

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

-----X

April 10, 2013
Start: 1:00 p.m.
Recess: 2:02 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Ydanis A. Rodriguez
Deborah L. Rose
James G. Van Bramer
Vincent M. Ignizio
Peter A. Koo
Eric A. Ulrich

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

Kate Slevin
Assistant Commissioner
New York City Department of Transportation

Leon Heyward
Deputy Commissioner
New York City Department of Transportation

Fran Friedman
Deputy Commissioner
New York City Department of Consumer Affairs

Susan Petito
Assistant Commissioner of Intergovernmental Affairs
New York City Police Department

Christian DiPalermo
Government Relations Representative
Greyhound Lines Inc.

Michael Fleischhauer
Regional Vice President - Northeast Region
Greyhound Lines Inc.

CHAIRPERSON VACCA: Good afternoon.

Today is Wednesday, April 10th and I'd like to welcome everyone to the City Council Transportation Committee hearing. I am James Vacca, the chairman of the Transportation Committee, and today we will hear four bills and one resolution, which are before this committee related to illegal motorized vehicles and intercity buses. It has consistently been a priority of this Committee to stand up and fight for the rights and safety of our most vulnerable road users--pedestrians. The first pair of bills we are going to hear today are designed to do just that. There are a wide variety of vehicles that have long been illegal for street use in New York State and yet remain abundant on the streets of our city. Most problematic are dirt bikes and motor assisted bicycles including so called electric bikes. New Yorkers in many communities, including my own of the Bronx, are all too familiar with the roving gangs of daredevils who brazenly zoom around our streets on noisy dirt bikes and other vehicles that belong where their name implies they belong--in the dirt, in the

1
2 countryside, not on the streets of New York City.
3 These riders endanger themselves as well as the
4 pedestrians around them. Last summer a young man
5 was tragically killed and another injured in
6 Hunt's Point while trying to evade police on a
7 dirt bike, and just last month an elderly man was
8 hit and injured in my own district by an illegal
9 dirt bike on Pelham Parkway North and Boston Road.
10 In addition, stories are constantly told of
11 someone having to stop cold to avoid being struck
12 by a - - bike zipping along the street or worse
13 yet, the sidewalk. Motor assisted bicycles are a
14 more silent hazard, which is exactly the problem.
15 These bikes can go much faster than regular bikes,
16 yet they look like the human powered kind and are
17 barely audible. This poses a particular danger to
18 visually impaired pedestrians, but anyone can be
19 at risk when these bikes often ridden by
20 commercial cyclists in a hurry zip through our
21 crowded streets and sidewalks. Intro 1026
22 sponsored by Council Member Garodnick makes it
23 easier to enforce the ban on these illegal
24 motorized vehicles by expanding and clarifying the
25 definition of what constitutes such a vehicle and

1
2 by granting the Department of Transportation
3 enforcement authority along with the police and
4 parks departments. Intro 1030 sponsored by
5 Council Member Lappin makes it illegal for a
6 business which employs commercial cyclists to even
7 possess a vehicle illegal for street use, such as
8 a motor assisted bicycle on their property. The
9 second set of bills we will consider today involve
10 the ever expanding intercity bus industry. These
11 buses provide a great and needed service offering
12 cheap and convenient transportation between New
13 York and other cities on the east coast, but for
14 too long, this industry was sorely under regulated
15 and suffered from a dismal safety record including
16 a horrific crash in 2001 along I-95 in my
17 district, which killed 15 people. Last summer, we
18 began to see progress. In July 2012 the federal
19 moving ahead for progress in the 21st century act
20 or MAP21 gave the federal Motor Carrier Safety
21 Administration new authority to order unsafe bus
22 companies out of service, which resulted in the
23 shutdown of Fung Wah Bus just last month, and in
24 August 2012 the state passed legislation
25 authorizing the city to create the first ever

1
2 permit system for intercity buses allowing local
3 communities to have a say in where intercity buses
4 are located and requiring transparency on the past
5 of bus companies. We are still waiting for DOT to
6 propose the rules necessary to create this new
7 permit system and I hope to receive an update from
8 them today on that process, but we can and we must
9 do more. Intros 591 and 813 sponsored by Council
10 Member Margaret Chin and I are designed to give
11 passengers more information about the safety
12 record of intercity bus companies so that they can
13 make informed decisions when planning their trips.
14 The bills require DOT to post federal safety data
15 on its website and require bus companies to
16 prominently post their own safety rating as well
17 as the federal government's bus safety tips at
18 their place of business and Resolution 1710
19 sponsored by Council Member Chin would call on the
20 state to require that intercity bus companies post
21 identifying information on their buses. These
22 three pieces of legislation all come down to one
23 bottom line--the safety of passengers and
24 transparency on the part of bus companies. With
25 that, I want to thank everyone for attending

1
2 today's hearing. I want to recognize the members
3 of the Transportation Committee of the New York
4 City Council who are in attendance at this point,
5 to my right, Council Member Peter Koo, Council
6 Member Gale Brewer was here--I am sure she will be
7 back. She was sitting next to Council Member Koo
8 and to my immediate right is Council Member Dan
9 Garodnick, and I'd like to introduce the Council
10 Member to say some opening words based on the bill
11 he has introduced.

12 COUNCIL MEMBER GARODNICK: Thank
13 you very much, Mr. Chairman, and I know that this
14 is a committee with a very busy agenda today, so I
15 will be brief on Intro 1026, and I think you did a
16 very good job in describing the issue, but most
17 basically the motorized scooters, which we call
18 ebikes are quiet, they are deceptively fast and
19 they are a threat to pedestrian safety, so that is
20 why the Council had passed a ban on all the ebikes
21 within the city. The problem however is that the
22 definition of these bikes in the ban requires that
23 they be able to exceed 15 miles per hour, which is
24 a very, very difficult requirement for the police
25 department and is something that we want to be

1
2 able to address here. It is a loophole in the law
3 that has made the enforcement of this ban very
4 difficult and impractical and police officers have
5 resorted to issuing violations based on the fact
6 that these ebikes are technically unregistered
7 motor vehicles since the DMV will not register
8 ebikes because they are not capable of highway
9 travel. There is a pending state law that would
10 redefine ebikes as bicycles and not motor
11 vehicles, which would eliminate the last resort
12 method that the NYPD has to control ebikes. So
13 this bill is intended to close the loophole, make
14 it easier for the police department, also empower
15 the Department of Transportation to enforce the
16 ban so that we don't have to resort to a
17 complicated work around here to uphold what was
18 meant to be a relatively straightforward and clear
19 ban, so Chair Vacca, thank you for having this on
20 the Committee's agenda today we will look forward
21 to hearing the testimony. Thank you.

22 CHAIRPERSON VACCA: Thank you,
23 Council Member Garodnick. We have been joined to
24 my extreme right by Council Member Margaret Chin,
25 who is co-sponsoring with me two of the bills

1
2 today and has sponsored a resolution as well.
3 Council Member Chin, would you like to have some
4 opening remarks?

5 COUNCIL MEMBER CHIN: I just want
6 to say a couple of words. Thank you, Chair Vacca
7 for co-sponsoring these bills and regulations and
8 reso. We have been just trying to work on this
9 wild, Wild West of intercity buses and intercity
10 commuter vans in our community, and hopefully that
11 with these legislation that we will make them
12 safer because we do want them in our community.
13 It helps with the economy in terms of bringing
14 people in, but we just have got to find some way
15 to regulate them, but also to make sure that
16 consumer passengers who utilize these intercity
17 buses have the information that they need to know
18 whether the bus are safe that they are riding on
19 and also we want to make sure that safety
20 information are posted and given out, so we look
21 forward to hearing from DOT and other city
22 agencies. Thank you.

23 CHAIRPERSON VACCA: Thank you,
24 Council Member Chin. We now have a panel. I'd
25 like to introduce Assistant Commissioner Kate

1
2 Slevin from New York City DOT, Deputy Commissioner
3 Leon Heyward, New York City DOT, Fran Friedman,
4 Deputy Commissioner of the Department of Consumer
5 Affairs and Susan Petito, assistant commissioner
6 for intergovernmental affairs of the New York City
7 Police Department. We have been joined to my left
8 by Council Member Darlene Mealy and to my right by
9 Council Member Eric Ulrich and who would like to
10 lead off? Commissioner Slevin?

11 ASSISTANT COMMISSIONER SLEVIN:

12 Hello? Good afternoon, Chairman Vacca and members
13 of the Transportation Committee. My name is Kate
14 Slevin and I am the assistant commissioner of
15 intergovernmental affairs at the New York City
16 Department of Transportation. I am joined by Leon
17 Heyward, deputy commissioner for sidewalks and
18 inspection management at DOT, Susan Petito,
19 assistant commissioner of intergovernmental
20 affairs at the New York City Police Department and
21 deputy commissioner of external affairs from the
22 Department of Consumer Affairs, Fran Friedman.
23 Thank you for inviting us today to discuss bills
24 related to electric bicycles and certain buses.
25 First let me update the committee on DOT's role in

1
2 the commercial cycling legislation passed in
3 October of last year. DOT has continued to
4 educate businesses that use bicycles for
5 commercial purposes on the law's requirements
6 going door to door to over 4,000 restaurants and
7 businesses who deliver and holding commercial
8 cyclist education and equipment giveaway forums
9 throughout the city. On Monday we posted the
10 required commercial bicyclist safety course and
11 safety poster for businesses online and DOT is
12 pleased to have worked so closely with your
13 committee on these laws to enhance the safety
14 requirements for commercial cyclists and the
15 businesses that employ them. Starting on April
16 23rd, DOT's inspectors will begin to check whether
17 businesses are complying with the laws. We will
18 focus on making sure that businesses are providing
19 cyclists with all of the required equipment such
20 as a helmet, ID card, retro reflective vest and
21 bicycling safety equipment. We feel this effort
22 will enhance safety on our streets, especially for
23 the cyclists themselves and we were happy to take
24 on the responsibility of limited enforcement of
25 the law. The commercial cycling laws going into

1
2 effect this month will authorize DOT to ticket a
3 business for any use of an ebike that does not
4 comply with the requirements that apply to
5 commercial cyclists. Intro 1030 would further
6 modify this law to prohibit businesses that use
7 bicycles for commercial purposes from having an
8 ebike on their property and from allowing an
9 employee to use an ebike during deliveries. After
10 businesses have had time to acclimate to the laws
11 going into effect this month, DOT would be open to
12 issuing violations to businesses for having an
13 ebike on the premises. The administration looks
14 forward to working with the Council to refine the
15 language of this bill. We agree that an update to
16 the definition of motorized scooter as proposed in
17 Intro 1026 is a welcome change to reflect the
18 reality of the ebikes being operated illegally on
19 our streets; however we must oppose the addition
20 of DOT to the list of agencies allowed to enforce
21 the ban on the use of motorized scooters on the
22 street. We feel strongly that enforcement against
23 the illegal use of an ebike on city streets should
24 continue to fall under the exclusive jurisdiction
25 of the NYPD and Parks police. DOT inspectors are

1
2 trained for interactions with businesses that
3 employ commercial cyclists, not for interactions
4 with cyclists on the street. The lack of training
5 paired with the fact that DOT's inspectors are
6 unarmed could potential put our employees at
7 series physical risk if they are tasked with
8 enforcement on the streets. In addition we do not
9 support allowing DOT to impound ebikes. To be
10 clear the agency simply does have the ability to
11 impound any bikes, and we fear that such an
12 operation could be the safety of our employees in
13 jeopardy by requiring that they confront an ebike
14 operator for the purpose of seizing private
15 property, an act that could elicit aggressive
16 behavior by the operator. If Intro 1026 is passed
17 as written it would require the agency to hire and
18 train additional staff, to purchase, maintain and
19 store new equipment, to confiscate, load and
20 deliver impounded ebikes and to find sufficient
21 space to store these ebikes. The bill would
22 entail a significant financial and operational
23 undertaking by DOT for a role that is much better
24 handled by the PD, an agency that currently has
25 mechanisms and procedures in place for the seizure

1
2 of motor vehicles. Before I comment on Intro 591,
3 which would require DOT to post on its website
4 certain information concerning passenger carry
5 safety ratings, I would like to update the
6 Committee in our efforts to establish an intercity
7 bus permitting system. As you know, last summer
8 New York State gave the city authority to assign
9 locations where inner city buses may pick up and
10 drop off passengers. The legislation responded to
11 growing community concern about intercity buses
12 turning our streets into the Wild West. This
13 issue is important to many of you and your
14 colleagues, and I would like to thank you for
15 supporting our efforts. Currently DOT is working
16 closely with its sister agencies to finalize draft
17 rules, creating the permit system. We expect to
18 post notice of the draft rules this month in the
19 city record, and also to plan holding public
20 forums to discuss the issue with the community and
21 industry. If the process runs smoothly, the
22 system would be up and running sometime later this
23 year, which would be a big relief to those
24 residents and businesses who have long struggled
25 with the illegal use of the city's curbsides.

1
2 Once the system is operation, state law requires
3 the city to post online certain information
4 related to approved intercity bus stop
5 applications. We agree with Council Member Chin
6 that it also makes sense to post links to
7 additional information about buses that could be
8 helpful consumers including the Federal Motor
9 Carrier Safety Administration's website. While we
10 have technical concerns about the legislation's
11 requirements to replicate certain information on
12 our website, which I have already expressed to
13 Council Member Chin, I am confident that we will
14 be able to reach a compromise that will achieve
15 the goals that are outlined in Intro 591. Between
16 this step and the new permitting system, New
17 Yorkers will be more fully aware of how and where
18 intercity buses should operate. As you know,
19 DOT's mission is to enhance street safety for all
20 roadway users and our work with the Council on
21 commercial cyclists and intercity buses has
22 furthered this goal. Thank you for the
23 opportunity to testify this afternoon. We would
24 be happy to answer any of your questions at this
25 time.

1
2 CHAIRPERSON VACCA: Is there
3 testimony from Consumer Affairs or Police? Or do
4 you just want to answer questions?

5 DEPUTY COMMISSIONER FRIEDMAN: I
6 have testimony, but it's on a different bill.

7 CHAIRPERSON VACCA: Is it on any of
8 these?

9 DEPUTY COMMISSIONER FRIEDMAN: On
10 813.

11 CHAIRPERSON VACCA: That is on the
12 agenda, so please.

13 DEPUTY COMMISSIONER FRIEDMAN: I
14 didn't know if you wanted to.. Good afternoon,
15 Chair Vacca and members of the Transportation
16 Committee. I am Fran Friedman, a lifelong
17 Bronxite, and deputy commissioner for external
18 affairs for the Department of Consumer Affairs.

19 [background conversation]

20 DEPUTY COMMISSIONER FRIEDMAN:
21 Commissioner Mintz has asked me to thank you for
22 the opportunity to testify today regarding Intro
23 813A, a bill to require the posting and
24 distribution of federal safety information for
25 motor coach passengers. We applaud and share

1
2 Council's concerns about the safety of consumers
3 riding on interstate buses. We understand that in
4 a February 2013 report the federal agency charged
5 with motor coach safety, the Department of
6 Transportation's Federal Motor Carrier Safety
7 Administration FMCSA announced that it will seek
8 funding from the federal OMB to conduct a survey
9 on the efficacy of distribution methods of pre-
10 trip safety posters and emergency preparedness
11 information. Additionally, we understand that the
12 president signed legislation requiring the Federal
13 Department of Transportation to issue rules
14 regarding increasing the accessibility of this
15 safety information. We suggest that Council wait
16 until after the federal government's comprehensive
17 analysis of distribution methods for these
18 materials and its issuance of such rules before
19 moving forward with any legislation to provide
20 passengers with safety information. Moreover, we
21 advise that when the Council does revisit this
22 issue for complementary local legislation it
23 identify a more appropriate department to address
24 these transportation safety issues. To administer
25 this law Council clearly seeks an agency that is

1
2 familiar with motor coaches, knows their routes,
3 places of department and where tickets are sold
4 and can dedicate a significant squad of inspectors
5 to monitor such locations to ensure postings and
6 distribution. The Department has no dealings,
7 experience, knowledge or expertise regarding
8 interstate motor coaches, nor do we have the
9 resources to enforce this bill. We do license
10 sightseeing bus companies, but we primarily
11 regulate their tour practices, including whether
12 or not they comply with Council's new regulations
13 regarding audio equipment, but not bus safety.
14 Significantly sightseeing buses are buses that
15 only travel within the city from a fixed point and
16 take passengers to places of interest and
17 entertainment. Such buses are not engaged in
18 interstate transportation. Thank you again for
19 the opportunity to comment. I will be happy to
20 answer your questions.

21 CHAIRPERSON VACCA: Ms. Petito, you
22 have no testimony?

23 ASSISTANT COMMISSIONER PETITO: No.

24 CHAIRPERSON VACCA: Okay. I thank
25 you all. I must observe that DOT does not want

1
2 authority that we want to give you and the
3 Department of Consumer Affairs does not want
4 responsibility that we want to give you. Maybe I
5 can give you what DOT doesn't want and I can give
6 DOT what you don't want. Somebody has to take
7 responsibility I think because we have two
8 important issues, but this is something that we
9 are prepared to talk with both of you further
10 about as we go through the legislative process. I
11 did want to ask about the ebike issue,
12 Commissioner Slevin. When we talk about the ebike
13 issue do you consider this a serious issue in the
14 city? Does DOT think that this is something that
15 is a priority with your agency? Tell me how you
16 view the issue, how many ebikes do you estimate
17 are on the streets of the city of New York and
18 what kind of problems have you ascertained exist
19 from this.

20 ASSISTANT COMMISSIONER SLEVIN: As
21 you know, Council Member, we are very dedicated to
22 improving safety for all users of the streets of
23 New York whether they are in a motor vehicle, on
24 the sidewalk walking or riding a bike, but we do
25 not collect specific information about ebikes. We

1
2 are not authorized to enforce against ebikes as I
3 indicated in my testimony. We are authorized to
4 give tickets if ebikes are not in compliance with
5 the commercial cycling law, but beyond that we do
6 not enforce or collect specific data on ebikes.
7 It is worth noting that the city and the police
8 department do collect data on pedestrian, bicycle
9 and bicycle, motor vehicle crashes and between
10 October 1st and December 31st of 2011 there were 27
11 reported crashes between bicycles and pedestrians
12 and during that same time there were 754 reported
13 crashes between bicycles and motor vehicles, so
14 that is the kind of data that we do collect.

15 CHAIRPERSON VACCA: Let me pose
16 that question to the police department. Ms.
17 Petito, do you have any light to shed on this
18 issue?

19 ASSISTANT COMMISSIONER PETITO: Mr.
20 Chairman, we actually are very much in favor of
21 eliminating this loophole because that prevented
22 the police department from ever using this law for
23 enforcement purposes because that prevented the
24 police department from every using this law for
25 enforcement purposes, so we applaud that. We only

1
2 have again anecdotal evidence. We don't collect
3 separate data regarding ebikes as opposed to other
4 types of bicycles and depending on how they look,
5 it might be very difficult to tell whether a
6 bicycle is an ebike. It might just look like a
7 bicycle. Some of them actually look more like
8 motor scooters, but there is a wide variety and as
9 just a pedestrian in the city they are ubiquitous,
10 but we don't have hard data on how many there
11 might be on the streets.

12 CHAIRPERSON VACCA: Do you have any
13 idea how fast can an ebike go? How fast can a dirt
14 bike go?

15 ASSISTANT COMMISSIONER PETITO: I
16 don't personally know. I think there are lots of
17 varieties of these things. I wouldn't be
18 surprised of some of them could go up to 30 miles
19 an hour.

20 CHAIRPERSON VACCA: And how
21 successful has the existing law been? Do you think
22 the existing law impedes the police department's
23 efforts in this regard or is it just a law that is
24 very hard to enforce because catching them in the
25 act is difficult?

1

2

ASSISTANT COMMISSIONER PETITO:

3

Well, the existing law meaning the state law, I

4

think that it is a very difficult law to enforce,

5

but it is clearly--these things are clearly legal

6

and when we can catch someone on an unregistered

7

motor vehicle, we will take enforcement action,

8

but sometimes it is more dangerous to chase them

9

and especially if they can go places that - -

10

motor patrol car cannot go, so they are real fast,

11

and they can go lots of places that cars can't go

12

so it is difficult.

13

CHAIRPERSON VACCA: Okay. I want to

14

mention we have been joined by Council Member

15

Koppell and Council Member Vincent Ignizio. Okay.

16

I will now take questions. Council Member Mealy?

17

COUNCIL MEMBER MEALY: Good

18

afternoon. I am kind of confused the DOT does not

19

want to have the responsibility of stopping any

20

person who is working on and making a living off

21

of these bikes, right, while they are on the

22

street, but DOT would prefer to have it with the

23

NYPD, correct?

24

ASSISTANT COMMISSIONER SLEVIN:

25

Correct.

1
2 COUNCIL MEMBER MEALY: Okay. So am
3 asking isn't it illegal for the NYPD, isn't it
4 illegal to sell a bike in New York City for the
5 motor scooters?

6 ASSISTANT COMMISSIONER PETITO:
7 It's illegal to sell a motorized scooter under
8 current law, but the problem is that the current
9 definition of motorized scooter has a big loophole
10 in it, and we have to know that the scooter can go
11 above 15 miles an hour. It is only a motorized
12 scooter if it goes above 15 miles an hour under
13 the current law, so the bill is a very welcome to
14 change to that. It makes it finally capable of
15 being used by just banning the sale and the
16 operation of motorized scooters no matter how fast
17 they can go.

18 COUNCIL MEMBER MEALY: But don't
19 the police department already stop motorcycles--
20 remember at one point there was those little,
21 little small motorcycles?

22 ASSISTANT COMMISSIONER PETITO: The
23 pocket rockets. That is actually what the bill
24 was originally--the law was originally intended to
25 address. Ebikes hadn't become as big a

1
2 phenomenon. I think this is 2005. It was the
3 pocket rockets that this law was inspired by, but
4 it thankfully it does also apply to ebikes, which
5 have become more popular lately.

6 COUNCIL MEMBER MEALY: So have the
7 police given any summonses on these ebikes as of
8 yet?

9 ASSISTANT COMMISSIONER PETITO:
10 Well, if they gave summonses, it would be the
11 traffic infraction. It wouldn't be under the
12 administrative code section that prohibits them.
13 It is a traffic infraction for operating an
14 unregistered, uninsured motor vehicle, and I don't
15 have a separate count of how many of those types
16 of summonses who have been issued to ebikes
17 because that is not a separate category. They
18 could be considered motorcycles.

19 COUNCIL MEMBER MEALY: Can anyone
20 ride a motorcycle on the sidewalk?

21 ASSISTANT COMMISSIONER PETITO: No.

22 COUNCIL MEMBER MEALY: Well, then I
23 know they have to know that that motorized bike is
24 illegal and there is no statistics whatsoever that
25 the police have given summonses? No one is

1
2 checking how many summonses for those motor
3 scooters? 'Cause if someone is riding a bike on
4 the sidewalk, the police give them so many
5 summonses, and I don't understand how you can give
6 a bike a summons and not these motorized bicycles
7 summonses.

8 ASSISTANT COMMISSIONER PETITO:

9 what I am saying is that they get the summons, but
10 it would either be--it would probably be captured
11 in the number of bicycle summonses 'cause these
12 things look like bicycles and so the police office
13 seeing something that looks like a bicycle being
14 ridden on a sidewalk would give them a summons for
15 riding a bike on a sidewalk more likely than not,
16 and sometimes as I said it is difficult to tell--
17 the motor can be very subtle. It can be
18 underneath at the bottom. The police officer
19 might not realize that it was an electric bicycle,
20 especially if the person isn't going that fast.

21 COUNCIL MEMBER MEALY: I understand
22 that. My last response--how often do you do--any
23 department, anyone can answer this--go out and
24 educate 'cause the majority of people who are
25 using these ebikes are restaurant owners, and they

1
2 don't want to really put these bikes out here to
3 deliver food quickly, so how much are you
4 educating them to find out are they educating
5 their employees to not get on the sidewalk, to
6 make sure you wear your helmet 'cause it is
7 against the law to not have a helmet, but I see
8 them riding on the sidewalk, faster than normal
9 without a helmet with the protective vests in
10 which the city has given them free, and I don't
11 see that being utilized, so what kind of education
12 are you giving to the store owners?

13 ASSISTANT COMMISSIONER SLEVIN:

14 Well, the Department of Transportation has done an
15 incredibly amount. We have visited 4,000
16 businesses and distributed information about safe
17 cycling. We have had commercial cyclist forums--
18 over 30 of them.

19 COUNCIL MEMBER MEALY: How often?

20 ASSISTANT COMMISSIONER SLEVIN: We
21 have hosted over 30 of them since July of last
22 year and we hope to expand that and would love to
23 partner with you to do so, and so we feel like we
24 are getting the word out, and right now we are
25 seeing about a 50 to 60 percent compliance rate

1
2 with businesses and we hope to increase that as
3 our education efforts continue.

4 COUNCIL MEMBER MEALY: NYPD?

5 ASSISTANT COMMISSIONER PETITO:

6 Well, our officers do do something in connection
7 with what is called operation safe cycle that was
8 a public education campaign and continues, but I
9 don't have the numbers of how many businesses we
10 visited or individuals that we have contacted
11 about it, so I would have to get back to you on
12 that.

13 COUNCIL MEMBER MEALY: Thank you,
14 Chair.

15 CHAIRPERSON VACCA: Thank you.
16 Council Member Brewer?

17 COUNCIL MEMBER BREWER: Thank you
18 very much. I mean this is one of these topics
19 that thankfully we have a good chair and we are
20 going to sit and figure it out, but one of my
21 question is have you ever had a meeting, like a
22 really sit down discussion perhaps inviting this
23 committee, inviting restaurant owners, employees,
24 you need translation obviously, senior citizen
25 groups, one discussion about this challenge?

1
2 Because obviously we have got the--I don't know
3 what you call the motorized bikes then you have
4 bicycles with the under belly of a motor of some
5 kind. Now I have senior citizens on motorized
6 bicycles now complaining to me not to get rid of
7 them, just so you know, and then we have the
8 Segways, and then it goes on and on. So who is in
9 charge of this issue in the mayor's office or in
10 this administration to think about maybe it is
11 just fine like it is, but I certainly get a lot of
12 complaints. I am concerned about the people who
13 deliver as well as the people who could get hit as
14 well as the people who are understandably upset.
15 Who is in charge of this?

16 ASSISTANT COMMISSIONER SLEVIN: I
17 think we are all hoping that 1026 will clarify the
18 law and make it clear that ebikes are not
19 authorized on the streets of New York. When we do
20 our education, we are very clear that they are not
21 authorized on the streets of New York--

22 COUNCIL MEMBER BREWER:
23 [interposing] I have been at the education forums,
24 and we are very clear that they are not
25 authorized, but we are also very clear that we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

don't know what they are.

ASSISTANT COMMISSIONER SLEVIN: We would be happy to partner with you on any sort of discussion moving forward.

COUNCIL MEMBER BREWER: I am just saying is that I remember some years ago we had a discussion about we had just begun to see trucks selling food in residential areas, and I think I was actually the first to have a meeting with DOT and all the agencies 'cause nobody knew what they were. They just appeared. Now they are more common and we still have other issues. I guess I am saying to you is that you need to have even if this bill passes you still need to have more of a discussion about how to deal with all of this. Is that something or are you just sort of hoping the legislation happens and then you don't have to worry about it? I am just trying to understand because I don't know how I feel about it. I may not, but I do know that there are some safety issues and there is a huge--I mean people are abusing the situation as it is now for sure, and you can buy these bicycles. Everybody is buying them left, right and sideways in terms of the

1
2 restaurants, so are you just hoping--I am just
3 trying to understand what your game plan is. Your
4 game plan is to pass legislation and then what
5 happens?

6 ASSISTANT COMMISSIONER SLEVIN:

7 Well, part of the challenge here is that it is
8 ultimately up to the state to define what these
9 things are. Right now there is no definition in
10 state law, so that is part of the challenge when
11 you are municipality trying to deal with these
12 things, but we are certainly willing to talk with
13 you in more detail after the hearing.

14 COUNCIL MEMBER BREWER: Alright,
15 but it's not just me. It's a citywide issue.
16 That is the problem. It is not just me. I am
17 trying to say that. Maybe I am not clear.

18 CHAIRPERSON VACCA: No, no. I want
19 to clarify, not clarify--

20 COUNCIL MEMBER BREWER:

21 [interposing] Help me to understand, it is not
22 just me, the whole city is dealing with this and
23 we are all--I have to be honest with you, I am
24 glad we are having this hearing because we are
25 sweeping it under the rug and nobody knows quite

1
2 what to do. I have been in almost all 30 of your
3 forums, and they are excellent. I have been in a
4 lot of them, but this comes up at every one, and
5 at every one we are like we don't touch it, and so
6 we need to have a citywide approach, not just my
7 neighborhood. Go ahead, Mr. Chair. I am sorry.

8 CHAIRPERSON VACCA: No, I'm sorry.
9 I have to say that Council Member Brewer and I are
10 of the same mind, and I think we are all of the
11 same mind on this issue. We want these electric
12 bikes and dirt bikes off the streets. I make no
13 mistake about being very clear and transparent. I
14 want them off the streets because they are
15 dangerous, they are lethal, they are illegal and
16 we will close loopholes, we will do whatever we
17 have to do, and as we work on this legislation in
18 the days ahead, we will clarify what agency does
19 what, but the bottom line is I don't want to sit
20 here and enact laws and then think that everything
21 is fine when it is not fine. We will follow
22 through to make sure that what we do here has an
23 impact in this city because otherwise we are
24 wasting our time, and I know many of us give a lot
25 of time to our chores here, to our

1
2 responsibilities, but the bottom line is I want
3 the ebikes and I want these dirt bikes off the
4 streets. They don't belong on the streets. We
5 have had too many accidents so far. Too many
6 people have lost their lives and too many people
7 are petrified as pedestrians, so we look to work
8 with you in this effort, and I think from what I
9 heard that the administration is on the same page.
10 How do we do it and what agency does what, well,
11 then we have to work on those bureaucratic
12 issues, but I am not going to let that stand in
13 the way, and I think the Council Member is echoing
14 how most of us feel.

15 COUNCIL MEMBER BREWER: I just want
16 to add one thing. I would like to see 'cause the
17 restaurants need to make money also, and they have
18 this bicycles. I think at least some discussion
19 with them so that they understand what we are
20 considering. I don't know if there are any
21 representatives here today, but I would like to
22 have some discussion with them so that they
23 understand what the public is thinking and what is
24 their thinking and how can they get their food
25 delivered on a timely manner but not at least

1
2 having a perception if not reality this fear from
3 the pedestrians. I am just saying somebody has to
4 take the lead in having this kind of conversation
5 'cause I don't know it's hundreds, maybe
6 thousands. I have no idea. So I would just like
7 to see a little bit more conversation in addition
8 to passage and following up on the chair. That is
9 my comment. Thank you.

10 CHAIRPERSON VACCA: Thank you. I
11 thank you. And let me indicate we did invite the
12 restaurant association to come here today. They
13 declined, but they do not oppose the bills we are
14 considering. We will do more outreach to
15 merchants. I mean the bottom line is that the
16 merchants have to understand that these bikes are
17 right now these bikes are illegal, so that is
18 where we are starting from. Now we are trying to
19 enforce a law more effectively that has been on
20 the books for some time because if e don' do this
21 then the current situation will continue and that
22 situation is unacceptable to the Council, to my
23 committee at least and I hope to the Council.
24 Okay. Council Member Garodnick?

25 COUNCIL MEMBER GARODNICK: Thank

1
2 you again, Mr. Chairman, and I just I will second
3 the comments that you and Council Member Brewer
4 just made. This is a problem that we see in my
5 district on the east side of Manhattan. I know
6 that it is a problem all around the city. Forgive
7 my ignorance for a moment, I just have to follow
8 up on something that I heard you say before. What
9 is a pocket rocket?

10 ASSISTANT COMMISSIONER PETITO:

11 About a decade ago they were very small
12 motorcycles that were designed for people to
13 almost squat onto. They are about two feet, three
14 fit long.

15 COUNCIL MEMBER GARODNICK: So that
16 was the impetus for the initial law which created
17 the obligation of the 15 mile per hour
18 designation, okay. So we are going to try and fix
19 that and we thank you all for your support of that
20 bill and to DOT we hear your point about your own
21 authority there, and we will be happy to discuss
22 that with you. I just wanted to follow up on one
23 of the questions that Council Member Mealy had
24 posted to you on the subject of the number of
25 summonses that are issued for ebikes in a

1
2 particular year or last year. I understand Ms.
3 Petito that you don't have--they may fall under
4 other categories, so if an ebike is on a sidewalk,
5 they may--the statistics may fall into the realm
6 of bicycle on a sidewalk. Is that correct?

7 ASSISTANT COMMISSIONER PETITO:

8 Yes.

9 COUNCIL MEMBER GARODNICK: And if
10 you have tickets for an unlicensed motor vehicle,
11 you might include an ebike or a car that is not
12 licensed, is that correct?

13 ASSISTANT COMMISSIONER PETITO:

14 Yes.

15 COUNCIL MEMBER GARODNICK: Do you
16 have the stats of each of those two categories in
17 the aggregate however for either the--

18 ASSISTANT COMMISSIONER PETITO:

19 [interposing] Yes, I don't have them with me, but
20 yes, and we capture a lot of it on our website.

21 COUNCIL MEMBER GARODNICK: Is there
22 any legitimate or reasonable way that would could
23 pare that down to try to get a picture of how many
24 summonses were in fact issued for ebikes?

25 ASSISTANT COMMISSIONER PETITO: Not

1 with the way we currently capture statistics--

2 [crosstalk]

3 COUNCIL MEMBER GARODNICK: --that
4 we could take off the table?

5 ASSISTANT COMMISSIONER PETITO:

6 Summons are not electronic as arrests are.
7 Summons are literally paper, and so information
8 from the summonses is put into a database, but you
9 would have to go back and look at the summonses to
10 figure out from the narrative what kind of vehicle
11 it was. So that would be a difficult job.

12 COUNCIL MEMBER GARODNICK: Okay.

13 Well, the key for us here is we want to eliminate
14 the challenges, and it sounds like nearly
15 everybody if not everybody is on the same page
16 that the administrative code today makes life
17 extremely difficult in a way that it was supposed
18 to make it really simple, so we thank you for your
19 support of 1026, and we will follow up with DOT
20 and the rest on some of the issues you have
21 raised, so thank you again, Chairman.

22 CHAIRPERSON VACCA: Thank you.

23 Next is Council Member Koo?

24 COUNCIL MEMBER KOO: Thank you, Mr.

1
2 Chair. My question is how do you distinguish
3 beyond a motorized scooter and an ebike?

4 ASSISTANT COMMISSIONER PETITO: An
5 ebike is a motorized scooter under the definition
6 except for the 15 mile per hour qualifier, which
7 we really wouldn't be able to tell. But if the
8 bill is passed, then an ebike will flow within the
9 definition of a motorized scooter because it is
10 something that has handlebars, is designed to be
11 sat on and can move without human power, and is
12 not capable of being registered by the DMV. Those
13 are the defining characteristics of a motorized
14 scooter, which are also the defining
15 characteristics of an ebike.

16 COUNCIL MEMBER KOO: I support the
17 ban of using motorized scooters or delivery, but I
18 think the technology here. We have to find some
19 way to legalize it - - either for recreation use
20 or other uses because this is a green technology,
21 and I find it quite surprising that we would ban
22 it altogether because of people said that it helps
23 people to go out on a sightseeing thing, senior
24 citizens and when they want to ride a bike, but
25 they don't have the energy or the strength to ride

1
2 up hill, but if you have a motor it will help them
3 to go uphill, so on those uses we should legalize
4 it.

5 CHAIRPERSON VACCA: Let me say
6 this. The Councilman is raising a good point. I
7 just want to be specific. The current law speaks
8 of motorized scooters and it say shall not include
9 wheelchairs or other mobility aids designed for
10 the use by disabled persons, so the law excludes
11 that.

12 COUNCIL MEMBER KOO: - - .

13 CHAIRPERSON VACCA: I am sorry?

14 COUNCIL MEMBER KOO: This is not
15 motorized wheelchairs.

16 CHAIRPERSON VACCA: It is not a
17 motorized wheelchair. Shall not include
18 wheelchairs or other mobility aids.

19 ASSISTANT COMMISSIONER PETITO: I
20 think that that might be the scooter chairs. I
21 think that is what was contemplated among other
22 types of mobility aids, but the ebikes as a
23 category I don't think we consider a mobility aid.

24 CHAIRPERSON VACCA: Okay.

25 COUNCIL MEMBER KOO: So my question

1
2 is we should have further discussions on this
3 between the state and city on how to finalize the
4 legality of ebikes on different uses. I mean
5 years ago we don't have electric typewriters. We
6 cannot say we are banning electric typewriters.
7 Now we have electric bicycles and there is a lot
8 of uses for this in other uses--recreation,
9 sightseeing and if you are leaving the country, it
10 would be nice to have a motorized bicycle. You
11 can ride around--

12 ASSISTANT COMMISSIONER PETITO:

13 Council Member, please can get driver's licenses
14 and register motor scooters. There are smaller
15 things other than motorcycles that have that kind
16 of capability, but it does require having a
17 driver's license and a registration.

18 COUNCIL MEMBER KOO: So maybe they
19 can classify ebikes as motorized scooters and ask
20 the riders to get a driver's license.

21 ASSISTANT COMMISSIONER PETITO:

22 Well, I think part of the problem is that they are
23 inherently different form a motor scooter. They
24 have fewer safety characteristics and they are not
25 capable of being registered. They are not legal

1
2 to drive on the streets as opposed to a licensed,
3 registered motor scooter.

4 COUNCIL MEMBER KOO: All those we
5 can discuss later. We cannot solve everything
6 today. I am just giving you insight that this is
7 a trend for the future. We cannot stop the
8 technology. The technology is here helping - -
9 helping some people to use the bicycle - - I said
10 before if I live in a suburban area, it is not
11 going to hurt the traffic that much if you use a
12 motorized bike on the streets as long as they
13 follow the rules.

14 CHAIRPERSON VACCA: Thank you,
15 Council Member. Council Member Chin?

16 COUNCIL MEMBER CHIN: Thank you,
17 Chair Vacca, I had a question for Deputy
18 Commissioner Friedman. When you were saying that
19 in your testimony you don't think that Department
20 of Consumer Affairs should be the agency doing the
21 enforcement, what I am proposing in the
22 legislation to post the safety information a lot
23 of the bus companies for example in Chinatown,
24 they have a storefront where they sell their
25 tickets, so I mean it is just like regular

1
2 Department of Consumer Affairs inspector when you
3 go and inspect small businesses you go and see if
4 they have signs posted up and things like that.,
5 Wouldn't that be the same thing that you can just
6 do that?

7 DEPUTY COMMISSIONER FRIEDMAN:

8 Actually, Council Member, we had no knowledge that
9 in fact those were the kinds of locations. If
10 those are the locations, we are happy to, and if
11 that is how narrowly the bill is prescribed that
12 that is--I mean certainly we would go into
13 storefronts. That is what we do. That is our
14 experience.

15 COUNCIL MEMBER CHIN: --the point
16 of sale.

17 [crosstalk]

18 DEPUTY COMMISSIONER FRIEDMAN: That
19 is fine.

20 COUNCIL MEMBER CHIN: Where they
21 have the ticket booth and things like that and
22 then the other part is posting it whether it--it
23 is where they sell the tickets.

24 DEPUTY COMMISSIONER FRIEDMAN:

25 Storefronts is fine. If you had any imaginings

1
2 that are inspectors leaping on motor coaches, I
3 would say that that is unlikely.

4 COUNCIL MEMBER CHIN: I guess this
5 may be like a multi-agency that have to work
6 together because right now DOT works together with
7 NYPD. When you sort of give a ticket to the
8 intercity bus right now for example, some bus
9 companies do not have a designated spot. The law
10 has just been passed by the state and DOT now is
11 working on the application, so we have bus
12 companies who do not have permission to stop
13 wherever they are to pick up passengers and a lot
14 of the time they get ticketed by NYPD. So it is
15 sort of like a multi-agency thing, so if the law
16 is enacted and the bus has to post their safety
17 rating and the pre-trip safety poster, something
18 like this that was on the Federal Motor Center
19 Safety Administration website that if they post it
20 on the bus, DOT or NYPD can also spot check, and
21 if they don't have it, they can write them a
22 summons. In the - - a lot of the bus companies
23 like for example in our community that have an
24 office, that is a ticket booth in the community
25 that Department of Consumer Affairs should take on

1
2 that responsibility of doing their inspection,
3 making sure that they are posting these signs and
4 hanging out this information to customers when
5 they purchase their tickets.

6 DEPUTY COMMISSIONER FRIEDMAN:

7 Thank you.

8 ASSISTANT COMMISSIONER SLEVIN:

9 Just to be clear, we don't have the authority.
10 Right now we are moving through the process of
11 setting up a permitting system, but we don't have
12 the authority beyond that to require the intercity
13 buses to post things. That is not within the
14 authority that was given to us by the state.

15 COUNCIL MEMBER CHIN: But if the
16 law is passed that they have to post information
17 then DOT when you check on the box and you know
18 that they didn't post anything you could do the
19 enforcement.

20 ASSISTANT COMMISSIONER SLEVIN: We
21 don't do the enforcement. We just set up the
22 permitting--our role is to set up the permits and
23 recommend the site sand work with the bus
24 companies to find the appropriate sites, so we
25 don't actually do any of the enforcement. That is

1
2 the PD's job, but essentially what we are saying
3 is the intercity buses once we have a permitting
4 system we can recommend that the safety
5 information that they view it and see it and we
6 can provide a link on our website, but we do not
7 have the authority to actually put it up, require
8 them to put it up in their buses.

9 COUNCIL MEMBER CHIN: Okay. but I
10 guess relating to that is that part of the
11 permitting system is there is community board
12 review and a lot of the time I mean right now in
13 this interim process when a bus company comes
14 before the community board the community board
15 actually asks them to do a few more things so that
16 could be something that we can have community
17 boards once the law is passed. The community
18 board also help us require that they do that,

19 ASSISTANT COMMISSIONER SLEVIN: We
20 would certainly be willing to work with you to
21 distribute safety information, and that is why we
22 are very much willing to put a link on our website
23 to the Federal Motor Carrier Safety Administration
24 so that more people have access to that
25 information.

1
2 COUNCIL MEMBER CHIN: But on that
3 legislation you have raised to me that because the
4 information on the federal website is very
5 complicated, so I think besides the discussion
6 right now is besides putting a link. If there a
7 way that DOT can help sort of like simplify some
8 information that people click on the link they
9 know what they are looking for or make it easier
10 for the consumer to be able to get the
11 information.

12 ASSISTANT COMMISSIONER SLEVIN:

13 Yeah, the information on the federal website is
14 updated daily, so that is when I spoke with you I
15 indicated that it wouldn't be feasible to be
16 constantly check the federal website to make sure
17 that our website is up to date, but we certainly
18 would be again willing to distribute the safety
19 and try and get it out to the bus companies. We
20 are very much eager to reduce the congestion and
21 some of the problems that have been created by the
22 bus companies.

23 COUNCIL MEMBER CHIN: Thank you.

24 NYPD, did you have a comment?

25 ASSISTANT COMMISSIONER PETITO: No,

1
2 I was just going to say that we are not sure that
3 a local law might actually be able to impose a
4 requirement on the intercity bus company, but I
5 think a voluntary program is certainly something--
6 and something built into the intercity bus
7 permitting system to share information I think is
8 a great idea.

9 COUNCIL MEMBER VACCA: Thank you,
10 Council Member Chin. Council Member Mealy, do you
11 have another question?

12 COUNCIL MEMBER MEALY: I still
13 can't understand if the police department gives so
14 many tickets to pedestrians who ride the bike on
15 the sidewalk shouldn't by now we have something in
16 place to know how many tickets are being given to
17 these motorized bikes?

18 ASSISTANT COMMISSIONER PETITO: I
19 am sorry. We don't capture that information
20 separately.

21 COUNCIL MEMBER MEALY: Not at all?

22 ASSISTANT COMMISSIONER PETITO: No.

23 COUNCIL MEMBER MEALY: Not at all?

24 ASSISTANT COMMISSIONER PETITO: No.

25 COUNCIL MEMBER MEALY: I feel

1
2 something is wrong with that 'cause if you are on
3 the sidewalk, it is an automatic ticket, and I
4 know the police know and I know one a bike is on
5 the sidewalk and it is going much faster than
6 normal. Some bicycles can or pedestrians can ride
7 a bike really fast--40 miles an hour on the
8 sidewalk, but it's already against the law to be
9 on the sidewalk so when you do see these bikes and
10 they are not pedaling anymore, they are getting on
11 the sidewalk, I feel that should be an automatic
12 ticket.

13 ASSISTANT COMMISSIONER PETITO:

14 Well, yeah. I am not saying that they don't get a
15 ticket. I am saying they might get a ticket for
16 riding a bicycle on a sidewalk, they might get a
17 ticket for riding a motor vehicle on a sidewalk,
18 so we cannot tell from our data collection whether
19 or not that ticket was for riding a bicycle on a
20 sidewalk or riding a motor vehicle, which would
21 have been the ebike on the sidewalk.

22 COUNCIL MEMBER MEALY: So now we

23 have to really start batten down to make sure that
24 we note the difference. I am glad this
25 legislation--'cause I am kind of conflicted 'cause

1
2 like Council Member Koo said, we have to keep up
3 with technology also, and it is a way that
4 restaurant owners are getting their foods
5 delivered quickly, but it has to be a way where
6 maybe we are registering them. Have you ever
7 thought about that, like a motorcycle?

8 ASSISTANT COMMISSIONER PETITO: No,
9 these things are illegal, completely illegal
10 period, and we don't have any impetus at least in
11 the police department to seek their legalization
12 because they are dangerous, so we enforce the
13 current vehicle and traffic law against them and
14 they are illegal to operate on the streets and
15 certainly on sidewalks, so that isn't something
16 that we have considered trying to in some way
17 legalize them. We oppose the state legislation
18 that would call them bicycles, so...

19 COUNCIL MEMBER MEALY: Okay, then.
20 Thank you.

21 CHAIRPERSON VACCA: Thank you. I
22 want to thank our panel and of course the members
23 of the committee. We only have one witness,
24 Christian DiPalermo [phonetic] representing
25 Greyhound. Okay, Mr. DiPalermo, would you please

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

identify yourself?

CHRISTIAN DIPALERMO: Sure. Good afternoon, Chairman Vacca and members of the Committee on Transportation. My name is Christian DiPalermo, and I am the government relations representative for Greyhound Lines Inc., one of the most iconic and recognized transportation companies and brands in the United States, whose subsidiaries include the popular intercity discount bus lines Bolt Bus [phonetic] and Yo Bus [phonetic]. I am joined also here with Michael Fleischhauer, regional vice president for northeast region for Greyhound. On behalf of Greyhound, I would like to thank Chairman Vacca and the entire Transportation Committee for holding this very important hearing regarding the safety of interstate bus carriers. As the country's leading interstate bus service, Greyhound serves more than 3800 destinations across North America. Annually we transport nearly 15 million passengers to their destinations are proud of our strong safety record and positive community partnerships. Greyhound also has a long and proud history of serving New York City. In

1
2 1939, Greyhound was chosen as the official bus
3 carrier of the 1939 World's Fair in New York. In
4 1963, Greyhound moved from its own terminal near
5 Pennsylvania Station to the Port Authority bus
6 terminal where it still continues to operate
7 safely and reliably every day to the millions of
8 tourists and travelers to and from our great city,
9 As the transportation market continues to evolve,
10 Greyhound with its partners has created discount
11 bus services under the operating names of Yo Bus
12 and Bolt Bus making service to cities like
13 Washington D.C., Philadelphia and Boston more
14 affordable for students and budget travelers.
15 Safety is always our number one priority,
16 especially for our passengers, employers and
17 communities we serve. We are committed to safety
18 at every level from our high quality,
19 environmentally friendly fleet, daily maintenance
20 and review of all buses and the hiring and
21 intensive training of certified professional union
22 drivers. Also, Greyhound strongly believes that
23 it must be fully transparent to the public
24 regarding all safety matters. The City Council
25 and Council Member Margaret Chin, the prime

1
2 sponsor of today's legislation should be commended
3 for doing everything possible to ensure the safety
4 of our neighborhoods and riders. Greyhound
5 supports the spirit of this legislative package,
6 which is to enhance safety, increase transparency
7 and allow for a more informed customer. Just some
8 specifics on the introductions and the resolution.
9 Introduction number 813-A, Greyhound supports - -
10 U.S. DOT's Federal Motor Carrier Safety
11 Administration's pre-trip safety poster and the
12 most recent FMCSA safety rating of the selling
13 carrier at the point of sale. Providing each
14 customer with a copy of the post can be done, but
15 the possibility that this could result in
16 increased litter should be considered. One of the
17 things that we have heard from the community board
18 is keep the litter to the minimum, so I just bring
19 that up as we go around. One alternative we might
20 suggest is to have signage of the poster at the
21 bus side itself. Intro number 591, we agree the
22 City Department of Transportation should post on
23 its website a link to FMCSA safety database, the
24 FMCSA database updates safety information monthly,
25 and it is their statutory responsibility to

1
2 maintain accurate up to date records. Again, it
3 is the accuracy, one source, but you have the link
4 so people can get to it. Resolution number 1710,
5 Greyhound is already in full compliance with all
6 of the information being sought by this resolution
7 by displaying operator contact and registration
8 information on the exterior and onboard the bus.
9 Be aware that federal regulations are very strict
10 regarding what can be placed in windows in order
11 to not obstruct vision of drivers or passengers,
12 but again, we think something could be worked out.
13 Although these safety precautions are important
14 and increase the awareness of riders and the
15 public, we strongly recommend the Council work
16 with federal and state transportation authorities
17 to increase enforcement on the roads and through
18 the tunnels. That is the best defense against the
19 reckless and illegal operators. Again, thank you
20 for the opportunity to allow Greyhound to testify
21 at this important hearing, and we welcome any
22 questions the Committee might have.

23 CHAIRPERSON VACCA: Thank you.

24 Thank you very much, and much of your testimony is
25 enlightening. We thank you for coming forth, and

1

2 we thank you for Greyhound for their record of
3 transparency in this regard. Sir, do you wish to
4 testify?

5

MICHAEL FLEISCHHAUER: No.

6

CHAIRPERSON VACCA: I do want to
7 mention we have been joined by Council Member Van
8 Bramer to my right. Do the members have any
9 questions? I do not. I think your testimony is
10 very self-explanatory. Council Member Mealy?
11 Council Member Mealy has a question.

12

COUNCIL MEMBER MEALY: thank you
13 for coming in. Is this in regards to these new
14 pop up buses, their prices are so low that it is
15 very competitive so now do you think that they
16 will be able to get the license to put on the side
17 of the buses in regards to being a certified bus
18 operator?

19

MICHAEL FLEISCHHAUER: As far as
20 other carriers?

21

COUNCIL MEMBER MEALY: Do you have
22 to mention your name now.

23

MICHAEL FLEISCHHAUER: Mike
24 Fleischhauer, Greyhound. You mean other carriers?

25

COUNCIL MEMBER MEALY: Yes.

1
2 MICHAEL FLEISCHHAUER: I can't
3 speak for other carriers and what they would want
4 to do. I speak for us and we are known for being
5 very cooperative as far as what is recommended by
6 community boards and city councils, so whatever
7 the decision is here, we will implement it.

8 COUNCIL MEMBER MEALY: Well, do you
9 think Greyhound--I know why Greyhound would love
10 this legislation, but like one of my colleagues
11 said that these other bus companies can drop off
12 people anywhere I heard earlier, and I guess
13 sometimes the police gives them tickets just as
14 well, so is that a real competition to Greyhound.

15 MICHAEL FLEISCHHAUER: Greyhound
16 currently primarily really uses the Port
17 Authority, so they are using the terminal. The
18 Bolt Bus and Yo Bus are using curbside, and so
19 Greyhound does have partnerships that are using
20 curbside, but they are still in compliance with
21 federal law, and they have to put their
22 registration numbers. They do a sign that--

23 COUNCIL MEMBER MEALY:
24 [interposing] Do the other companies do the same
25 thing?

1
2 MICHAEL FLEISCHHAUER: I can't
3 speak to all the other companies.

4 CHAIRPERSON VACCA: I do not think
5 the witnesses can speak to what other companies
6 do. We appreciate what Greyhound is doing. And
7 you anticipate no difficulty in complying with the
8 legislation should we enact it, that was the
9 thrust I think of your testimony.

10 CHRISTIAN DIPALERMO: I would just
11 again, we would probably prefer more signage like
12 at the stop than handing because we would be
13 worried that the litter would build. We do have a
14 person there to take care of the litter, so it's
15 not like it's - - happen, but you are not doing
16 this just for Greyhound; you are doing this for
17 many other carriers, so we just point that out
18 that that has been a consistent concern of the
19 community board, let's say.

20 CHAIRPERSON VACCA: Okay. Thank
21 you, Council Member Mealy.

22 COUNCIL MEMBER MEALY: Thank you,
23 Chair Vacca.

24 CHAIRPERSON VACCA: I thank you for
25 your support of the legislation and for all you

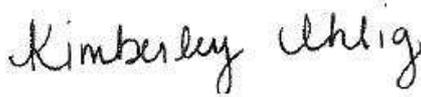
1
2 have done so far. There being no other witnesses
3 and there being no further questions from members
4 of the committee, it is now 2:02 p.m. and this
5 hearing of the Transportation Committee of the New
6 York City Council is adjourned.

7 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. 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.

Signature _____



Date _____

4/29/13