

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE STATE AND FEDERAL LEGISLATION

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March 23, 2011
Start: 10:52 am
Recess: 11:12 am

HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN DIANE FOSTER
Chairperson

COUNCIL MEMBERS:

Council Member Margaret S. Chin
Council Member Elizabeth S. Crowley
Council Member Erik Martin Dilan
Council Member Lewis A. Fidler
Council Member Domenic M. Recchia
Jr.
Council Member Joel Rivera
Council Member Larry B. Seabrook
Council Member James Vacca

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

Helen Diane Foster
Opening Statement
Chairperson
Committee on State and Federal Legislation

James Vacca
Opening Statement
Chairperson
Committee on Transportation

Margaret S. Chin
Opening Statement
New York City Council Member

David Woloch
Deputy Commissioner for External Affairs
Department of Transportation

Susan Stetzer
District Manager
Community Board 3

Spencer Lamb
Representing
Fung Wah Bus

Wellington Chin
Executive Director
Chinatown Partnership

Kevin Pinn
Committee Clerk
Committee on State and Federal Legislation

2 CHAIRPERSON FOSTER: Great. Good
3 morning. I'm Council Member Helen Diane Foster,
4 Chair of the State and Federal Legislation
5 Committee. We are going to get started so that
6 those of you who are here to testify can in fact
7 do that. We don't have a quorum because a number
8 of our members are in another meeting that's being
9 held on the 16th Floor. And if Domenic stops
10 playing with the lights... we've been joined by
11 Council Member Domenic Recchia of Brooklyn;
12 Council Member Jimmy Vacca of the Bronx; Council
13 Member Margaret Chin of Manhattan; and Council
14 Member Larry Seabrook of the Bronx.

15 As I said I'm Council Member Helen
16 Diane Foster and I'm the Chair of this Committee.
17 And Albany has presented us with another
18 opportunity to pass Home Rule legislation that
19 affects the City of New York. First, I'd like to
20 introduce the members of the Committee which I
21 have done. And no one else has walked in.

22 The legislation being considered
23 today is particularly important in light of the
24 now three devastating bus accidents that occurred
25 this month alone in and around New York City. The

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2 bill that we are voting on today will authorize
3 the City to establish a permit system for the
4 loading and unloading of passengers within the
5 City by buses operating an intercity bus passage
6 service. If passed the legislation will prohibit
7 intercity buses without a permit from loading or
8 unloading passengers on the streets within the
9 City once it has established a permit system.

10 A rapidly growing segment of the
11 private interstate bus industry offer point to
12 point passenger service between the City of New
13 York and other cities at prices less than that
14 available through other commercial bus companies
15 and other forms of transportation such as air and
16 rail. These so-called discount buses have given
17 rise to reports of many problems including
18 significant strains being placed on surrounding
19 communities from increased congestion, noise,
20 pollution and decreased safety, security for
21 pedestrians, passengers and residents of the
22 neighborhood. The implementation of a permit
23 system would help to impose order on the use of
24 curb space and protect our community.

25 We will also vote on some

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2 Preconsidered SLRs, the bills reflect legal
3 procedures taken pursuant to State law so as to
4 ensure a proper coordination between State and
5 City government on matters important to the City.

6 Before we get started with
7 testimony, I'd like to have Council Member Jimmy
8 Vacca who would like to make a statement and
9 Council Member Chin, would you like to make a
10 statement also?

11 COUNCIL MEMBER CHIN: Yes.

12 CHAIRPERSON FOSTER: Okay. In that
13 order, Council Member Vacca and Council Member
14 Chin. Thank you.

15 COUNCIL MEMBER VACCA: Thank you
16 Chair Helen Diane Foster and members of the
17 Committee. As Chair of the Transportation
18 Committee, I am in favor of Council Member Chin's
19 Resolution. I think Council Member Chin's
20 Resolution represents an effort to get a handle on
21 a problem that has long evaded our City because of
22 jurisdiction really held by the Federal
23 government.

24 Based on this Resolution and what
25 Albany hopefully will do after we pass it, it will

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2 then come back to the City Council and when it
3 comes back to the City Council my Committee is
4 determined to work with Council Member Chin, to
5 work with Council Member Foster and others and the
6 Speaker to make sure that we get a handle on this
7 here in the City of New York.

8 We cannot have buses coming through
9 our City that pose a danger to our residents. We
10 cannot have a situation where knowing whether or
11 not these buses are safe or unsafe, not knowing
12 whether drivers have a history of issues that
13 would concern passengers, these issues are not
14 transparent right now. The Federal government, I
15 think, has not done an adequate job of
16 enforcement, regulation, or oversight. And we now
17 see attempts to do something in this area by those
18 levels of government. Yet we in New York City
19 have a responsibility too. And we want to do
20 more. And working with my colleagues, this is an
21 important first step and I urge the Committee to
22 vote yes. Thank you.

23 CHAIRPERSON FOSTER: Council
24 Member, and let me just say I was remiss in not
25 thanking you for this legislation because I know

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2 that this greatly affects your District. So thank
3 you for this and now we'll hear from you.

4 COUNCIL MEMBER CHIN: Thank you
5 Chairman Foster. I also want to thank the Speaker
6 for her support because this problem doesn't just
7 happen in my District in Lower Manhattan Chinatown
8 but is also in many different neighborhoods,
9 especially in the Speaker's neighborhood where
10 there are also a lot of tall buses and interstate
11 buses going in and out of there.

12 I also wanted to thank Assembly
13 Speaker Silver and Senator Squadron for
14 introducing this legislation in the State
15 legislature in the month of February. Right at
16 the start of the Lunar New Year. And I just hope
17 that we get this legislation passed as quickly as
18 possible to sort of help prevent the tragic
19 accident that happened two weekends ago.

20 And this is so important for us to
21 protect the safety of the passengers but also for
22 some of the bus companies who've been working in
23 our community for many, many years. They also
24 deserve to have a way of regulating with the
25 permit system so they could know where they could

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2 pick up and drop off passengers. They are doing
3 the right thing and they also need the City to
4 help them.

5 So I thank you for having this
6 hearing today and I really urge the Committee
7 members to support this. Thank you.

8 CHAIRPERSON FOSTER: Thank you. We
9 have been joined by Council Member Joel Rivera
10 from the Bronx and Council Member Elizabeth
11 Crowley from Queens. We now have a quorum. We
12 will hear our first speaker who will be David
13 Woloch, Deputy Commissioner, DOT.

14 [Pause]

15 MR. DAVID WOLOCH: Is it good?
16 Yeah. Okay. Good morning Chair Foster and
17 members of the Committee. I am David Woloch,
18 Deputy Commissioner for External Affairs at the
19 Department of Transportation. Thank you for
20 providing us with this opportunity to state the
21 Administration's position regarding a Home Rule
22 message for S.2977, A.4578, an Intercity Bus
23 Passenger Service Permit System.

24 We agree that the City should have
25 the ability to require interstate bus carriers to

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2 obtain permits from the City for specific bus
3 stops. Currently State vehicle and traffic law
4 precludes us from placing such a requirement on
5 these operations and many companies can now pick
6 up and drop off without regulation, increasing
7 congestion, endangering safety and compromising
8 quality of life in a number of City neighborhoods.
9 Accordingly we've been in active discussion with
10 the Assembly Speaker and Senator Squadron on
11 modifications that are neckwear to make their
12 legislation feasible.

13 As drafted the City has a number of
14 significant concerns with the current version.
15 For example the bill appears to require an
16 assessment citywide of all curb space that is
17 available for bus loading before we can even
18 create a program, an exercise that seems both
19 unworkable and unnecessary. Each request from an
20 operator must be assessed on its needs and the
21 issues in that location for that particular
22 community.

23 As discussions with the legislature
24 are ongoing and it's our understanding that
25 Senator Golden is introducing a revised and

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2 improved alternative bill, we're not entirely
3 clear why the Council has moved forward with a
4 Home Rule vote today on this previous version.
5 And therefore oppose this Home Rule message.
6 Thank you again for the opportunity to testify
7 before you today. And at this time I'd be happy
8 to answer any questions.

9 CHAIRPERSON FOSTER: Thank you.
10 We've been joined by Council Member Erik Dilan
11 from Brooklyn and Council Member Lew Fidler from
12 Brooklyn also. Do we have any questions? Thank
13 you very much.

14 Our next speaker will be Susan
15 Stetzler [phonetic]? Susan, I know I didn't say
16 that right.

17 MS. SUSAN STETZER: That's okay.
18 It's Susan Stetzer.

19 CHAIRPERSON FOSTER: One more time?

20 MS. STETZER: Stetzer.

21 CHAIRPERSON FOSTER: Stetzer,
22 Community Board 3.

23 [Witness getting settled]

24 CHAIRPERSON FOSTER: Thank you.

25 MS. STETZER: Thank you. My name

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2 is Susan Stetzer, I'm District Manager for
3 Community Board 3. And I actually just found out
4 about this hearing last night so this is very
5 instant testimony. And I hope it conveys how
6 important this issue is to us.

7 Community Board 3, Manhattan, has
8 been very actively and aggressively advocating for
9 the regulation of intercity buses. These buses
10 have been multiplying in Chinatown, the Lower East
11 Side and have become the source of many complaints
12 from the community. And I want to emphasize,
13 we've been working on this issue probably six or
14 seven years, very hard.

15 One of the worst examples of bus
16 loading and unloading in an inappropriate area is
17 the stop at Pike Division and East Broadway. The
18 situation has become so intolerable for residents
19 that they had to work with the DA's Office to get
20 trespass affidavits to protect their residents.
21 And the buses still block the MTA Buses so people
22 need to go into the middle of the street to load
23 buses.

24 The Community Board is not trying
25 to eliminate these buses. They serve the

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2 community. But some are currently operating in a
3 Wild West manner and need regulation. People
4 complain about safety issues caused by blocking
5 streets and sidewalks; pollution, especially from
6 buses circling and waiting for a spot to load and
7 unload; unsafe and unlicensed buses and drivers.
8 There are also instances of people's residences
9 becoming waiting room.

10 Community Board 3 has been trying
11 to work with the Mayor's Office and DOT for years
12 to figure out what State and Federal legislation
13 is needed to allow the City to regulate these
14 buses. We particularly want to thank Lolita
15 Jackson from CAU for trying for years to help us
16 and sticking with us on this issue. We are very
17 thankful that our State legislators, Senator
18 Squadron, Speaker Silver, have taken on this issue
19 in the State legislature.

20 It is terrible that recent
21 tragedies have magnified the need for bus
22 regulation. Community Board 3 supports the City
23 Council legislation requesting the New York State
24 legislature to pass bills introduced by Senator
25 Squadron and Assembly Member Silver to amend the

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2 vehicle and traffic law in relation to this. And
3 we also very much thank our Council Member Chin
4 for championing this for the community.

5 I have attached to my testimony,
6 sample resolutions we have done in the past years.
7 The first is one supporting the State legislation.
8 The second is from March. DOT has promised us now
9 that they will not assign stops without coming by
10 the Community Board first. However every time
11 they come to the Community Board we do not approve
12 the stop because we say we want the City to come
13 up with a plan. You cannot deal with one stop at
14 a time. You must look at the area and come up
15 with a plan. We have asked the bus company owners
16 when they come to us; please help us lobby for a
17 plan.

18 And then the last resolution is one
19 we did in relation to the stop on Pike Street that
20 I mentioned which does cause terrible safety
21 problems. I want to emphasize this legislation has
22 been coming from the community for years. We have
23 wanted to work with DOT and the City. We thought
24 we were going to be able to. And this is just
25 been going on for years and years and years. And

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2 once again it's terrible to say somebody has to
3 die first. Thank you.

4 CHAIRPERSON FOSTER: Thank you very
5 much. Thank you for taking the opportunity to
6 testify, I mean the time to come down and testify.
7 Any questions? Thank you.

8 Our next panel is, well how are we
9 saying this one? Gin Sun [phonetic]?

10 [Pause]

11 CHAIRPERSON FOSTER: Okay. Spencer
12 Lamb. Okay. Thank you.

13 [Witnesses getting settled]

14 MR. SPENCER LAMB: Good morning
15 Council Members. My name is Spencer Lamb and I'm
16 here to represent Fung Wah Bus today. As you may
17 know since 1998, Fung Wah has been providing
18 transportation services between here and downtown
19 New York and South Station, Boston. For the first
20 ten years or so we've been without issue picking
21 up and dropping off passengers outside of our
22 ticket booth and office at 139 Canal Street.
23 However about two years ago we've been receiving
24 increasing amounts of police summons forcing us to
25 constantly scramble to find a safe location to

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2 pick up and drop off these passengers.

3 We've since applied for a permitted
4 location but have not heard an official response.
5 And so today we're very hopeful and thankful that
6 the Council is considering a permitting location
7 for the safe pick up and drop off of passengers.
8 We'd like to thank you for your time and
9 consideration and we hope to hear a positive
10 response. Thank you.

11 CHAIRPERSON FOSTER: Thank you.
12 Any questions? Thank you. Okay. Chin Sun?
13 Okay. Wellington Chin?

14 [Pause]

15 MR. WELLINGTON CHIN: Good morning
16 Council Members.

17 CHAIRPERSON FOSTER: Good morning.

18 MR. CHIN: My name is Wellington
19 Chin. I'm the Executive Director of the Chinatown
20 Partnership. We're an organization created after
21 9/11. And as you know with Park Row continues to
22 being closed, transportation and parking issues
23 and especially the bus issues is paramount to
24 Chinatown.

25 The reason I mentioned that, one of

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2 your former colleagues mentioned and it is a
3 testament to how important this issue is,
4 Chinatown is busier than Port Authority in New
5 York. And with Park Row being closed, with the
6 lack of parking, we need people to return to
7 Chinatown. And having the buses coming back to
8 Chinatown is a crucial issue. So the analogy I
9 like to use best all the time is I need the
10 children to come home. And so with the buses,
11 they need to come home. And you don't want to
12 play a cat and mouse game of constantly looking
13 for--today is it safe to drop here.

14 And the other day I had an African
15 American gentleman, he has a relative coming up
16 from North Carolina and he asked me where can he
17 pick up today. And I said good luck. Because you
18 never know, because it's a chasing game about
19 where the buses could be today. And you can hear
20 on the bus drivers' tone of voice when they're
21 close, they're on walkie-talkie, they talk about
22 this corner is not safe. There are cops here. Go
23 to the next corner. So imagine you're trying to
24 pick up somebody at the airport and you don't know
25 where to pick up.

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And so there are very practical issues and I think that regulations are definitely needed because you need operators to know that they are willing to provide the insurance, they're willing to comply with the regulations, and they're willing to provide--so both from the riders and the safety point of view, you want reliability and predictability.

So we don't want this cat and mouse game all the time. So I commend you for doing this. And just help Chinatown recover. Thank you very much.

CHAIRPERSON FOSTER: Thank you. Any questions? Okay. That being said, I got it caught in my hair, that being said, we will call the vote. Oh, right on time.

COUNCIL MEMBER CHIN: [Off mic] May I - - ?

CHAIRPERSON FOSTER: Yes, absolutely. Go ahead.

COUNCIL MEMBER CHIN: I just wanted to also recognize there are other bus companies here to support but they didn't want to testify.

CHAIRPERSON FOSTER: Sure.

2 COUNCIL MEMBER CHIN: So they just
3 wanted to show their presence.

4 CHAIRPERSON FOSTER: Thank you.

5 MR. KEVIN PINN: Kevin Pinn
6 [phonetic], Committee Clerk, roll call on the
7 Community on State and Federal Legislation.
8 Council Member Foster.

9 CHAIRPERSON FOSTER: Yes.

10 MR. PINN: Rivera.

11 COUNCIL MEMBER RIVERA: I vote aye.

12 MR. PINN: Dilan.

13 COUNCIL MEMBER DILAN: I vote aye.

14 MR. PINN: Fidler.

15 COUNCIL MEMBER FIDLER: [No audible
16 response]

17 MR. PINN: Oh yeah. Recchia.

18 COUNCIL MEMBER RECCHIA: Aye.

19 MR. PINN: By a vote of 4 in the
20 affirmative, 0 in the negative and no abstentions...
21 oh I'm sorry. Seabrook.

22 COUNCIL MEMBER SEABROOK: I ride
23 the bus too. Thank you very much. I vote aye.

24 MR. PINN: By a vote of 5 in the
25 affirmative, 0 in the negative, no abstentions,

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2 all items have been adopted. Members please sign
3 the Committee reports.

4 CHAIRPERSON FOSTER: And can we
5 keep the vote open? Fidler and Crowley just
6 stepped out so they'll be back to vote. Thank you
7 very much.

8 [Pause]

9 MR. PINN: Crowley.

10 COUNCIL MEMBER CROWLEY: I vote
11 aye.

12 MR. PINN: The vote stands at 6 in
13 the affirmative, 0 in the negative and no
14 abstentions.

15 COUNCIL MEMBER CROWLEY: Thank you.

16 MR. PINN: Thank you.

17 [Pause]

18 MR. PINN: Fidler.

19 COUNCIL MEMBER FIDLER: Yes.

20 MR. PINN: The vote stands at--the
21 final vote on the Committee on State and Federal
22 Legislation, 7 in the affirmative, 0 in the
23 negative and no abstentions.

24 [Pause]

25 MR. PINN: Thank you.

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date April 4, 2011