

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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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 10<sup>th</sup> 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 21<sup>st</sup> 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

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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

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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 23<sup>rd</sup>, 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.

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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.

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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

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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 1<sup>st</sup> and December 31<sup>st</sup> 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

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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

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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 Summonses are not electronic as arrests are.

7 Summonses 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,

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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

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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

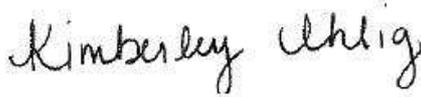
1  
2 have done so far. There being no other witnesses  
3 and there being no further questions from members  
4 of the committee, it is now 2:02 p.m. and this  
5 hearing of the Transportation Committee of the New  
6 York City Council is adjourned.

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