

**JACKSON
DECLARATION**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FIVE BOROUGH BICYCLE CLUB,
SHARON BLYTHE, JOSH GOSCIAK,
KENNETH T. JACKSON, MADELINE
NELSON, ELIZABETH SHURA, LUKE
SON,

Plaintiffs,

- against -

THE CITY OF NEW YORK; RAYMOND
KELLY, Police Commissioner of the New
York City Police Department; JAMES
TULLER, Commanding Officer, Patrol
Borough Manhattan South; Lt. John Doe,
and Captain Jane Doe, New York City
Police Department,

Defendants.
-----X

07 Civ. _____

I, KENNETH T. JACKSON, hereby declare as follows::

1. I am a Professor of History at Columbia University in New York specializing in American social and urban history, and I hold the title of Jacques Barzun Professor of History and the Social Sciences. I have been a professor at Columbia since 1968, and teach "History of the City of New York," among other classes. I am also a past President (2001-2003) and current Board member of the New-York Historical Society, and editor of the "Encyclopedia of New York City" (1995). I submit this declaration on personal knowledge in support of Plaintiffs' Motion for a Preliminary Injunction in this matter.

2. Since 1975, I have conducted an annual group bike tour of Manhattan for Columbia University students, teaching assistants, administrators and various guests. I

use the streets of Manhattan as a second classroom to study American urban history. My goal is to familiarize participants with the numerous ways New York City has impacted the larger American story, for example with the grid system, the transportation system, and the development of suburbs and skyscrapers. It is easier and more effective to convey this from the street level.

3. The first group bike tour I conducted in 1975 included approximately 20 participants. Since 1980 all the rides had 80 or more participants, and since 1990 we have had more than 100 participants. The number of participants in recent years has been approximately 250. The increase in the number of participants is most likely due to the fact that over the last 3 decades the history of New York City has become more popular and interesting, as evidenced by recent documentaries on the City's history and the proliferation of walking tours through the City. The ride has also become well known at Columbia University.

4. The tour follows a fixed route which varies somewhat from year to year. The tour typically starts at the Columbia Campus in Morningside Heights and proceeds through Central Park or Riverside Park down 7th Avenue through Times Square. It then crosses on 40th Street to Fifth Avenue, to observe sites such as the New York Public Library, Madison Square Park, the Flat Iron Building, and the Madison Green Building, the site of a fire on October 17, 1966 that caused the greatest number of firefighter deaths in the City's history prior to the attacks on the World Trade Center in 2001. The tour continues down 5th Avenue to 22nd Street, then east to right on Lexington which we take to Gramercy Park. We then typically walk the bicycles across the Brooklyn Bridge for a

ride through Brooklyn Heights, the world's first suburb, and view the Manhattan skyline. The ride is always conducted at night in order to avoid the motor vehicle traffic and congestion typical of Manhattan during the day.

5. My understanding is that under the new rules, my bike tour could not proceed down 5th Avenue. While there are obviously alternative routes downtown, I have traditionally taken 5th Avenue south from 40th Street. I do not see why our group must sacrifice our visit to the important sites on 5th Avenue when we are proceeding late at night, when there is little other traffic.

6. This History of New York City bicycling tour is a superior way to investigate and learn about New York City, for a variety of reasons. It provides a more intimate look at the City. Walking is too slow, and buses are also slow in traffic, expensive and limited in the variety and amount of places they can travel. New York City is dense with a high concentration of historic sites. We can see a large number of the sites in one night via the ride. The ride provides a more contextual understanding of the City and its history because the riders can take in more, can interact and exchange ideas and thoughts with other riders and with people in the neighborhoods, and are active rather than passive participants in the experience. All of this benefits the educational experience. Many students tell me this is the most memorable experience they had at Columbia.

7. The ride benefits the City as well because the riders get a different, and in my opinion better, view of Manhattan and its inhabitants.

8. I believe group bicycling creates a welcome spirit of camaraderie and friendship between the riders, the traffic and the people of the City. I have had a number

of positive responses to the sight of such a large group of riders cycling through the City at night. The consistency of these responses convinces me that onlookers view us as making a statement in favor of bicycling in New York City.

9. In the many nighttime rides I have led there has been only one relatively minor accident in which a participant fell from her bicycle, suffered a cut and was required to have stitches.

10. I attempted to apply for a permit for the History of New York City ride in 2005 because I had heard about the conflict between City officials and bicyclists who had demonstrated at the August 2004 Republican National Convention. I needed to make numerous phone calls and spend a significant amount of time before I was able to locate someone at the NYPD precinct in which Columbia is located who would discuss the permit issue with me. The person instructed me to go ahead with the ride without obtaining a permit. It was my impression that the precinct did not want to deal with permit issues.

11. I think the permit requirement is unnecessary. The City should encourage bicycle riding, rather than discourage it through unnecessary permit requirements. The City would benefit both environmentally and economically from increased bicycling.

12. I am aware of group bicycle clubs, such as the Five Borough Bicycle Club, that use group rides to investigate the city in a similar manner to my History of New York City bicycle tour. It is my belief that this mode of investigating the City, its people and history should be available to everyone, not just Columbia history students, even when traveling in groups of 50 or greater.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of March, 2007


KENNETH T. JACKSON