gotten new cars and better alarms,
14 like the Audiovox guy said, and I don't know him, I
15 don't have an Audiovox alarm by the way, my alarms
16 don't false alarm anymore. They no longer go off by
17 motorcycles and trucks and that. When they did,
18 within a week of me getting the new car, I ran right
19 back to the dealer and they adjusted it; that's the
20 end of it. Every alarm must have an adjustment.
21 That you can force them to do. If it doesn't have
22 an adjustment, as some of the new technology alarms
23 do not, despite what he said; they either have an on
24 or an off. You want some sort of sensibility because
25 you do want to stop people from breaking into your

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2 car and going in and taking belongings or the air

3 bags or things like that. It is a deterrent, people

4 will run away. If they can't bypass it in one or

5 two minutes, watch the movie "Gone in Sixty

6 Seconds", they will leave. That's why the alarm

7 should shut off in one or two or three minutes.

8 That's perfectly understandable. They cycling also

9 is another tactic, which they mentioned. That means

10 that the alarm can only cycle a few times, let's say

11 per hour.

12 Notifying the people. I don't know

13 if I want to put my phone number or address on the

14 dashboard of my car, but certainly the police today

15 all have computers where they can punch in the

16 license plate and find out who the owner is pretty

17 quickly, and tell them your car has been a nuisance,

18 you've got to do something. You give them a

19 citation or a warning, they've got 30 days to fix

20 it. As you said with old alarms, Henry Stern was

21 around when the alarms used to put the little key in

22 the fender; I have a 1972 Pontiac, people were

23 talking about new cars, it's an old car with an old

24 alarm- it does not false alarm. It did initially, I

25 had it adjusted, it still works 31 years later.

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2 As far as repeat offenders, they have
3 to be targeted. Pagers, they only work in a limited
4 way, except for the new idea of eventually hooking
5 them into cell phones, but of course that's only
6 good if your cell phone is on. Again, what good is
7 a pager or a cell phone anyway? Are you or I or
8 anyone going to go run and confront the thief? Of
9 course not. Go back and ask the police, the
10 specialists; they're going to tell you, you don't
11 want to confront those people, you just want to
12 scare them off.

13 Is it annoying? Yes. Is it a big
14 nuisance and we must force these people to make
15 better alarms? Absolutely. But to ban them
16 totally, I don't know if that's such a good idea. I
17 really, as personal experience, and I travel to all
18 the communities in the City of New York, and all 62
19 counties; alarms do serve a purpose. It has to be
20 balanced with all the other quality of life issues,
21 and people talked about them.

22 Motorcycles, trucks, garbage trucks,
23 they are very loud, and they do have laws to
24 regulate them, and that can be stopped right away.
25 You don't have to worry about tracking down the

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2 owner. The police and others should be allowed,
3 given the enforcement ability, including maybe DEP,
4 to stop those loud motorcycles and issue them a
5 strong, stiff summons- the loud garbage trucks, the
6 other trucks, which don't have laws protecting them;
7 these are really, really important.

8 The previous Chairman seems to be
9 more concerned about passing a law quickly than
10 doing the right thing. I just want you to say let's
11 refine the law, let's plan it out, let's work with
12 complaints, and figure out what's proper with
13 everyone, including house alarms that go off. I
14 have neighbors whose house alarms go off for a long
15 time. What about bad thunderstorms? That does it
16 too.

17 The penalty for the current bill
18 though is outrageous; \$500- \$1,000 and up to \$2,000;
19 it's unbelievable. Again, you said about visitors,
20 that was very astute of you, so I don't have to
21 address that. I'm going to wonder who's going to
22 pay for the replacement of my old alarm in my '72
23 Pontiac, or cost of removal?

24 Personal security; the panic buttons
25 were brought up, that's a good idea. Lojack, very

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2 expensive. You can get a really good alarm today,

3 if you shop around, for about \$300- \$350; Lojack

4 starts at \$675, not including the monthly fee on top

5 of that. I have a new car, by the way, with that

6 OnStar system, it's very good, but you have to pay

7 several hundred dollars every year. Back

8 to the final thing, you have to enact sensible

9 legislation that's well thought out, that will

10 surely invite lawsuits if you do not. If you just

11 go ahead and pass this thing, I guarantee you there

12 will be plenty of lawyers lining up to represent all

13 these people. How will any of us gain by that? It

14 seems like you have to work together with the

15 consumers, the alarm manufacturers, and the

16 installers to draw up realistic legislation to

17 address all of us, including the idea you brought up,

18 you can't necessarily have the State inspectors

19 check on the alarms because that's a whole different

20 technology. They're worried about our safety and

21 the car's efficiency and pollution. Certainly

22 people should be required to go back to installers,

23 and maybe, you made me think, the installers should

24 be licensed and certified so that it's not just

25 every Tom, Dick and Harry installing alarms, but

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2 people that have certain levels of training by the
3 manufacturers. Let Audiovox and the other people
4 train them and certify them, and we figure out some
5 sort of standard of licensing like we do for
6 electricians and plumbers and things, so that maybe
7 that doesn't have a problem. I know my alarm
8 doesn't go off false anymore. If I can do it, and I
9 have four cars now that don't false alarm, and I
10 live by the highway with all that loud noise, it can
11 be done.

12 Then the question we don't know the
13 answer to is how many of these alarms that go off,
14 we're told 99%, are false? We really don't know
15 that because we don't know how many times the person
16 ran away. One of my cars is parked right by my rear
17 window, so when the alarm goes off, I jump out of
18 bed. I've never seen anybody, but it's gone off a
19 few times, but a couple of times I did see someone
20 running away. That's why I know someone was playing
21 with it. Again, another thing we can't measure.

22 The police do recommend it as another
23 deterrent. The estimates of 80/20 I mentioned. As I
24 said, the pros, while they get cars when they want
25 them, even they get tripped up by alarms. Maybe the

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2 alarm installer was a little better, as these

3 gentlemen mentioned. We'll just never know; like I

4 said, they don't stick around.

5 The bill does tend to target the

6 victim, the innocent person well intending to

7 provide some sort of level of security emotionally,

8 in reality to protect their vehicle, which today

9 cars cost a lot of money.

10 I'm woken up almost every night by

11 the loud motorcycles and trucks racing by on the

12 Belt Parkway, and in our streets all over the City.

13 You have to wonder, how many of the hundreds of car

14 alarm installers will be forced out of business and

15 how many jobs lost. I can guess the average small

16 business in New York, for your information,

17 employees between 5- 15 people. Even smaller alarm

18 places employ 5- 10. I'm so smart because I called

19 five of them before I came and asked how many they

20 employed; they all said 5, 10, 12. If you push some

21 of those out, or even half of those out, you're

22 talking a couple of thousand jobs. At this time of

23 the economy, we've really got to think how important

24 is it to rush to that as opposed to doing the right

25 legislation.

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2 CHAIRPERSON LOPEZ: Can you repeat
3 the amount of jobs that you mentioned?

4 MR. BARRISON: I believe that if you
5 have 200 or 300 alarm installers, based upon the
6 figures here, and we don't know how many; the few
7 alarm people I called today said they would say
8 several hundred in the City. There's a lot of small
9 ones we don't know about, we're not including dealer
10 installed alarms and little side jobs that aren't
11 necessarily on the books. If each one employs 8- 12
12 people, some may employ five, you're going to lose
13 1,500 to 2,000- 3,000 jobs, if they go out

14 CHAIRPERSON LOPEZ: You're assuming
15 that will happen because the people who install
16 these alarms will not continue working based on
17 installing different alarms.

18 MR. BARRISON: Because a lot of these
19 are in poor working class neighborhoods, they're not
20 just on the Upper East Side or other neighborhoods
21 that are annoyed. They do put in inexpensive
22 alarms, cheaper, and I believe they will go out of
23 business.

24 CHAIRPERSON LOPEZ: Maybe you didn't
25 understand, let me clarify. The alarms that they

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2 install can be different alarms; they don't have to
3 close down.

4 MR. BARRISON: You're absolutely
5 right, but the question before us today is will an
6 alarm that's audible help or not.

7 CHAIRPERSON LOPEZ: I understand
8 that, I'm looking at a question of the economy here;
9 I'm very concerned. The people who install alarms,
10 the audible ones, can install the other ones. Then
11 not necessarily the jobs will be lost.

12 MR. BARRISON: I think they'll need
13 less installers, less employees. Again, I said the
14 alarms do exactly what they're supposed to. If you
15 make them certified, trained and licensed, work
16 together with the alarm manufacturers, improve the
17 standards of product installation and all that, it's
18 a lot easier to catch the loud vehicles that I spoke
19 of and ask them to address it.

20 Finally, the last thing I want to
21 tell you; my father's old Buick was stolen a few
22 years back, the alarm was going and they couldn't
23 stop it, but they got away and we never saw the car
24 until 29 days later. The reason why they found the
25 guy is because he managed to hot wire the car and

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2 drive it, but somehow he couldn't get rid of that

3 sounding alarm. Every time he would get in the car,

4 the alarm would go off, and eventually he'd get it

5 started with the wires and he would drive off. But

6 his neighbors couldn't understand why this was going

7 on for a month with that annoying alarm, they called

8 the police and eventually they came. It turned out

9 that was my dad's car he was driving. That's just a

10 strange kind of story as to when alarms could help

11 you.

12 CHAIRPERSON LOPEZ: Thank you.

13 MR. WHITEHEAD: Good evening, my name

14 is George Whitehead, I the owner of Slope Sound and

15 Security. We do install car alarms, and I

16 understand we're in a rush for time. I want to

17 piggyback on something the gentleman said about his

18 old car. In the early 70's there were alarms in the

19 fenders; myself and two other guys designed a

20 special key that goes into the doorjamb, which moved

21 it off the fender. I'm saying that because he's

22 saying something that we included and designed

23 differently; it's the same thing happening with our

24 alarms today. The manufacturer has to come up, we

25 have to come up with something to reduce the sound.

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2 Quality of life is a big issue. I live in Brooklyn,

3 I have a business, we have five people we employ.

4 If this bill, 194, goes into effect, I will

5 definitely lose my business.

6 We also have to look at the issues of

7 installation. The alarms have to certain prices,

8 everybody cannot afford a \$900 alarm. Lojack is a

9 problem because if your car is stolen, the police do

10 not report it as an emergency. GPS is the wave of

11 the future; everybody cannot afford GPS. We have to

12 find ways to fine tune what's out there. What's out

13 there works, it just has to be fine tuned. You

14 heard from DEI, you heard from Audiovox; these are

15 huge manufacturers. It was an honor to sit here and

16 see both of them at the same table; they never sit

17 at the same table.

18 As a small business man in Brooklyn,

19 most of my business is alarms that run from \$300 and

20 up. Anything that you need to get installed

21 properly has to be done at certain times. Some

22 alarms, because of installation, we have to ID the

23 manufacturers. I am personally trained by Direct

24 Electronics, I have been with them for over 15

25 years. One of the things I always tell my

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2 customers, if you get a false alarm, you have to
3 come in. Again, we have to look at different factors
4 in solving the problem. Banning this is not the way
5 for us to go about it because you will be putting a
6 lot of people out of business, and small shops like
7 myself, who has been there for 20 years.

8 This industry has seen different
9 changes. Like it was explained about his lock in
10 the fender; we moved that lock into a door jamb,
11 which make it very secure. What used to happen in
12 the fender, they could snip and cut a hole and pull
13 the lock out. When it was in the door jamb, if the
14 door is closed and the lock is here, they could not
15 open the door and get into the jamb.

16 Again, I'm glad to see we have had a
17 day to spend. I'm very sorry that a lot of us were
18 not able to go on, and I'll go onto some other stuff
19 I wanted to talk about. Again, in the security
20 there are features, double zone protection, which
21 means that once an alarm is going off once, twice,
22 it shuts off that zone. This is something that's
23 been there for over ten years. This is on
24 inexpensive alarms. Somehow the manufacturers have
25 to come up with something and design it to reduce

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2 times and make the remotes, the two- way paging,
3 more effective. It is a little pricey, but again,
4 as time goes on it's not as expensive for people
5 that have the older style to come in and change to
6 something new. I'm saying this as an installer, and
7 I've been there for ten years, my personal opinion
8 on this whole case. Thank you very much.

9 CHAIRPERSON LOPEZ: You're welcome.
10 It is your opinion that when these alarms go off,
11 they are malfunctioning?

12 MR. WHITEHEAD: Some of them, yes.

13 CHAIRPERSON LOPEZ: It would then be
14 advantageous to put some kind of mechanism in to
15 review the installations of these alarms, or to
16 review that they are functioning adequately once a
17 year, for example.

18 MR. WHITEHEAD: That is something
19 that could be worked out. But again, as we said,
20 mechanics and technicians and electronics are
21 different...

22 CHAIRPERSON LOPEZ: But that's not
23 what I'm talking about. I don't know why my
24 question triggers people to go in different
25 directions. This is a very simple question; if

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2 these alarms are installed and they are good, and
3 they provide some good in economic development, in
4 jobs, in protection, etc., then it's a real problem
5 in terms of the noise that this makes. How do you
6 propose to deal with the noise? I'm saying,
7 therefore, a possible solution can be to put in
8 place an inspection of these alarms yearly.

9 MR. WHITEHEAD: Yes, and have the
10 siren, which are called the dBs; right now the dBs
11 are 120 dBs the alarm cycles at. The manufacturers
12 have to make it ring for 45 seconds...

13 CHAIRPERSON LOPEZ: You're still not
14 answering my question; my question is if the problem
15 is that the City getting sick, annoyed, tired, fed
16 up, with noise, but at the same time these alarms
17 have a valuable function, then how do you compromise
18 in resolving this problem. Can a compromise be that
19 an inspection of these alarms happen yearly in order
20 to secure the function of these devices, avoiding
21 and reducing greatly the noise that is making people
22 sick.

23 MR. WHITEHEAD: Yes.

24 MR. BARRISON: Yes. I have one final
25 thing to ask you, if I may. I wish to be involved

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2 and consulted in redrafting of the bill and helping

3 in any way that I can.

4 CHAIRPERSON LOPEZ: It's not my bill.

5 I sit in this Committee, I came to the meeting to

6 look into the legislation; I have trouble with the

7 legislation, with both, particularly the one that

8 prohibits the sale of this product. I think that's

9 ludicrous. MR. BARRISON: It's only to

10 support you and to help you from my own experience

11 with this. I used to do electronic installation

12 before I went to school. Even today, I still follow

13 it. It's still an electronic device, there's no

14 perfection, they were always going to have false

15 alarms. The greatest technology we have in the

16 country, whether it's planes, space shuttle,

17 whatever, you do your best.

18 MR. WHITEHEAD: I suggest that maybe

19 the Council could come to an authorized dealer and

20 see what is actually going on with these alarms.

21 CHAIRPERSON LOPEZ: Let me clarify

22 one thing; this legislation is not going to be voted

23 on today. Secondly, the Chairman has to look into

24 this further, and to look into the testimony that

25 all of you provided today. This is just the

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2 beginning of this process in looking at this

3 legislation; no more, no less. I bet that after

4 this first hearing the Chair of this Committee is

5 going to be looking into the people who sell this

6 product, who service this product, to seek their

7 information and their opinions on the bill.

8 MR. WHITEHEAD: That's why I'm here.

9 Today's my Birthday, so I took the day to come down

10 here to make sure that it continues...

11 CHAIRPERSON LOPEZ: Yes, this is not

12 over, this is just the beginning of it. Okay, we're

13 going to call some people that filled out the papers

14 to make sure the people are not here.

15 MS. DE COSTANZO: Michael Infranco,

16 Paul Bargetto, George Jochowitz, and Ken

17 Wollenberg.

18 CHAIRPERSON LOPEZ: This will be the

19 last testimony we will hear tonight.

20 MS. DE COSTANZO: In the testimony

21 that you're about to give, do you swear or affirm to

22 tell the truth, the whole truth, and nothing but the

23 truth?

24 MR. INFRANCO: I do. My name is

25 Michael Infranco, I'm a resident, a citizen just

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2 representing myself. I'm a resident of the East

3 Village, in Council Member Lopez's district.

4 Everything I wanted to say has pretty much been

5 said, so I'll be really brief.

6 Where I live, within less than a one

7 block radius, I can hear car alarms going off 5, 10,

8 15, 20 times a day. I can tell you that most of

9 them, if not all of them, are false alarms due to

10 buses, trucks, motorcycles, probably illegally

11 outfitted cars with exhaust systems. I've also

12 witnessed car alarms go off for no reason

13 whatsoever. I've never seen anybody go after them

14 to see if the car was being stolen or not. I also

15 want to point out that a properly outfitted car

16 alarm won't go off, but I'll tell you that people

17 are not perfect, and I see the same car alarms go

18 off day after day after day; not only just the

19 chirping, but the full alarm. The owners do not

20 seem to care, or they're ten blocks away and don't

21 hear it.

22 Also, as TA and other people have

23 said, I think these two bills really don't tackle

24 the issue head on. I think a total ban on auditory

25 alarms would be much more effective, and also

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2 wouldn't possibly harm car alarm manufacturers and
3 installers. That's it.

4 CHAIRPERSON LOPEZ: Thank you, I
5 appreciate you coming here today. For the purpose
6 of the record, Amy K. Boyle, Director of Noise
7 Center, League for the Hard of Hearing; Steven N.
8 Brautigam published a paper entitled "Rethinking the
9 Regulation of the Car Horn and Car Alarm Noise"; and
10 Dr. Andrew Karmen, a Professor, Department of
11 Sociology, have submitted written testimony to the
12 Committee. Thank you very much. This hearing is
13 adjourned.

14 (Hearing concluded at 5:05 p.m.)

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CERTIFICATION

STATE OF NEW YORK)

COUNTY OF NEW YORK)

I, HEIDI SAVOLI, do hereby certify

that the foregoing is a true and accurate transcript
of the within proceeding.

I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 11th day of June 2003.

HEIDI SAVOLI

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CERTIFICATION

I, HEIDI SAVOLI, do hereby certify the
aforesaid to be a true and accurate copy of the
transcription of the audio tapes of this hearing.

HEIDI SAVOLI