

**Testimony of New York City Department of Consumer Affairs
Before the
New York City Council Committee on Consumer Affairs and Business Licensing**

**Hearing on
Introductions 289, 723, 725, & 727 Regarding Sightseeing Buses**

April 24, 2018

Good morning Chairman Espinal and members of the Committee on Consumer Affairs and Business Licensing. My name is Casey Adams and I am the Director of City Legislative Affairs for the New York City Department of Consumer Affairs (DCA). I am joined today by some of my colleagues from the department and I would like to thank you for inviting DCA to testify about Introductions 289, 723, 725, and 727, all of which relate to the regulation of the sightseeing bus industry in New York City.

Currently, DCA licenses eight sightseeing bus companies that operate 197 vehicles. DCA enforcement staff inspect all sightseeing buses at least once every four months to ensure that they are in compliance with local laws and rules which mandate, among other things, the posting of consumer disclosures and rate schedules, the maintenance of a clean and sanitary interior as well as functioning exterior lights, signaling devices, and windshield wipers, and the installation of headphone-limited sound reproduction systems. In addition, sightseeing buses must be inspected every six months by the New York City Department of Environmental Protection and the New York State Department of Transportation for compliance with emissions and road safety standards, respectively.

We appreciate the opportunity to be here today with our partners from the New York City Department of Transportation (DOT) to discuss proposed changes to the regulation of the sightseeing bus industry. The sightseeing bus industry plays an important role in supporting our city's booming tourist economy and we share a collective goal to ensure that important industries can thrive and that consumers, including both tourists and New Yorkers, are protected. We believe that some of the proposals being discussed today would help to streamline existing regulatory processes without sacrificing protections for consumers. I will offer brief comments on each bill.

Introduction 289

First, we will discuss Intro. 289, a bill that requires sightseeing bus companies that operate double decker buses to ensure that an employee is stationed on the top deck of a bus whenever consumers are present there. The top deck employee must be licensed as a sightseeing guide by DCA. As a policy matter, DCA takes no position on the desirability or necessity of having a second employee present on the top decks of sightseeing buses and we look forward to hearing more from the Council and advocates about why this change is needed. We note that, under current law, licensed sightseeing guides who drive sightseeing buses are already prohibited from explaining, describing, or lecturing while a bus is in motion. A driver who is not a licensed sightseeing guide may not explain, describe, or lecture regardless of whether the bus is in motion.

Introduction 723

Intro. 723 requires that sightseeing bus companies obtain stop authorizations from DOT before applying for a license from DCA. Currently, the law does not require sightseeing bus companies to have stops assigned in order to obtain a license from DCA. In addition, the bill allows DCA to suspend or revoke a company's license if DOT revokes one or more bus stop authorizations. DCA supports Intro. 723 because we believe it will streamline the regulatory process and more closely align licensing requirements with broader traffic impacts.

Introduction 725

Intro. 725 would cap the number of sightseeing bus license plates at 225, preventing DCA from issuing additional license plates above that number. Individual license plates are distinct from the license that must be obtained by a sightseeing bus company. One licensed company may have many license plates- in fact, Gray Line and City Sights, which together comprise Twin America, currently hold 93 plates, or almost half of all active plates. At the moment, there is no cap on the number of license plates that can be issued either overall or to an individual company.

DCA would like to offer a note of caution about this proposal. As we stated at the Council's 2016 hearing on an earlier version of this bill, a competitive market is often good for consumers because it may put downward pressure on prices and push companies to innovate. Today, the sightseeing bus market in New York City is highly consolidated. DCA reviewed historical licensing data back to 1991 and found that the eight companies currently licensed is equal to the lowest number of companies licensed for any year studied and is well below the historical average of 20 companies for the years reviewed. Today, there are eight companies operating 197 buses. In 1995, for example, there were 27 companies operating 144 sightseeing buses. Under a cap system, current licensees would be able to renew their existing license plates, giving current market participants another advantage over new entrants in a business that already has high barriers to entry, undermining competitive pressures that can work to the benefit of consumers.

In addition, capping the number of license plates could undercut incentives for companies to expand tours outside Manhattan. At the Council's 2016 hearing, Council Members from Brooklyn and Queens remarked that their communities also have much to offer sightseers and tourists, but only rarely see the sightseeing buses and other tourism businesses that could benefit local small businesses by bringing in foot traffic and spending power. Limiting the number of available buses could push companies to place them in tried and true markets- mostly in Manhattan- rather than exploring new and untested routes in other communities across the city.

Introduction 727

Intro. 727 would prohibit sightseeing bus companies from employing drivers unless they meet certain requirements. The Administrative Code required DCA to issue sightseeing bus driver licenses until 1995, when the provision was repealed as “duplicative” of state requirements. DCA understands that Council intends to hold companies accountable for hiring safe and qualified drivers and we commend that goal. However, many of the requirements in this bill, especially those related to driver safety and infraction records, partially overlap with state laws and rules governing Commercial Driver Licenses (CDLs) or the standard promulgated by the Federal Motor Carrier Safety Administration on which they are based. It is important to remember that DCA is a consumer protection and licensing agency, not a traffic safety agency like the state entities that regulate and issue CDLs in New York and other states. We recommend that the bill be amended to require that companies hire only those persons who hold a CDL valid to operate a sightseeing bus from either New York or another state whose licenses are reciprocally recognized by the NYS DMV. Under this approach, DCA would be able to issue a violation to a company that fails to ensure that its drivers are properly qualified by a traffic safety agency with the mandate, means, and expertise to test and monitor those qualifications.

Conclusion

I would like to thank the committee for the opportunity to testify today. We share the Council’s goal of ensuring that sightseeing buses are safe, clean, and dependable experiences for the millions of tourists that make New York City one of the world’s top tourist destinations every year and for the New Yorkers who share our streets with these vehicles. I will be happy to answer any questions you may have.

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
TESTIMONY FOR HEARING BEFORE THE
CITY COUNCIL COMMITTEE ON CONSUMER AFFAIRS
REGARDING INTRODUCTIONS 723, 725, 727, and 289
APRIL 24, 2018**

Good afternoon Chair Espinal and members of the Committee on Consumer Affairs. My name is Alex Keating, Director of Special Projects for Transportation Planning and Management at NYC DOT, and I am happy to be back before this Committee once again to discuss sightseeing bus legislation, as I was in September 2016. And I am testifying today with our DCA colleagues.

As you know, DOT and DCA share responsibility for regulating and authorizing sightseeing bus companies operating in New York City, with DCA as the licensing agency and DOT granting use of the curb for loading and unloading passengers at designated stops.

As Mayor de Blasio and NYC and Company recently announced, with 62 million visitors, 2017 was New York's eighth consecutive year for record-breaking tourism. We are fortunate that New York is a destination for people from across the country and the world. Tourists come to experience our wonderful city and fuel our economy to the tune of over \$40 billion in spending each year, supporting more than 360,000 jobs.

But with an unprecedented number of residents, commuters and tourists, a booming economy, and a surge in construction, we have increased competition for our limited amount of street space: in the roadway, at the curb, and on the sidewalk. As such, we must continue managing our streets to support the most efficient uses and sustainable transportation modes in order to maximize mobility and ensure that this growth benefits all who live in or visit our City.

Simultaneously, to achieve our Vision Zero goal of eliminating traffic-related fatalities and serious injuries we are using every tool at our disposal to improve the safety of our streets.

Therefore, as we said previously, DOT recognizes the need to better regulate the sightseeing bus industry. When we last testified in 2016 the number of sightseeing buses had grown to 237. Since then it has fluctuated back down to the current level of 197 licensed buses. While this is not a large number relative to our total road users, sightseeing buses are large vehicles, with significant curb use impacts. They also predominantly travel through and stop within the busiest, densest parts of our City's central core, often overlapping with transit operations such as the MTA buses that carry New Yorkers on 2.5 million trips every day across the City.

DOT requires all companies requesting authorization for bus stops to provide their proposed schedule information. Once DOT authorizes a stop, we require timely updates of any changes to their schedules and bus ownership.

As we described previously, in 2016 DOT conducted a study of the sightseeing bus industry. As part of that study, we collected data at 14 locations, monitoring over 1,200 sightseeing bus arrivals and departures. We found that most stops averaged about four to nine buses per hour. Peak sightseeing operations took place mainly between noon and 4:00 p.m. each day and started to steadily drop off later in the day.

During peak times we saw double-running—when companies utilize two buses for every one scheduled to stop—and arrival frequencies in excess of the schedules submitted for authorization. While two-thirds of buses were observed loading and unloading passengers within three minutes or less, 17 percent stayed at the curb for more than 10 minutes, particularly at certain locations. And we observed instances of obstructing the travel lane or contributing to sidewalk crowding. We also saw examples of good actors at major destinations expeditiously loading and unloading passengers, as required by our traffic rules.

As we explained at the previous hearing, DOT's Bus Stop Management Unit receives requests from multiple types of bus operators seeking permission for loading and unloading of customers. This includes MTA buses, intercity buses such as Megabus and BOLT, public transportation buses such as New Jersey Transit, as well as sightseeing buses.

For each bus stop request, DOT assesses the conditions at the particular location. We comprehensively consider traffic patterns and existing traffic and curb regulations. If the request is for a bus stop location utilized by another operator, including the MTA, we will assess whether the new proposed service can be accommodated in addition to the current usage based on the submitted schedule.

DOT may decide to deny a bus stop request for reasons including narrow sidewalks, likelihood of disrupting traffic, potential pedestrian congestion, or loss of parking and commercial loading areas. Also, we avoid proximity to hospitals, fire stations, and police precincts so as not to interfere with emergency vehicles.

Curb regulations and street use are always changing, but under current conditions little available curb space remains in the immediate vicinity of the most popular tourist locations in Manhattan which have the highest demand for stops from sightseeing bus companies. DOT rejects stop requests due to capacity issues at these heavily used locations.

On the other hand, certainly many locations throughout the City do have the capacity for additional sightseeing bus operations and in the past DOT has worked to designate new sightseeing bus stop locations, in some cases at the request of elected officials.

Turning to the legislation before the Council today, DOT supports the Speaker's bill, Intro 723. Similar to 713-A from the previous term, Intro 723 would mandate that sightseeing bus companies first have authorization from DOT for all their bus stops *before* receiving an operating license from DCA. Under the bill, the process for assigning stops would be similar to our process for siting intercity bus stops, including a Community Board consultation process.

It also makes clear that failure to abide by the conditions of such authorizations can lead to their revocation, and makes such revocation a potential cause for loss of their DCA license. Currently, sightseeing bus operators can be granted DCA licenses without receiving approval from DOT for their proposed stop locations and schedules. This contributes to buses on the street utilizing unauthorized stops, including MTA bus stops, locations authorized for other companies, or curb locations with no authorized bus stop.

Intro 723 also includes a requirement that any company granted a sightseeing bus stop authorization must subsequently provide real time electronic tracking data in a form and frequency to be determined by DOT. Sightseeing bus operators very likely already collect GPS location information and DOT would promulgate rules and develop a process for regular reporting.

By showing where buses are actually traveling and stopping, that data would enable DOT to more effectively monitor that sightseeing buses are operating in line with approved schedules at stops and could help target enforcement. This data will also complement other data sources such as taxi GPS and MTA Bus Time data to paint a more complete and accurate picture of conditions on our roads.

We commend the additional work on this bill since its prior incarnation as Intro 713-A and we would like to thank Speaker Johnson for his partnership. Sightseeing buses heavily affect the Speaker's district and are certainly a topic that he knows well. Combined with strong enforcement, these changes, including a few additional technical amendments we would be happy to discuss, would help ensure that DOT can effectively authorize bus stops in a coordinated manner and prevent oversaturation of activity at particular locations.

Finally, when it comes to including the "viability of bus route" among the criteria that DOT would be required to use as a basis for authorizing sightseeing bus stops, DOT's appropriate role

should be in determining whether a particular location can accommodate a company's proposed schedule of pick-ups and drop-offs, not making a determination about the routes used between approved stops.

Turning to Intro 725, which would cap the number of sightseeing bus license plates at 225, we defer in general to DCA as the issuer of sightseeing bus licenses, since they would be responsible for administering any cap.

DOT does not want to discourage competition in the form of new entrants into the market or prevent the potential growth of these services elsewhere in the City, including new locations where they may be desired, while at the same time, not necessarily reducing problematic activity at presently oversaturated locations we know are of concern to Council Members. But we do agree that we should manage the impacts of sightseeing buses to prevent problematic curb uses and prevent oversaturation and we welcome efforts to strengthen the City's ability.

Finally, I will defer to my colleagues at the Department of Consumer Affairs to address Intros 727 and 289. Thank you for the opportunity to speak today on sightseeing bus regulation in New York City and the proposed legislation. I look forward to answering any questions after testimony from my DCA colleagues.

FOR THE RECORD



**Testimony from Tim Tompkins, President, Times Square Alliance
Committee on Consumer Affairs and Business Licensing
April 24, 2018**

Thank you Chair Espinal, and the members of the Committee on Consumer Affairs, for the opportunity to submit testimony on behalf of the Times Square Alliance.

Sightseeing tour buses are a great way for visitors to experience many of New York's diverse neighborhoods and sites. As one of New York's most iconic spaces, Times Square is a key stop along most tour bus routes. The 39 million visitors who stay in Times Square annually rely on the ability to hop on a bus and be transported throughout the city, while hundreds of thousands of others hop off in Times Square to experience the lights and spectacle on their way to a Broadway show. There is no doubt that sightseeing buses are important to the City's ever-growing tourism economy and the hundreds of thousands of jobs related to it. The Alliance believes it is important to support this industry and its hard-working employees.



At the same time, in response to concerns from key stakeholders, ranging from theatergoers and other members of the Broadway community who walk and drive to shows, to Times Square employees who navigate the intensely-crowded sidewalks of Times Square, the Alliance has long advocated for a more transparent, consultative, and collaborative process for siting tour bus stops, using traffic and pedestrian-flow data as well as community consultation. Too many times, a bus stop was changed or added without explanation, and the criteria guiding its location was not clear. We believe that in our own neighborhood, once congestion and public safety criteria are applied, some equally viable locations will be welcomed by nearby businesses, while others may be less so; there is value in community consultation as well.

Accordingly, we strongly support **Int. 723**, which would require the Department of Transportation to take into account public safety, traffic, bicycle and pedestrian flow, and to consult with local stakeholders when approving sightseeing bus stops. The need for congestion analysis, particularly for pedestrians and vehicles, prior to siting bus stops is great in Times Square. Heavily trafficked corridors, such as West 42nd Street between 7th and 8th Avenues, and 7th Avenue from West 40th Street to West 50th Street, are subject to enormous pedestrian and vehicular pressures due to a confluence of:

- Public transit pedestrian flows (from the city's largest subway station and its sole bus terminal) that produce some of the highest commuter pedestrian counts in the city
- The greatest concentration of hotels, theaters and entertainment venues in the city (each with attendant arrivals and departures by foot or by vehicle)
- A higher concentration of tourist, MTA and commuter bus stops at pinch points compared to other parts of the city



- A multitude of other forms of commercial activity taking place on already busy sidewalks

The result of all this can be significant threats to pedestrian safety. For example, on a recent evening, we counted 3,100 pedestrians were counted walking in the street bed on West 42nd Street between 7th and 8th Avenues in a two-hour period because of the cumulative effect of these activities.

The location and number of on-street bus stops can drastically affect pedestrian and traffic flow. Passengers typically queue on the sidewalk in front of “hop on/hop off” stops, resulting in overcrowded sidewalks. At some of the most popular stops, including along 42nd Street, 46th Street, 47th Street and 7th Avenue, sidewalk conditions have deteriorated significantly. These areas routinely achieve Level of Service (LOS) grades of “E” and “F,” meaning the sidewalks are, according to DOT, “severely restricted or that forward progress is only achievable by shuffling.” While the stops are intended only for drop off and pick up, a recent study found that buses tend to idle at the stops between trips, piling up along the curb. On Saturday evenings, the average dwell time for buses along West 42nd Street was 46 minutes. At other pinch points, like 47th Street and 7th Avenue, we have received innumerable stakeholder complaints and documentation about the “stacking” of buses blocking multiple lanes and the negative effect that has on traffic.

TIMES
SQUARE
ALLIANCE

Times Square is a busy place, so these many different activities are all appropriate in their own way, and we expect them to be more concentrated here than elsewhere, especially given our central role in the tourist economy. But as noted in the examples above, because of this concentration of many different demands, and the variety of uses on streets and sidewalks due to our unique mix of transportation, hotel, office and entertainment venues, the need for both community consultation and a rigorous data-based analysis of bus stops is essential. It is in part for this reason that the Times Square Task Force committed to a comprehensive traffic study of the Times Square area once plaza construction is finished; that study, which has still not been released, can help clarify options for dealing with many of the issues related to bus stops, among other things.

We should also note that the need for thoughtful regulation extends beyond bus stops to the individuals who sell sightseeing bus tickets in and around Times Square. One Saturday evening, we counted as many as 171 uniformed ticket sellers in Times Square at one time. These ticket sellers often disregard the rules governing commercial activity on the Plazas and, along with a variety of costumed characters, vendors and other solicitors, overwhelm the area, making it difficult and unpleasant to navigate. While Int. 723 will help ensure sightseeing bus stops are placed to maximize safety and minimize congestion, we strongly believe a thoughtful and holistic examination of all the commercial activity in the Times Square area, especially in congested locations like West 42nd Street between 7th and 8th Avenues, is necessary to ensure



the area remains vibrant, safe and enjoyable for the thousands of New Yorkers and tourists that depend on it.

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The vast majority of tour bus drivers and companies operate safely, taking all necessary precautions to protect riders and pedestrians. Unfortunately, there have been a few incidents, including a 2014 tour bus crash in Times Square, that brought new attention to licensing requirements for the sight-seeing bus industry. **Int. 0727** will create an additional layer of accountability for drivers and operators, ensuring the safety of tour bus riders and surrounding pedestrians. This provision, intended to help the bus companies and DCA address a handful of bad actors who repeatedly act in a way that violates traffic laws, endangers pedestrians or is inconsiderate of the community, seems to us to be a reasonable and positive step forward.

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With respect to **Int. 0725**, without knowing how much demand is expected to grow in which areas as a result of tourism growth or the development of new routes in other neighborhoods, we are not prepared to take a position. However, we do think the city's past history of simply capping licenses (or medallions) citywide can result in unintended market distortions that hurt operators, potential operators, consumers, and the public alike. Data-driven-analyses which balance both market needs and the impact of commercial activities on the scarce resource of the streets and sidewalks of the public realm, if performed properly and objectively, can often be useful tools that are more rational, defensible and effective.

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We will also refrain from taking a position on **Int. 0289**. While we strongly support all efforts to make the sightseeing bus industry safer, we will leave it to regulators and other key stakeholders, who know bus operation best, to determine appropriate practices with regards to the roles and responsibilities of individual employees.

The Time Square Alliance looks forward to continuing to work with the City, bus operators, and other stakeholders to ensure that tour buses continue to be a safe, viable method for tourists to discover Times Square and other sites throughout New York City. Thank you for your consideration.

Testimony of the Partnership for New York City**New York City Council
Committee on Consumer Affairs and Business Licensing****Int. 723 – requiring sightseeing bus operators to submit operating plans to the DOT.****April 24, 2018**

Thank you Chair Espinal and members of the committee for the opportunity to testify on Int. 723, sponsored by the Speaker. The Partnership for New York City represents the city's business leaders and largest private sector employers working to enhance the economy of the five boroughs of New York City and maintain the city's position as the pre-eminent global center of commerce, innovation and economic opportunity.

The Partnership recognizes the important contributions of the tourism industry to New York City. At the same time, we question the economic value of sightseeing buses, specifically in Manhattan south of 60th Street, during the business week. In December, 2017, the Partnership released a study of the cost of traffic congestion that identified \$20 billion a year in economic losses and costs due to congestion that is largely generated by traffic to and from the central business districts of Manhattan. While our study did not quantify the extent to which tour buses contribute to the congestion problem, there is ample anecdotal evidence that their negative impact is substantial. Moreover, there is no credible, independent study that has determined that tour buses are a net contributor to the city economy.

The Manhattan central business districts should be off limits to tour buses, since the streets do not have capacity to handle them. There is inadequate curbside space and nowhere for these buses to park on weekdays, from 7 a.m. to 7 p.m. There are plenty of alternative means of transportation for visitors seeking to move around Manhattan, including MTA transit, new ferry and bike services, as well as taxis, liveries and for-hire vehicles.

Conditions in Manhattan streets are not suited to sightseeing bus activity. The average speed of vehicular travel in the central business district is only 6.8 miles per hour – a situation that gets worse every year. The sidewalks that buses use for passenger waiting, loading and unloading are equally as congested as the streets.

There are serious safety and air quality concerns associated with sightseeing buses, which regularly stop at unauthorized locations and are often seen idling at the curb. The common practice of “stacking” buses at popular sites blocks takes up multiple lanes in overcrowded streets. These problems are most acute in neighborhoods with a confluence of tourist attractions, a high density of people and vehicles, and narrow streets and sidewalks. Int. 723 is a first step toward assessment of the value of the tour bus industry, hopefully paving the way for stricter regulation of its activity. If passed, it would require the Department of Transportation

(DOT) to authorize where buses can stop. DOT would be empowered to collect bus location data to help with these decisions and could attach conditions to the authorization of stops. Violations could be grounds for license revocation.

Governor Cuomo's Fix NYC panel, which recommended better traffic management and congestion pricing, specifically identified the need to study the negative contribution of tour buses to the high cost of traffic congestion. We suggest such a study be undertaken and that, in the interim, there be a reduction of authorized buses navigating Manhattan south of 60th Street during weekday business hours. The Partnership looks forward to working with the Council on this issue.

Thank you.



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Gale A. Brewer, Borough President

April 24, 2018

**Gale A. Brewer, Manhattan Borough President
Testimony before the New York City Council Committee on Consumer
Affairs and Business Licensing in Support of Intro 725, a Bill to Cap the
Number of Sightseeing Buses Licenses**

Thank you to Chair Rafael L. Espinal Jr. for the opportunity to testify today in support of my bill, Intro 725, introduced jointly with Council Members Margaret Chin and Carlos Menchaca. This bill would amend the administrative code of the city to limit the number of sightseeing bus licenses.

It has become clear to me in my role as Manhattan Borough President, through countless conversations with business owners, residents, and Community Board Members, that many in our borough are frustrated with the proliferating sightseeing bus industry. According to the New York State Department of Transportation, the number of double-decker sightseeing buses in the city more than tripled from 57 to 194 between 2003 and 2013. And that number keeps growing—according to the most recent numbers provided to my office by the Department of Consumer Affairs, there are over 230 such buses in operation today, held by many different companies.

There is no question that the sightseeing bus industry has become a vital component of the tourism industry. However, these “hop on, hop off” sightseeing buses now often operate well below capacity, needlessly contributing to pollution and congestion. Some companies, moreover, disregard pre-determined bus stops approved by the Department of Transportation, and drivers will park or idle illegally in MTA bus lanes, or outside popular tourist destinations like the 9/11 Memorial and Strawberry Fields in Central Park.

These problems are the impetus behind Intro 725, which would cap the number of sightseeing buses at 225. I’ve spoken at length with advocates including TWU Local 225 who have concerns that instituting such a cap will result in the loss of jobs. However, no current licenses or jobs would be taken away under this plan. Rather, once the current number of sightseeing buses dips to 225—naturally, through attrition—no additional licenses would be granted.

Thank you again for the opportunity to testify. I look forward to working with members of this committee to ensure proper oversight and enforcement of regulations with respect to the sightseeing bus industry.



FOR THE RECORD

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April 24, 2018

New York City Council
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Re: Comments from Topview Sightseeing on Proposed Int. Nos. 289-A,
723, 725, and 727

To Whom It May Concern:

I am President of TopView Sightseeing (“Topview”). TopView is one of the top participants in New York City’s open-top, double-decker, hop-on, hop-off sightseeing bus tour market. I write in response to an April 18, 2018 e-mail invitation from the New York City Council to provide comment on Proposed Int. No. 289-A, in relation to requiring double decker sight-seeing buses to have at least one employee present on the upper level at all times when passengers are present; Int. No. 723, in relation to requiring sight-seeing bus operators to submit operating plans to the New York City Department of Transportation; Int. No. 725, in relation to limiting the number of sight-seeing bus licenses; and Int. No. 727, in relation to strengthening the licensing requirements in the sight-seeing bus industry.

Proposed Int. No. 289-A

Proposed Int. No. 289-A would add a new section 20-376.2 to the New York City Administrative Code (“NYCAC”) requiring “any sight-seeing bus with separate lower- and upper-level seating compartments for passengers” to have “at least one employee licensed pursuant to section 20-243 present on the upper level at all times when passengers are on the upper level.”

According to the Bill Summary:

Sight-seeing tour buses can be challenging to operate for drivers who are expected to simultaneously narrate tours and otherwise interact with, entertain and attend to their passengers. The distractions associated with these competing duties could lead to traffic violations, accidents and even injuries for passengers, other vehicles and pedestrians alike. Moreover, these distractions and safety concerns may be more pronounced for double

decker tour buses because they accommodate twice as many passengers on separate levels. This law would require double decker sight-seeing tour buses to have at least one licensed employee present on the upper level of the bus in addition to the driver at all times when passengers are present on the upper level. This requirement could help to alleviate distractions to drivers, thereby creating a safer environment on NYC streets.

TopView opposes this proposed regulation.

The payroll costs to pay a licensed Professional New York City Sightseeing Tour Guide employee to be present on the upper level of each of TopView's buses at all times when passengers are on the upper level are estimated at least \$200 per bus per day. For a fleet of 25 buses, it would cost over \$5,000 per day to comply with Proposed Int. No. 289-A. For a fleet of 50 buses, compliance would cost over \$10,000 per day.

Against the backdrop of those high costs, the logic of the proposed regulation, as expressed in the Bill Summary, is flawed.

First, it assumes that accidents are caused by tour bus drivers who are distracted, as opposed to, for example, the misconduct of other drivers. That assumption is not borne out by data about what causes tour bus traffic violations or accidents. TopView's research and data show that other drivers, not customers distracting sight-seeing tour bus drivers with questions, cause the majority of sight-seeing bus tour accidents. Driver distraction by a customer was not a factor in any TopView accident in 2016 or 2017. The Council has the authority to perform research and to gather data regarding the causes of double-decker sightseeing bus accidents. It should do that rather than presuming that distractions associated with any perceived competing obligations that may face sight-seeing bus drivers who are also acting as licensed tour guides cause tour bus traffic violations or accidents.

Second, there is no reason to believe that the presence of a licensed tour guide employee on the top deck of a double-decker bus will decrease driver distraction. For example, since the driver is on the first floor of the bus, the presence of a licensed tour guide employee on the top floor would not decrease the bus driver's exposure to potential questions or other interaction from customers on the lower floor at all. Notably, the MTA recently announced plans to deploy double-decker buses. If this requirement makes sense for a sight-seeing tour bus, why should it not also make sense for any large MTA bus? It would make as little sense to require an MTA employee in the second half of MTA "accordion" (articulated) buses to decrease the possibility that people in the first half would approach the driver.

Third, in TopView's case, there are no drivers (or tour guides) who narrate tours and otherwise interact with or entertain the passengers: TopView removed tour guides from its buses in September of 2016, and now uses a state-of-the-art, GPS-guided audio system to broadcast TopView guided tours as well as information about the bus's location, upcoming sites of interest, stops, and transfers, and safety reminders regarding

the dangers of standing up and moving during the ride in 8 different languages. TopView has found that this automated system has reduced customer questions to TopView drivers, because it answers most customers' questions.

For the foregoing reasons, TopView opposes Proposed Int. No. 289-A.

Int. No. 723

Int. No. 723 would modify the NYCAC in three places to require sight-seeing bus operators to submit operating plans to the NYC Department of Transportation ("DOT") and to comply with other requirements relating to NYC Department of Consumer Affairs ("DCA") sight-seeing bus licensure.

According to the Bill Summary:

In light of multiple accidents involving sight-seeing buses that occurred in recent years, this bill expands licensing requirements for sight-seeing buses. This bill requires sight-seeing bus businesses to submit operating plans to the Department of Transportation for approval prior to applying for a sight-seeing bus license from the Department of Consumer Affairs. This would enable the Department of Transportation to monitor congestion and traffic caused by sight-seeing buses on the road.

As seen below, TopView suggests modifications to Int. No. 723.

Proposed NYCAC Section 20-374(d): The proposed requirements in NYCAC Section 20-374(d) that owners of buses seeking sightseeing bus licenses from DCA "first obtain written authorization" from DOT for "all designated on-street bus stops" are unclear as written as well as impractical and unduly burdensome.

DOT maintains, periodically modifies, and from time to time publishes a list of Approved Sightseeing Bus Stops City Wide.¹ DOT effectively monitors the uses of those authorized stops, including their impacts on traffic, bicycle and pedestrian flow, and public safety. DOT is capable of doing so in order to exercise its proposed responsibilities to issue bus stop authorizations in the future based on the potential impact of proposed stop authorizations on traffic, bicycle and pedestrian flow, and traffic, among other criteria.

Requiring bus businesses to submit operating plans to cover all of their buses, in order to obtain any bus license(s), will not contribute to DOT's ability to monitor congestion and traffic caused by sight-seeing buses on the road, the stated purposes for the proposed regulations.

¹ For example, the April 16, 2018 version of that list is available here: www.nyc.gov/html/dot/downloads/pdf/sightseeing-bus-stops-citywide.pdf

Additionally, as seen in the list of Approved Sightseeing Bus Stops City Wide, DOT approves stops by location and operator – not by, or tethered to, an individual bus license. Any TopView bus can stop at any TopView-approved stop. As the proposed requirement is worded, however, “[e]ach applicant for a sight-seeing bus license” from DCA “shall first obtain written authorization” from DOT “for all designated on-street stops for the pickup and discharge of passengers”. Although the wording is unclear, the proposed requirements would appear to require TopView to designate one particular bus to operate along a designated set of specific, authorized stops as part of the process of applying for a license to operate that bus. Presumably, such a process would ultimately result in the issuance of a non-transferrable DCA license to a particular bus authorizing that bus to pick up or drop off passengers at certain authorized stops. But buses break down, routes can change (within a set of authorized stops) due to traffic, street closures, the demand for one tour over another or operational or other needs, and there are other good reasons not to tether a particular authorized set of stops or route to a specific bus license. As it stands, the proposed requirements are unclearly written, impractical, and unduly burdensome.

Beyond that, there is no timetable by which DOT must make bus stop authorization determinations, and in some cases, requests from competing bus companies to use the limited pool of appropriate sightseeing tour bus stops can take significant periods of time – even months – to process. If the Council is going to require prior DOT authorization of all designated on-street bus stops before buses proposed to operate along routes that may ultimately utilize those stops are licensed, the Council should require DOT to make determinations on requests for bus stop authorizations within specific time periods.

In accordance with the foregoing, TopView recommends that the Council modify the proposed requirements, so that businesses can obtain sight-seeing tour bus licenses that do not limit specific buses to particular stops or routes; and to require DOT to make determinations on requests for bus stop authorizations within specific time periods.

Proposed NYCAC Section 19-175.6(a): The proposed criteria to be considered by DOT in making determinations on applications for on-street bus stop assignments should be modified to guarantee that any resulting changes to the New York City double-decker hop-on, hop-off sightseeing bus tour market are consistent with the resolution of *United States, et al. v. Twin America LLC, et al.*, 12-cv-8989 (ALC)(GWG) (SDNY) (the “CitySights Litigation”).

The CitySights Litigation was filed by the New York State and federal government in 2012 and settled in March of 2015. Among other things, the United States and New York State governments alleged that the March 17, 2009 formation of Twin America, LLC, a joint venture combining the hop-on, hop-off bus tour businesses of CitySights LLC and Coach USA, Inc. (a/k/a “Gray Line”) in New York City, substantially lessened competition in the New York City double-decker, hop-on, hop-off sightseeing bus tour market in violation of various federal antitrust regulations and related provisions of New York law.

The settlement reached in 2015 and authorized by the United States District Court for the Southern District of New York required that CitySights relinquish all of CitySights' around 50 bus stop authorizations in New York City, including "highly-coveted stops surrounding key tourist attractions such as Times Square, the Empire State Building, and Battery Park that are critical to operating competitive hop-on, hop-off bus tour," pay \$7.5 million in disgorgement, and take other remedial actions designed to allow TopView and other competitors to enter into and/or compete with Twin America in the New York City hop-on, hop-off bus sightseeing tour marketplace.

As explained in the Competitive Impact Statement submitted around the settlement:

Entry and expansion into the relevant market has not been, and is not likely to be, timely or sufficient to counteract the joint venture's anticompetitive effects. For more than three years following Twin America's formation, there was no new entry or expansion in the New York City hop-on, hop-off bus tour market and Defendants sustained their early 2009 price increases. Entry that has occurred since 2012 has also failed to roll back Defendants' price increases and has been insufficient to constrain Twin America's exercise of market power.

The most significant barrier to entry in the hop-on, hop-off bus tour market is the requirement that an entrant obtain authorizations from the New York City Department of Transportation ("NYCDOT") for each location where it wishes to stop to load and unload passengers on its tour. Both Gray Line and CitySights have long held large portfolios of bus stop authorizations that enable them to stop at or in close proximity to virtually all of New York City's top attractions and neighborhoods, providing Defendants with a distinct competitive advantage over other operators in the market. Gray Line and CitySights obtained these bus stop authorizations without difficulty years before their joint venture because NYCDOT awarded the bus stops on a "first come, first served" basis. Recent entrants, by contrast, have faced persistent difficulties securing bus stop authorizations at or sufficiently near key tourist attractions to be competitive with Twin America as NYCDOT has denied the overwhelming majority of bus stops applied for since Twin America's formation. Most of the stops sought by the entrants – particularly those at or in close proximity to top tourist attractions – are now at capacity or are otherwise unavailable, leaving Twin America with the dominant share of competitively meaningful stops. The chronic denial of bus stop authorizations has blocked some firms from entering the market altogether and prevented those that have entered from replicating the scale and strength of either CitySights or Gray Line prior to the joint venture. Without needed bus stops, some entrants stop at key attractions on an unauthorized basis, creating the risk of an enforcement action that could

curtail their operations at any time.

12-cv-8989, Docket Entry No. 128, at pp. 8-9.

The divestiture of the 50 “highly coveted” bus stop authorizations required by the CitySights Litigation settlement was designed “so that other firms [would be] better positioned to obtain the bus stop authorizations needed to compete more effectively with Twin America” given that “the most intractable barrier to entry [into the market] is the inability of new firms to obtain bus stop authorizations from NYCDOT at or in sufficient proximity to New York City’s top attractions and neighborhoods” – an “entry barrier” the settlement was meant to “significantly ease[.]... by increasing NYCDOT’s inventory of bus stops and freeing up capacity at locations throughout Manhattan, including the locations most sought by recent entrants.” *Id.* at p. 9.

As seen in the Competitive Impact Statement, all bus stops are not equal in terms of access to the relevant market. Rather, the relevant market is tied to locations where tourists stay and common tourist destinations. One stop close to a major tourist location can be more important in terms of market access than several stops in less desirable locations.

The proposed criteria to be considered by DOT in making determinations on applications for bus stop authorizations must take into consideration these realities of the double-decker, hop-on, hop-off sightseeing bus tour market landscape in New York City. Otherwise, the Council may inadvertently have a hand in perpetuating, or re-creating, the conditions under which the illegal monopoly, which was broken up only relatively recently, harmed the market for so long.

Accordingly, the Council should modify the proposed criteria to be considered by DOT in making determinations on applications for bus stop authorizations to address these realities of the double-decker, hop-on, hop-off sightseeing bus tour market landscape in New York City by ensuring fairly and appropriately distributed access to “highly coveted” stops, so that the market can remain competitive.

Proposed NYCAC Section 19-175.6(b): The proposal to authorize the DOT Commissioner to revoke a bus stop authorization for *any* violation of *any* condition the DOT Commissioner imposes on a bus stop authorization, without providing for any notice, opportunity to be heard, or other process, would violate due process.

Proposed NYCAC Section 20-383(a): The proposal to authorize the DCA Commissioner to suspend or revoke a sightseeing bus license where there has been “revocation of one or more bus stop authorizations by the commissioner of transportation pursuant to section 19-175.5 [sic] of this code”, without providing for any notice, opportunity to be heard, or other process, would violate due process principles.

Although DOT may, of course, revoke bus stop authorizations, as long as it does so consistent with due process, equal protection, and other constitutional and legal requirements, if the Council envisions a new process by which DOT may revoke bus stop authorizations, and consequences for operators whose buses stop at unauthorized stops, the regulations should fully and transparently describe the application, determination, appeal, revocation, and other consequence-related processes, including any related provisions for notice and opportunity to be heard.

Beyond that, the Council should not authorize suspension or revocation of a sightseeing bus license or licenses upon DOT revocation of a bus stop authorization for any reason. This is particularly so because any perceived violation of any condition the DOT Commissioner imposes on a stop may result in revocation of a bus stop authorization, and therefore also suspension or revocation of a DCA sightseeing bus license, resulting in a "strict liability" scheme. Suspension or revocation are not necessarily consequences proportionate to an alleged violation of a condition related to an authorized stop.

Additionally, the proposal to authorize the DOT Commissioner to revoke a bus stop authorization for *any* violation of *any* condition the DOT Commissioner imposes, would in effect grant DOT unbridled discretion not only to impose conditions on bus stop authorizations, but also to revoke a bus stop authorization for *any* perceived violation of any such condition, raising further due process concerns.

Accordingly, the Council should enact regulations that fully and transparently describe the revocation and consequence processes, including any related provisions for notice and opportunity to be heard; and remove or modify the provision that would authorize the DCA to revoke or suspend a sightseeing bus license upon DOT revocation of any bus stop authorization.

For the foregoing reasons, TopView suggests the above modifications to Int. No. 723.

Int. No. 725

Int. No. 725 would modify the NYCAC to require DCA to issue no more than 225 sight-seeing bus license plates.

TopView opposes this proposed regulation.

NYCAC 20-375(b): The proposed cap of 225 active sightseeing tour bus license plates is arbitrary and unreasonable, and cannot be implemented without perpetuating or re-creating illegal market conditions.

The proposed cap of 225 active sightseeing tour bus license plates is arbitrary and unreasonable – particularly given the needs, recognized by the United States and New

York State governments and the United States District Court for the Southern District of New York, to increase market access.

Given the lack of any information in the Bill Summary or elsewhere regarding the history, basis, and purpose of the regulation, it is not clear which purposes the proposed cap is meant to serve, or how it is meant to serve them. Stakeholders should have access to that information before a hearing such as this one occurs, so that we can participate meaningfully in the process.

To the extent that the proposed cap may be meant to address perceived traffic congestion or environmental problems, the Council should not consider imposing a cap without real data and other information about industry impacts on traffic congestion or environmental problems. Double-decker sightseeing tour buses transport more people, more safely and efficiently, with less adverse environmental impacts, as compared to yellow taxi and green cabs, Uber cars, livery car drivers, and many other popular means of New York City surface transportation – including single-decker buses.

Significantly, the proposed cap would apparently not distinguish between double-decker sightseeing tour buses and other sightseeing vehicles such as single-decker buses or vans for purposes of counting toward the plate cap. Double-decker sightseeing tour buses differ in many aspects from other vehicles put to similar uses. For example, they are larger, and can carry many more passengers than, other buses or vans. They should not be counted among other sightseeing vehicles, such as single-decker buses or vans. If there is to be a cap, there should be a separate cap for double-decker sightseeing tour buses.

The 225 number appears to have been arrived at in 2014 or 2015, without any publicly disclosed research or data, hearings, or notice or opportunity to be heard to owners or other stakeholders.

Upon information and belief, there are currently more than 225 active, DCA-authorized double-decker tour buses operating in New York City – and the industry is growing. Neither the buses that are currently in operation, nor authorized stops, are evenly distributed among operators.

Imposing an arbitrary cap of 225 plates would freeze the current market conditions and perpetuate the conditions under which the CitySights joint venture harmed the market for so long. Those conditions have only recently begun to change as a result of the settlement in the CitySights case and DOT's redistribution of the 50 stops that settlement required CitySights to divest.

If the Council is set on imposing a numerical cap, it should collect and share relevant data about the conditions the cap is meant to address with stakeholders, and *then* invite their input, including, but not limited to, through a public hearing process, prior to proposing an appropriate number for such a cap. If any fixed numerical cap is to be imposed, the Council should take steps to ensure that there are at worst an equal number

of licenses granted to the main industry pants (such as by allowing only up to 50 licenses per company), as well as require periodic hearings into whether the cap should be expanded.

Additionally, as seen, the imposition of any such cap must be designed to prevent the market conditions that forced the United States and New York State governments to sue, otherwise it will simply re-create them, perhaps inviting further governmental action to ensure that the market can become and remain competitive.

Specifically, if any cap is implemented, the Council must take steps to guarantee that the plates ultimately issued by DCA, and bus stops authorized for use by DOT, are distributed among TopView and other operators within the market, such that TopView and those other operators can continue to challenge CitySights' market dominance by increasing their fleets of licensed buses and enhancing their access to New York City's top neighborhoods and attractions.

Finally, the market for hop-on, hop-off, double-decker sightseeing bus tours in New York City is only growing. Capping the number of plates will prevent that growth and cause TopView immediate economic harm.

For the foregoing reasons, TopView opposes the proposed plate cap.

Int. No. 727

Int. No. 727 would modify the sight-seeing bus industry licensing requirements in the NYCAC.

According to the Bill Summary:

In light of multiple accidents involving sight-seeing buses that occurred in recent years, this bill expands licensing requirements for sight-seeing bus companies. Sightseeing bus drivers must meet basic requirements, such as not having more than three traffic violations or alcohol/drug-related convictions in the last three years. Sight-seeing bus companies must submit a list of all of its bus drivers to the department of consumer affairs. The company must also register New York licensed drivers in the Department of Motor Vehicles License Event Notification System. Additionally, sight-seeing bus companies shall maintain driving records for all employee bus drivers, and must make these records available for inspection by the Department of Consumer Affairs.

Preliminarily, TopView has no problem with requiring that its drivers possess appropriate licensure and safe driving records, and that TopView obtain and make available documentation of the same. All TopView drivers meet the New York State Department of Transportation Article 19A requirements set forth in the NYSDOT Commissioner's Rules and Regulations (which include completion of pre-employment

and biennial medical examinations and required follow-ups, submission of pre-employment and annual driver license abstracts, completion of annual defensive driving observations, completion of biennial road tests, and completion of biennial oral/written tests), and all TopView drivers are registered with the Department of Motor Vehicles License Event Notification System (LENS). Moreover, each TopView driver goes through a driver history check, as well as pre-employment and post-employment random drug and alcohol testing. And TopView takes other measures to ensure that TopView drivers operate TopView buses safely and legally.

However, as seen below, TopView proposes modifications to the proposed regulations.

NYCAC Section 20-376.2(5): The proposed prohibition on employing a person convicted of three or more traffic infractions pursuant to the state vehicle and traffic law (the “VTL”) within a three-year period sweeps too broadly.

If such a prohibition is necessary, the Council should tie it to convictions of traffic infractions in connection with which a certain number of points were imposed on the person’s license within a certain time period.

A single police traffic stop of a vehicle can, and often does, result in the issuance of multiple tickets charging multiple traffic infractions in multiple courts. Although some summonses may be pleaded down to non-VTL violations in criminal court, a conviction of a VTL traffic infraction, by plea or otherwise, is the almost inevitable result of proceedings before the NYS Department of Motor Vehicles (“DMV”) Traffic Violations Bureau. In contrast to convictions for traffic infractions, which can be easy to incur, the point system is, as the New York State Department of Motor Vehicles (“DMV”) explains on its website (<https://dmv.ny.gov/tickets/about-nys-driver-point-system>), DMV’s way of “identify[ing] and tak[ing] action against high risk drivers.” Points are not imposed for certain minor traffic infractions (for example, traffic infractions committed while cycling), but they are imposed for traffic infractions such as speeding, running a red light, or other, more serious violations of the VTL. Particularly where such a nuanced scheme exists, the proposed “three traffic infractions and you’re out” policy sweeps too broadly.

NYCAC Section 20-376.2(6)(b) – Rather than requiring that the owner of a sightseeing bus company inform DCA “within five days after a new sight-seeing bus driver is hired or a sight-seeing bus driver leaves the company”, such reports should be due on a monthly, or other, similar, fixed basis.

Requiring owners to provide reports “within five days after a new sight-seeing bus driver is hired or a sight-seeing bus driver leaves the company” would create unduly high administrative burdens as compared to requiring such reports on a monthly, or other, similar fixed basis. Such reports would provide DCA with the information it needs to exercise its oversight responsibilities in a timely fashion.

NYCAC Section 20-376.2(6)(c)(1) – Rather than requiring that the owner of a sightseeing bus company inform DCA within one business day of any accident or traffic infraction that involves one of the company’s sight-seeing buses, such reports should be provided on a monthly, or other, similar, fixed basis.

Beyond that, the “details” and information to be provided about a “description of the incident” and “whether or not the sight-seeing bus driver was at fault” should be limited to information contained in a New York City Police Department (“NYPD”) accident report where there is an accident, or NYPD-issued summons or other legal process, when such process is issued related to an alleged traffic infraction.

TopView requires its drivers to report accidents and traffic infractions involving its buses. TopView promptly reports accidents to its insurance company and promptly provides its insurer with copies of the NYPD accident report related to an accident once it is available. TopView drivers must cooperate with investigations into accidents conducted by TopView and the NYPD.

TopView has no objection to providing information to DCA within one business day regarding any accident or traffic infraction, such as the identity of the sight-seeing bus driver involved in the incident, a brief description of the incident, and copies of any summonses or legal process that were issued at the scene.² TopView also has no objection to providing copies of NYPD reports regarding accidents to DCA when they are available. Beyond that, although it is not clear which further “details” about an accident or traffic infraction the Council would mean to require the owner of a sightseeing bus company to report, the only further documents and information that should be subject to mandatory reporting requirements as a matter of course, if any further “details” are necessary, are “details” about the progress and ultimate resolution of any claims or proceedings related to the accident or traffic infraction.

That said, requiring a driver who may face criminal or civil liability from an accident or traffic infraction to report to an employer “whether or not the sight-seeing bus driver was at fault” within one business day of an incident would create practical problems and implicates Fifth Amendment and due process-related concerns or drivers who are involved in accidents and/or who are issued summonses or other legal process. A driver who is involved in an accident has their own interests and related rights to consider, including their rights to remain silent, when they are charged with violating the law. And a driver to whom a summons or other legal process is issued for a perceived

² Although the face of a NYPD-issued summons or other legal process may say which provision of the law or which regulation a person is alleged to have violated, if it is legible, the copies of such summonses provided to bus drivers when the police issue them do not contain the narrative section containing the NYPD’s “details” about what led to the issuance of the summons or other legal process. No one - aside from the NYPD and perhaps the New York City Criminal Court or DMV staff - can access that information, as a practical matter, until the legal process is returnable in court or before the DMV.

traffic violation has the right to their own day in court, which typically occurs months down the road, and they have the right to remain silent before then.

Beyond that, requiring TopView to force its bus driver employees to give statements, perhaps without having first enjoyed the advice of their own legal counsel, involving and potentially negatively impacting their constitutional or other rights in connection with accident investigations or adjudications of traffic infractions, or other alleged offenses, for the purpose of disclosing such statements to DCA, would likely create conflicts between TopView and its driver employees, among others. It would also effectively prevent TopView, and its insurer, from meaningfully conducting their own investigations into and/or resolving claims related to accidents, which typically require not only cooperation from TopView's drivers and other employees, but also typically take far more than one business day to produce.

Against that backdrop, requiring that TopView report further "details" about any accident or traffic infraction involving any of its buses within one business day, and to set forth whether or not the sight-seeing bus driver was at fault," would create, or substantially risk, liability, increased insurance costs, and financial and other harm to TopView and its driver-employees, including by putting TopView, its insurer, its driver employees, and potentially their union, in conflicting, and in some cases potentially antagonistic, positions.

Therefore, TopView recommends that the Council modify the proposed regulations so that licensees are required to inform DCA within one business day regarding an accident or traffic infraction of the identity of the sight-seeing bus driver involved in the incident and a brief description of the incident; to provide DCA copies of any summonses or other legal process issued on the scene within that same time period; and to provide that supplemental disclosures be made within a reasonable time of receipt of any related NYPD reports and correspondence reflecting developments regarding insurance claims or legal proceedings related to accidents or traffic infractions.

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to be 'Asen Kostadinov', written over a horizontal line.

Asen Kostadinov
President, TopView Sightseeing



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**Alliance for Downtown New York Testimony
New York City Council
Committee on Consumer Affairs and Business Licensing
Int. Nos. 289A, 723, 725 & 727
April 24, 2018**

Good afternoon Chair Espinal and members of the Council. I am here today on behalf of Jessica Lappin, President of the Downtown Alliance, the business improvement district for Lower Manhattan. We serve an area roughly from City Hall to the Battery, from the East River to West Street. Our Annual Meeting is this afternoon and Jessica regrets that she was unable to attend in person. I am here to testify in support of Intros 289, 723, 725 and 727 and to offer some suggestions to make them stronger.

As the city's oldest neighborhood and home to an array of attractions, we have seen an increasing number of sightseeing buses throughout our district over the last number of years. This increase in volume is a mixed blessing. Over the last decade, Lower Manhattan's tourism industry has been expanding very rapidly. By the end of 2016, we had 14.8 million visitors and we anticipate this number will continue to grow.

We are heartened to see the City Council tackling some of the challenges presented by this tourism growth by imposing sensible limits on the number of sightseeing bus licenses, giving the Department of Transportation an increased role as a regulatory agency, and integrating Community Board input into operator plans. And while regulation of sightseeing buses is laudable, we strongly believe these regulations should also apply to charter tour buses.

Over the course of a recent week-long survey conducted by the Alliance, we found over 200 charter buses (including almost 100 unique bus companies) either improperly loading and unloading passengers or idling within the district. Not only do these buses create sidewalk crowding wherever they let passengers on and off, but they also exacerbate street congestion by idling, blocking bus lanes, and increasing traffic. Add the already high volume of pedestrians, bicycles, and other vehicles competing for space, as well as downtown's sizable residential and worker populations to the mix, and the immediate need for better regulation of these buses becomes even clearer as their impact on public safety and quality of life increases. The city needs to address the root cause of congestion and improve pedestrian safety by regulating this industry, in tandem with increased enforcement.

The provisions in these bills are a strong step in the right direction. We believe the bills can be improved with certain modifications and we request that you consider these changes:

1. Modify language to more clearly define what constitutes a "sightseeing bus" and consider extending the definition to include charter buses.

2. For Intro 289, consider specifying the maximum amount of time all employees are permitted to work, to ensure they do not combine their upper-level shift with the driving shift, similar to the 12-hour maximum for drivers as stipulated in Intro 727.
 - a. Consider lowering the 12-hour maximum for driver shifts to 10 hours; this number should be consistent with all federal safety standards and guidelines.
3. For Intro 725, devise a clear process for assigning licenses, especially once the limit has been reached.
4. For Intro 723, consider an intermediate penalty of a suspension versus a revocation of a sightseeing bus stop approval.
5. For Intro 727, modify language to outline enforcement criteria for the city, such as random checks or requiring display of a driver's commercial license.

Thank you, again, for your attention to this issue. We look forward to working with the Council on these bills and to continuing to make Lower Manhattan safer and more welcoming to New Yorkers and those who come to visit from all over the world.



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April 24, 2018

Written testimony respectfully submitted to the NYC Council Committee on Consumer Affairs and Business Licensing regarding additional regulation of the Sightseeing Bus Industry

Hon. Rafael L. Espinal, Jr. – Chair, NYC Council Committee on Consumer Affairs and Business Licensing

Good Afternoon Chair Espinal, other committee members and guests.

I'm Melissa Chapman, Senior Vice President for Public Affairs at the Brooklyn Chamber of Commerce, and I'm delivering testimony on behalf of Andrew Hoan, President and CEO of the Brooklyn Chamber.

With over 2,000 active members, the Brooklyn Chamber is the largest and # 1 ranked Chamber of Commerce in New York State. We promote economic development across the borough of Brooklyn, as well as advocate on behalf of our member businesses. The Brooklyn Alliance is the not-for-profit economic development affiliate of the Brooklyn Chamber, which includes the Business Solutions Center in the borough that we manage. Brooklyn Alliance Capital is the third affiliate of the Brooklyn Chamber and provides micro loans to immigrant and minority-owned small businesses.

Thank you for the opportunity to provide feedback on the four bills being considered in an effort to increase regulation for the sightseeing bus industry. While we agree that safety comes first in these considerations, we are concerned that additional regulation may put limitations on bus operators that unintentionally hinder the growth of tourism in New York City.

The Brooklyn Chamber is a leading advocate for increased tourism in Brooklyn. In 2014, we launched Explore Brooklyn – the borough's dedicated tourism website, featuring a complete source of places to eat, events, shopping and attractions. We have since formed an Explore Brooklyn Tourism & Hospitality Committee, with the goal of leading tourism efforts and initiatives as well as closing the needs gap within the tourism industry. I will now outline our position on each bill.

Int. No. 289-A – In relation to requiring double decker sightseeing buses to have at least one employee present on the upper level at all times when passengers are present

Rightly so, this bill aims to increase passenger safety by keeping the tour operator and driver roles separate in the hopes of reducing driver distraction, which can lead to accidents. However, the reality is that while this provision is well-intentioned, it will increase operating costs for sightseeing bus companies, especially smaller ones. To this end, we encourage our legislators in the City Council to pass a resolution that would help to create additional incentives for such companies, should this bill become law. Such an action would make our streets safer while providing operators with the resources they need to adapt to increased overhead expenses.

Int. No. 0723 – In relation to requiring sightseeing bus operators to submit operating plans to the department of transportation

Under this proposed legislation, operators' on-street bus stop plans would be subject to a forty-five day notice and comment period before the local community board. This would present an administrative challenge for bus



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operators, especially if they would like to alter standard stops for the purpose of creating customized itineraries for corporate conventions and other specialty groups. While well-meaning, our determination is that the public notice and comment period is lengthy and could impede much needed business opportunities for operators. In cases where bus operators may need to change established routes, our recommendation is for their application to be reviewed by the New York City Department of Transportation, who could then issue a special variance within ten business days to the bus operator, provided that planned changes will not pose any threats to safety.

Int. No. 0725 – In relation to limiting the number of sightseeing bus licenses

If enacted, this provision will limit the number of licenses in our city to 225. In places such as Brooklyn, where the tourism industry is still relatively young – putting a cap on the number of licenses will have a negative effect on tourism and business development. As a tourism advocate, the Brooklyn Chamber always welcomes additional opportunities for tourists to cross the bridge and shop at our local establishments. Sightseeing bus operators are a key element in increasing tourism in the outer boroughs and imposing a license cap will inhibit the progress being made to advance tourism initiatives in our city. An alternative to proposing a citywide cap is to examine areas in our city that appear to have a concentration of sightseeing operations, and then create incentives for tour operators to establish more routes along less travelled areas in the outer boroughs. To this end, we encourage further dialogue with stakeholders to hear their perspectives on how a possible cap could impact them.

Int. No. 0727– In relation to strengthening the licensing requirements in the sightseeing bus industry

We agree with some of the general provisions outlined in this bill, such as: the driver must be at least 18 years old, possess a valid motor vehicle driver's license, and a valid commercial driver's license. However, the requirement that the owner of a sightseeing bus company must provide the commissioner with an updated list of bus drivers, in writing five days after a new driver is hired or leaves the company, may prove to be an administrative challenge. Instead, a semi-annual report of bus driver changes (if applicable) may help to simultaneously reach the City Council's goal of added transparency, while reducing red tape for business owners in this industry.

We look forward to working with this committee in an attempt to nurture tourism while ensuring safety for our residents and visitors. Thank you for providing us with the opportunity to testify.

**Testimony by Devan Sipher, Families for Safe Streets
to the New York City Council Committee on Consumer Affairs and Business Licensing
April 24, 2018**

I shouldn't be here.

I shouldn't be alive. On July 3, 2015, I was run over by a double-decker sightseeing bus while I was crossing Sixth Avenue in Greenwich Village.

There's a traffic video showing me on Sixth Avenue in the crosswalk on a green light. There's another traffic video showing the driver of the bus speeding through a stop sign on West Fourth Street before plowing into me head-on. And there's a video on YouTube showing a river of my blood flowing down Sixth Avenue.

As I rolled under the bus's wheels I remember feeling grateful—grateful that my head was not under the wheels. I spent three months in the ICU at Bellevue Hospital having multiple surgeries.

The bus driver got a new job within weeks—driving another tour bus.

The thing about traffic crashes is they don't discriminate. Everyone is at risk, regardless of race, class, religion or sexual orientation. Every person in this room is at risk the moment you step out of this building. And trust me, none of you want to endure what I've gone through.

It took two months before I could stand. I had open wounds for more than a year. I still go to physical therapy twice a week, and I suffer from neuropathic pain that feels like someone is trying to cut off my toes with piano wire. And I'm one of the lucky crash victims.

Please pass legislation regulating sightseeing buses. Please make sure drivers are vetted. And please don't allow drivers whose licenses have been revoked or suspended even once. The driver who ran me over didn't get his license suspended. He didn't even get ticketed, despite the video evidence. Tickets are rarely given for maiming or even killing pedestrians and bicyclists. Setting the bar this low for professional drivers is an insult and a threat to every person who steps foot in this city. You have their lives and the lives of those you hold dear in your hands.

I have remained grateful throughout this experience. I truly hope that I can leave here today feeling grateful to all of you for the work that you are doing to make New York a safer and even more glorious city. Thank you for your time.



Guides Association of New York City
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Phone: 855-57-GANYC

My name is Michael Dillinger. I am a Licensed NYC tour guide and president of the Guides Association of New York City. I ask your support for 289-A.

My colleagues can attest to events that occur on the tops of Double Decker buses. I would like to provide a bit more context as to why guides are the best choice regarding safety.

Guides spend more time actively engaged with our city's visitors than any other New Yorkers they encounter.

The relationship between guide and visitor is interactive. We are not a canned voice rattling off facts and figures. We are not a driver or customer service agent there to merely check tickets and make a periodic safety announcement to people overwhelmed by the sensory overload many of them experience in our bustling metropolis.

As ambassadors for our city we are constantly focused on the guests experience. Helping to interpret the city via the tour, we monitor the traveler's reactions as we direct their attention to various elements of the neighborhoods visited.

And because we narrate the areas traveled through we are keenly aware of changes along the route that may give rise to unexpected safety concerns.

The very nature of our work as guides keeps us actively engaged with travelers for the duration of their journey on the buses. We want to help people fall in love with NYC and their safety is a crucial part of that.

Michael Dillinger, President
Guides Association of New York City (GANYC)

P E T E R D A V I E S

548 BROADWAY #5A ♦ NEW YORK, NY 10012

♦ tel. / fax: 212 . 925 . 1225 ♦

April 25, 2018

Rafael L. Espinal, Jr.
Committee on Consumer Affairs and Business Licensing
New York City Council
City Hall Committee Room
New York, NY 10007

Re: Int 0725-2018 & related legislation for Double-Decker Tourist Buses

Chair Espinal -

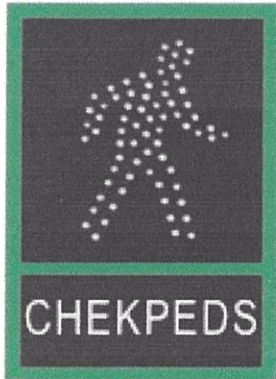
I write to you as a long time resident of SoHo, on behalf of the Broadway Residents Coalition, and in support of the legislation before you that will strengthen controls on double-decker tourist buses. A good number of my downtown neighbors, many unable to attend this hearing today, have submitted their own testimony that, while supporting these bills, calls on the City Council to impose even stricter controls, including an increase on the too-low licensing fees for these impactful vehicles - now set at a maximum of \$100 per bus for a two-year permit - to better address the many problems connected with this insufficiently regulated and hugely lucrative private tourist bus industry.

The upcoming L-Train Shutdown, with plans to bring dozens of transit buses into our neighborhood each hour, for hours on end, will further exacerbate our already congested streets and sidewalks. The Council has one year to address the interconnected problems of tourist buses and transit buses that are to come. Now is the time to act.

Now is also the time for the Department of Consumer Affairs to better enforce the rules now in place for this battalion of buses moving down Broadway. To fully address this issue, that Department also must improve and increase enforcement of the many scofflaw mobile food-vending trucks that clog our same blocks, where the double-decker tourist buses compete with them for curb space, making sidewalks impassable and pushing pedestrians into the street.

I urge Chair Espinal to use his position to address the current failure of enforcement. In the effort to address the connected issues of tourist buses and the L-Train Shutdown, I ask Councilmember Chin to work with other council members to push the Department of Consumer Affairs to fulfill its mandate to protect our quality of life, and to demand that DOT share information with downtown residents. And I call on Speaker Johnson to use the power of his position to call for needed oversight: Do whatever possible so that constituents downtown are assured of necessary protections from an out of control and highly impactful double-decker tourist bus industry.

Sincerely, *Peter Davies*



City Council Transportation Hearings – April 23, 2018
IN SUPPORT with amendments

My name is Christine Berthet, the cofounder of CHEKPEDS, pedestrian safety coalition on the West Side of Manhattan. Our district includes Chelsea, the High line, and 8th Avenue/Times Square which all experience a high concentration of tour buses.

We applaud the introduction of this batch of legislation to improve safety and reduce congestion by buses with the following comments:

Intro 723 – provides a process and criteria for bus stops to be granted by the DOT.

- Today, on West 42nd Street, sightseeing bus stops are often located in MTA bus stops or in dedicated bus lanes significantly slowing down the system. We recommend the legislation explicitly cite “public transportation” as criteria to be considered along traffic etc. **No sightseeing bus stop shall be located at an MTA bus stop or in an MTA bus lane.**
- The community board should be given **60 days** to review the applications, as is customary. A review period of 45 days is not feasible and equivalent to silencing the community boards.
- The legislation should explicitly request that **buses use truck routes** only as these are the only permitted routes for buses.
- As they are doing successfully for intercity bus stops, the city should specify how **many buses can be stopped at a bus stop at the same time, for what maximum length of time and where the queues of passenger will reside.**
- Recently we have been overwhelmed with up to 6 vendors of tickets in front of bus stop, causing obstruction of the sidewalk and building access by often up to 15 persons. **The number of permitted ticket vendors must be specified and limited to two or less.**
- The electronic tracking data should include routes and how many visitors were in the bus. Near empty buses regularly cruise our streets: there is a general suspicion that **the tour buses cruise around to fulfill their advertising contracts more than facilitate visits. It may be useful to request that all buses be equipped with real windows downstairs and limit the footprint of the advertisement they carry.**

Intro No. 727 –Drivers safety requirements

- **The thought that a driver who had their driver license suspended or revoked once in the last 5 years would still be driving is appalling.** Can you imagine your outrage if your child or spouse or mother was killed by such a driver? It means that this driver would have had multiple convictions of reckless driving, careless driving, leaving the scene of a crash (hit and run) drag racing or speed contest, assault of another motorist, passenger, pedestrian, or bicyclist (“road rage”). Is this the driver who should be entrusted with the lives of 50 tourists and numerous pedestrians and cyclists in the street? **Please make this paragraph consistent with the alcohol related offense.**



Testimony of Charles Nolen on behalf of Big Bus Tours New York, before the Committee on Consumer Affairs and Business Licensing.

Re Intro 725a

Big Bus Tours NY is a private bus carrier providing public transport in an urbanized zone. A double decker bus is the most efficient per passenger mile vehicle in these zones, and environmentally safe.

We applaud the recent efforts of the MTA NYCT to incorporate these types of buses into the NYC Fleet.

It appears inconsistent that intro 725a proposes a cap on the number of double decker which support congestion mitigation efforts. Thank you.



April 24, 2018

Testimony of Laura Rothrock on behalf of Twin America/Gray Line CitySightseeing New York, before the Committee on Consumer Affairs and Business Licensing.

Good afternoon. My name is Laura Rothrock and I am testifying on behalf of Twin America/Gray Line

CitySightseeing New York. Twin America provides hop-on/hop-off, open top double-decker sightseeing tours and serves over 1.2 million tourists visiting New York City annually.

As one of the largest sightseeing bus companies with a long history of operating in New York City, we thank the

Council for considering our feedback on the four proposed bills today.

Regarding Intro 289-A, Twin is opposed to this legislation.

Twin America has implemented automated tour guide technology to provide tour-related information to its riders. In large part, this change in methodology occurred as a result of the 2010 legislation requiring “headphone limited sound reproduction systems”. While Twin America still uses live tour guides for some of its services, that decision is discretionary with Twin America and is determined based on Twin America’s sound business judgment. Legislation should not be promoted as a substitute for this. The Council now seeks to implement

legislation to require licensed tour guides to be utilized on the upper level of all tour buses. That certainly seems duplicative of the services already provided. And to the extent the concern is one of safety regarding disruption to the drivers, we question why the individual that is required to be on the upper level of the bus is required to be a licensed tour guide. We note, that in the original draft of the of the proposed bill there was no license requirement – only an “employee” was required. Safety concerns could be addressed in that manner. Lastly, we do not believe any mandate regarding personnel on the buses is necessary. Again, this should be left to the decision of each company and how best they decide to assure the safety of their passengers. Twin America is proud of its driver

training and safety record. They will continue to be diligent in the pursuit of the very best and safe experience for its customers.

Intro 723 allows for community boards to comment on a sight-seeing bus stop application that is pending before the Department of Transportation. While Twin America supports and welcomes the participation of community boards, we believe a collaborative effort is required. The bill should recognize that a joint process is in the best interest of the City and that DOT, along with the sightseeing operator and the community, should work towards a solution that is workable and accounts for all of the interests involved. A blanket acceptance or rejection

in light of opposition should be the option of last resort.

We respectfully request that the bill be amended to allow for the applicant to respond to a Community Board's and the DOT's concerns following the 45-day comment period, and that a period of true discourse then follow. At present, the Department of Transportation may approve, or reject an applicant's proposed stops without any justification. All interests should be required to work together to craft the best solution.

Regarding Intro 725, Twin America supports the limitation of the number of bus licenses with the below proviso. We support the portion of the bill which protects the number of licenses already in commerce. However, the language in

this bill ties the City-issued license to the license plate and not the number of licensed buses. When Twin America replaces a bus in its fleet, a new license for that bus is issued. That situation is not protected in the current bill, only the renewal of the same license is protected. In the event an operator turns in a license because an older bus is replaced for a newer, more energy- efficient vehicle, the operator is in jeopardy of not obtaining a license because the total number of licenses may be exceeded. This language as drafted actually provides a disincentive for operators to upgrade their fleets to more fuel-efficient technology because they risk not obtaining a license for the new vehicle. Therefore, we strongly suggest current DCA licenses be grandfathered in based on each

company's current number of licenses issued and not the actual license plate.

Regarding Intro 727, which outlines the licensing requirements for drivers, we support this legislation.

Should this proposed bill become law, Twin America expects to fully comply as the company already takes heightened precautions to ensure our drivers are competent and qualified.

We thank you for your consideration of these bills.

Statement by Andy Sydor re: Int: 289-A

My name is Andy Sydor, and I've been a New York City tour guide for almost twenty years. About half that time was spent working on double decker buses, and most of that time I was a union representative of workers in that industry. A number of times over those years, I have testified in these very chambers for the need for common-sense legislation to ensure the presence of licensed tour guides on double decker buses. We gather guides to tell you true tales of near disasters that we have prevented through experience, knowledge and professionalism. My own story recalls a time heading up 1st Avenue by Stuytown when someone hurled a ball of ice at the bus, striking a passenger in the face so hard it drew blood. While signaling the driver to keep moving (so as to vacate the danger) I was able to help the passenger. Since I knew hospitals were coming up, I could offer to take him to an emergency room. (he declined.) But these are things that really only a professional guide would know to do.

But I've told this story before, over a decade ago, when Phil Reed was the head of this committee. Legislation was all set to go, but the council then yielded to the industry pleading with them to withdraw, in exchange for an unwritten promise to not run buses without guides on them. Well, that promise has been broken, and the industry is pushing its luck, running more and more buses without guides. A fatal accident is becoming inevitable.

But maybe that's what you want? Because, frankly, I've been fighting for years to get this council to act responsibly, gathering dozens of true accounts of lives saved and accidents averted. But I feel as if you really wish you had a corpse on a bus, the very thing we guides have worked so diligently to prevent. Then, you could act responsibly? Now, there was, ten years ago, not one but two fatal accidents down in DC; this city should have acted then, but failed again. Is this council going to repeat that failure? Again? Because, should you NOT act now, and wait for things to get worse rather than prevent these things from happening in the first place, the story is NOT going to be about a heroic council taking action, because this guy is going to show how you could have acted, and did NOT.

This incarnation of the Council can and should pass 289-A.

City Council hearing re: Tour Bus Licensing

April 24, 2018

Testimony from Linda DeRosa, for The Brooklyn Bridge Park Community Advisory Council.

I am here speaking on behalf of Brooklyn Bridge Parks Community Advisory Council, which is comprised of organizations surrounding BBP who are impacted by park activity.

Impacted by park activities is truly an understatement.

In the case of our particular Brooklyn communities, which included, DUMBO, Fulton Ferry Landing, Brooklyn Heights and the Atlantic Avenue corridor, the sheer volume of tour buses seems to be unregulated. If in fact they are regulated, then regulations need to be tightened. The narrow roadways of Old Fulton Street, and Furman Street, were never meant to absorb this heavy use, and have become impassable during summer months.

Tour buses licenses must be ~~limited~~ Capped

Before designating tour bus stops the locations must be closely evaluated.

And once designated there must be enforcement of those rules.

And in our particular case of Brooklyn Bridge Park impact, the park should be involved and held accountable, which they have not been to date.

Our Committee is willing to be involved in any way we can to help you in your decision making process.

Thank you,

Linda DeRosa

For BBP Community Advisory Council

718.344.2926

Contact@willowtown.org

289-A Testimony

I am representing the Chelsea Reform Democratic Club, or CRDC, and the Guides Association of NYC, or GANYC, where I am chair of the Government Relations Committee.

First, thank you, Councilmember Rodriguez for sponsoring 289A and thank you Councilmember Espinal and committee members for hearing us today.

CRDC strongly supports Intro 289 as an intelligent safety measure that has the added benefit of retaining and creating well-paying jobs.

GANYC recognizes that, while double decker touring provides a wonderful introduction to our city, it is potentially dangerous. And the only way to offset that danger is to have, in addition to the driver, a responsible party on board. And for several reasons that responsible party must be a licensed tour guide. The most important of those reasons is that, for decades, tour guides have proven themselves, not only as entertainers and educators, but also as protectors of their customers' well-being. They know how to keep an eye out for double decker passengers who are so enthusiastic about being here that they have trouble staying in their seats. And once risky behavior is spotted, the guide knows what to do, that is, handle it with firmness and if possible humor too.

We all have stories about customers whose overenthusiasm was really difficult to tamp down. Mine took place some twenty years ago, involving a man taking photos while leaning so far over the upper deck rail he was jack knifed against its outer side. The man spoke only German; I deployed a few shoulder taps and some polite "bittes," meaning, please, and then I escalated to Achtung! No response. Luckily this odd form of picture taking had begun while the bus was at rest. But once the engine reved up, I had no choice but to get behind him, grab his belt, and then yank the man up before he fell onto the sidewalk. Incidentally, he was well over six feet and appeared to weigh about 250 pounds, so the pedestrian below, as well as the tourist on top, was at risk.

You will likely hear other cases where extreme intervention was required. Mainly, though, by continually stating safety reminders, the guide insures that those instances are rare. Either way, it is unlikely that just any bus company employee would as zealously safeguard passengers as the tour guide. We know that the driver cannot and should not constantly monitor the top deck. And it is certain that a recorded narration would never reach out and prevent a passenger from falling onto the sidewalk. Please pass 289A to help keep our customers and our city safe.

April 23, 2018



Chelsea, Madison Sq., Flatiron, Rosehill

P.O. Box 1120
Old Chelsea Station
New York, NY 10013-1120
Phone: 212-929-9188
Website: www.crdcnyc.org

Dear Councilmember Espinal:

The Chelsea Reform Democratic Club, or CRDC, is the official Democratic club of the 75th State Assembly District Part A. We recognize the importance of New York's tourism industry, not only because it builds our economy, but also because it boosts our image across the country and around the world. Therefore, CRDC is a strong supporter of Intro 289-A.

Intro 289-A demands that all double decker buses carrying passengers have licensed tour guides on board, providing the kind of professional presence that promotes safe travel around the city. When New York shows that it cares enough to avert accidents and makes certain that professionals are nearby should emergencies occur, we all win. Our visitors get the message that New York is a responsible city, a place where they might want to return and/or recommend to friends. Thus, tax revenue grows, giving New Yorkers money for schools, housing, hospitals, and the arts.

Customer safety has the adjacent effect of protecting the public at large. Should a serious mishap occur aboard a double decker, traffic would certainly be disrupted, which can easily cascade into vehicular and pedestrian accidents.

As Democrats and New Yorkers we appreciate the importance of helping our workforce grow. Although Intro 289-A is primarily a safety-oriented bill, it can have the halo effect of retaining and creating well-paying jobs that often lead to rewarding careers.

Please join us in supporting this excellent bill, which can save lives, avert misfortune, promote New York's image, and lend economic support to hundreds of our neighbors.

Sincerely,

David Warren

David Warren, President/CRDC

cc: Hon. Richard Gottfried
Hon. Brad Hoylman
Hon. Corey Johnson

Home Club Of

Assemblyman: Richard Gottfried
Councilman: Corey Johnson
Former Council Speaker: Christine Quinn
Former State Senator: Tom Duane
Former DNC Member: Esther Smith+

District Leaders

Sylvia E. Di Pietro
Steven Skyles-Mulligan

State Committee

Francine Haselkorn
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Carole Sclar
Lee Sinovoi+
Jay Stockman
Gloria Sukenick



j chin <jvc1188@gmail.com>

FOR RECORD

Int 0725-2018 Tourist Bus Legislation

j chin <jvc1188@gmail.com>

Tue, Apr 24, 2018 at 11:27 AM

To: "Guerra, Marian" <mguerra@council.nyc.gov>, REspinal@council.nyc.gov, pleonard@council.nyc.gov

All,

I am in total support of Council Member Margaret Chin's legislation capping tour buses and specifically large tour buses in Lower Manhattan.

1. In Chinatown and the Civic Center we are already experiencing Worth Street shutdown for 9 more years. Currently Mosco Street is being dug up in the heart of Chinatown.
2. This on top of the permanent closure of Park Row and other surrounding east/west and north/south streets.
3. The "L" train shut down will pour hundreds of buses a week onto Delancey and points south, west and north.
4. The proposed raising of the Verrazano Bridge toll to \$17.00, according to the New York Times, will cause more cars and trucks to use Canal Street as a thoroughfare.

Thank you for proposing this critical legislation.

Sincerely,

Jeanie Chin
Chatham Towers resident
Lower Manhattan

Consumer Affairs Committee

City Council

250 Broadway

New York, NY 10007

Re: INT 289.-A

Dear Council Members:

I am a voter in one your City Council districts and write this letter to ask you to support Int. 289-A, that was introduced by Ydanis Rodriguez, Chair of the Transportation Committee and will be presented in a hearing by the Consumer Affairs Committee chaired by Rafael Espinal.

New York City has hundreds of double decker sightseeing buses making three or more tours a day through heavily congested traffic areas. However, the drivers of these buses have blind spots on the upper level. Some owners are asking drivers to conduct tours, call out sites, and answer passenger questions while navigating the busiest street traffic in the nation. This is distracted driving. Int. 289-A is an amendment to local administrative law requiring a bus with separate lower and upper-level seating to have one employee licensed pursuant to section 20-243 present on the upper level at all times when passengers are on the upper level. A person on the second level can via microphone, alert the driver of potential crashes involving pedestrians, or risky behavior of passengers on board.

As a New York City Tour Guide I've seen potential disasters avoided with the presence of experienced tour guides. The drivers are always looking for potential disaster in the road ahead but the dangers are also behind them out of their view. The passengers think nothing of rushing up and down the stairs to keep grandma warm downstairs and abreast of what other family members are up to above in telephoto advantaged seating. But those stairs are the most dangerous place in the bus.

In early summer trees along Central Park's outer borders are hanging low and in need of pruning. Only the tour guide traveling that road three times each day knows exactly where every heavy bough hangs - not the drivers, not the passengers. The tour guides know the clearance in the traffic signs above and the overpasses- not the tourist eager to take that photo opportunity, and disasters have occurred because of that. The driver can't watch for all the traffic on the stairs and concentrate on the road as well.

There are medical emergencies, perhaps a pregnancy where the baby has decided to come into the world, right there, right now, on that bus. Tour guides take safety lessons of emergency situations and are well prepared.

Int. 289-A will create safer NYC streets for pedestrians and visitors to New York City. It would help ensure a safe and happy tour experience for the 58 million visitors to New York City a year.

Please support Int. 289-A.

Sincerely,

Gilbert Gulston

To the New York City Council:

I testified Tuesday at Consumer Affairs Committee meeting regarding Int. 289-A.

I've been a NYC tour guide since 1981, and have worked for three double decker tour bus companies over the last nineteen years.

It's essential that DCA licensed tour guides be required to be on the double decker buses at all times. Our most important job as tour guides is to insure that our passengers survive the tour healthy. We make multiple safety announcements throughout the tour as policy. In two instances over the last several years I have physically saved two passengers from serious injury or death. Tourists become enticed by the many photo opportunities during a double decker tour, and often stand up to grab a quick shot while ignoring the danger they put themselves in. In two cases after passengers ignored verbal warnings I was forced to jump up, grab them by their shoulders, and force them back into their seats. I have also saved countless others from injury or death with urgent verbal warnings. Another problem is passengers leaning or reaching over the side of the bus. They can fall over the side or get clipped by passing trucks or buses.

In the past, some companies have allowed non-licensed representatives to do this job. These representatives were paid minimum wage and from my observations spent most of their time on the bus checking their emails instead of guarding the safety of passengers. Licensed tour guides take their jobs seriously and totally engage with their passengers at all times throughout the tour.

While guiding on buses I have observed other double decker companies without licensed tour guides risking the lives of their customers on a daily basis. I've seen them standing up on an

open top bus for many blocks risking injury or death. I've also observed drivers of those companies giving the tour while driving, which is also dangerous and flatly illegal.

Beyond safety, there are other important reasons to require DCA licensed tour guides on each bus. We serve as the ambassadors of NYC to the world. We are on the front line of the very lucrative tourism industry in our beloved city. Visitors who gain knowledge of the city and have positive experiences here are much more likely to return and recommend a NYC visit to friends and family. Our job as tour guides is to facilitate this. Taped tours on buses are not practical for a few reasons. They can't improvise during the countless parades, street fairs, and street closings we deal with on a constant basis. And more importantly a taped tour can't answer questions. Part of our job is to answer a myriad of questions and help tailor the passenger's visit to their preferences. We recommend restaurants, museums, department stores, parks, Broadway shows, and special events occurring during their visit. These recommendations help fuel the economy of our city and our experience helps protect visitors from being taken advantage of. We also instruct them on how to use mass transit.

Requiring a DCA licensed tour guide on double decker buses is a win for visitors and the city alike. The DCA only grants licenses to qualified, knowledgeable guides who have passed a stringent test. We provide a thorough, entertaining tour while protecting the safety of our passengers.

Please vote yes on Int. 289-A.

Sincerely,
Ric Stoneback

Re: Int. 289-A, heard Tuesday April 24 by Consumer Affairs Committee

Dear City Council:

I support Int. 289-A the double decker bus safety bill requiring owners to have a licensed person on the second level. My name is Lionelle Hamanaka and I am in the 6th District of Helen Rosenthal. The driver has BLIND SPOTS on the second level therefore can't possibly monitor behavior of passengers on top.

Let's avoid the tragedies of oversized buses we have seen last year and in 2014 when 14 people were injured in Times Square. When an 18 year old was killed on a double decker in California in 2014, his head bashed in while driving through an underpass, his parents won \$26 million. This kind of tragedy is avoidable if you have conscientious, attentive people on the second level.

Thank you,

Lionelle Hamanaka

Dear Council Members

I am writing this letter on behalf of Intro 289A

As a licensed guide in New York City, I have been invited many times to go on the double decker buses to give my opinion of the content written for guides to discuss to their visitors. I have witnessed many times, tourists ignoring the warning to "PLEASE" stay seated at all times, and never stand on your seats, when attempting to take photos during the tour. As the bus moves through City streets, it passes overhead traffic lights and street lights, that if standing, particularly if you get on a seat, bring people to collision closeness. It can be a dangerous situation with tragic results. Having a live, responsible party atop the buses, is the only way to prevent injury and maintain the safety of passengers. Using licensed tour guides is the way to reliably perform the necessary safety functions.

Thank you,

Bob Gelber

Licensed Guide

Lower Manhattan traffic congestion issues

All,

I am in total support of Council Member Margaret Chin's legislation capping tour buses and specifically large tour buses in Lower Manhattan.

1. In Chinatown and the Civic Center we are already experiencing Worth Street shutdown for 9 more years. Currently Mosco Street is being dug up in the heart of Chinatown.
2. This on top of the permanent closure of Park Row and other surrounding east/west and north/south streets.
3. The proposed raising of the Verrazano Bridge toll to \$17.00, according to the New York Times, will cause more cars and trucks to use Canal Street as a thoroughfare.
4. The "L" train shut down will pour hundreds of buses a week onto Delancey and points south, west and north.

Thank you for proposing this critical legislation.

Sincerely,

Jen-Jen Yeh

Chatham Towers resident

Lower Manhattan

Support for tour bus legislation

Hi,

I am in support of Council Member Margaret Chin's legislation capping tour buses and specifically large tour buses in Lower Manhattan.

1. In Chinatown and the Civic Center we are already experiencing Worth Street shutdown for 9 more years. Currently Mosco Street is being dug up in the heart of Chinatown.
2. This on top of the permanent closure of Park Row and other surrounding east/west and north/south streets.
3. The "L" train shut down will pour hundreds of buses a week onto Delancey and points south, west and north.
4. The proposed raising of the Verrazano Bridge toll to \$17.00, according to the New York Times, will cause more cars and trucks to use Canal Street as a thoroughfare.

Thank you for proposing this critical legislation.

Sincerely,

Lena Sze

Chatham Towers resident

Lower Manhattan

Double Decker Tourist Bus

Dear All,

We are traveling abroad but I took the time to write because we have seen the uptick in DD tourist buses weaving their way through SoHo and down Broadway.

We applaud our Council member Margaret Chin for submitting [Int 0725-2018](#) to put a cap on the number of buses. But it's our experience with the huge number of buses passing down Broadway that the proposed cap is too high.

Their clients, at times, can be loud and rowdy, egged on by the bus staff and they produce a fair amount of pollution/exhaust.

Our family requests additional legislation calling for *stronger controls* on the highly impactful and barely regulated Double-Decker Tourist Bus Industry in Downtown Manhattan.

We urge that the Councilwoman consider taking measures to lower the cap even further.

Thank you,

Ronnie Wolf

Steve Leon

Perry Leon

Daryl Leon

Int 0725-2018 Limiting the number of sightseeing bus licenses.

I am wholeheartedly in favor of the passage of this bill.

Busses pass by my window dozens of times an hour , forcing me to keep my third floor windows closed to protect from the still used microphones and the related noise and fumes.

Tourists are welcome, but these buses abuse the quality of life of your residential constituents.

Thank you for initiating this legislation. It is a first step.

Sincerely

Leigh Behnke

Don Eddy

543 Broadway

NYC , NY 10012

NYCC Hearing on Double Decker Tourist Bus Legislation

Hello,

I am the president of the board of 134-138 Grand Street. I am writing to voice our building's concern around the the noise, traffic and pollution created by double-decker / tour buses in the neighborhood. We live and work in this building. There are kids, newborns and pets living in here and there is already enough traffic and honking as it is. Please consider additional legislation for *stronger controls* on the highly impactful and barely regulated Double-Decker Tourist Bus Industry in Downtown Manhattan.

Tomorrow Tuesday 04/24 at 1PM at City Hall Committee Room there will be a hearing on legislation for new controls on Double-Decker Tourist buses. As part of a package of bills on this subject, our Councilmember Margaret Chin has submitted [Int 0725-2018](#) to put a cap on the number of buses. But our experience with the huge number of buses passing down Broadway shows that the proposed cap is too high, and will be urging the cap to be lowered.

In fact, little of the legislation being put forward on Tuesday goes nearly far enough to control the operations of these behemoths that have taken over Broadway and nearby streets in our neighborhoods. But this hearing gives the opportunity to encourage further controls on all these buses. And with the upcoming L-Train Shutdown just a year from now, when problems all around our communities will increase, there is urgency for stronger action NOW.

Members of our community plan on attending the 04/24 hearing but I wanted to represent those who will be unable to be there and to call for more impactful legislation from our City Council and stronger enforcement from the Department of Consumer Affairs.

Thank you for your attention to this.

Kindest Regards,

Matt Harmon

President, Ironclad Artists 134-138 Grand Street

President

Beggars Group US

134 Grand Street

New York, NY 10013

mattharmon@beggars.com

o. 646-218-1129

m. 646-269-4219

TOUR BUS LEGISLATION

Please enter the following into testimony concerning the package of tour bus bills to be addressed by the NYC Council Committee on Consumer Affairs and Business Licenses tomorrow, April 24, 2018:

I am writing to express support for the package of four bills proposing tour bus legislation that are being addressed by the NYC Council Committee on Consumer Affairs and Business Licenses tomorrow, April 24, 2018. Throughout the years, Community Board 2, Manhattan (CB2) has supported all the actions in this package of bills in previous resolutions. In these resolutions, we've also emphasized the importance of strong oversight of tour bus activities and continue to urge that this be stressed.

Thank you,

Shirley Secunda, Chair

Traffic and Transportation Committee

Community Board No. 2, Manhattan

TOUR BUS LEGISLATION

I REGRET I CANNOT ATTEND THE MEETING BUT REQUEST MY EMAIL BELOW BE ENTERED INTO TESTIMONY

I write as a resident of the superblocs and a founding member of OUR STREETS OUR LIVES which for a decade has worked on this issue which has such a negative impact on our health, our environment and our safety.

We strongly support tour bus legislation. The most important part of this legislation is STRONG CONTROL AND STRICT OVERSIGHT.

There is no change without penalty, monetary or otherwise.

We appreciate your efforts regarding this matter.

Sincerely,

Judith Chazen Walsh

3 Washington Square Village

New York, NY 10012

judynorm@nyc.rr.com

support for Tour Bus legislation + lower limits

My family and I fully support your efforts to pass new legislation regarding the very intrusive TOUR BUSES which have overcome our streets, fouled our air and created problems continuously for our communities. While we're unable to attend the hearing, we hope you'll take into account our concerns.

We believe that the limit on the number of buses is much too high and should be lowered. These buses are traveling paid advertisements for businesses and have become a blight on our neighborhoods. There are far too many of them and often there is only one person onboard beside the driver. It's a waste of fuel and our city streets too crowded to continue to permit so many buses. As the Council considers "congestion pricing" it should consider that these tour buses are major congesters of our city streets. Please make stricter limits to protect our neighborhoods.

Thank you.

The Rackow family

505 Laguardia Place

NYC, NY 10012

Double-decker bus legislation

Dear Chairman Espinal,

I am a resident of 542 Broadway and, along with my neighbors, endure the daily onslaught of tourist buses that pass through SoHo to pickup and disgorge tourists. The number of tourists as well as the serious pollution and noise from these buses has a profound negative impact on the quality of life of our neighborhood.

I am unable to attend the hearing tomorrow, April 24, so am writing to ask for your support for greater controls on tourists buses. I know that member Margaret Chin has submitted [Int 0725-2018](#) to put a cap on the number of these buses but many residents of this neighborhood believe this cap is too high. With the imminent L-Train Shutdown a year from now, when problems all around our communities will increase, we now have an **urgent situation**. We need strong action immediately!

Please support our neighborhood and demand a strict limit on the number of double decker busses passing through SoHo.

Thank you.

Renée Monroe

542 Broadway

New York NY 10012

please move for STRONGER CONTROLS on Double-Decker Tourist Buses in Downtown Manhattan

Dear Rafael Espinal, whom we address as Chair of NYCC Comm. on Consumer Affairs, and Marian and Paul, who we hope will convey our wishes to Councilmember Chin,

You may have seen two recent letters to the editor of the Villager I wrote as President of Friends of Petrosino Square expressing our profound concerns about the current DOT plan for the L-train shutdown that would bring up to 70 buses an hour over the Williamsburg Bridge, with 40 or 50 of them shuttling along Delancy/Kenmare Street and turning uptown on Cleveland Place, the street on which I live and which forms the eastern edge of Petrosino Park.

Especially with this additional stress coming soon to our neighborhood there is no more important time to mitigate the stress we already experience from the traffic in double-decker buses hurtling down Broadway, two short blocks west of Petrosino Square.

Please lower the cap on the number of tourist buses allowed to glut our mixed-use residential neighborhood. Despite gentrification, we are still a neighborhood of seniors, immigrants, and families raising children, many of whom attend the DeSoto School (PS 130) at 143 Baxter Street, and before that Chinatown Head Start at 180 Mott Street.

Please protect the vulnerable elderly, the vulnerable young, and other constituents in between by curbing the stress on our community from these hulking double-decker buses hurtling through our already, and soon-to-be even more, overcrowded streets.

Sincerely,

Georgette Fleischer
President, Friends of Petrosino Square

**STATEMENT OF JEFFREY L. RIBACK, ESQ. BEFORE THE NEW YORK CITY COUNCIL'S
COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING
APRIL 24, 2018**

CHAIRMAN ESPINAL AND MEMBERS OF THE COMMITTEE, GOOD AFTERNOON:

MY NAME IS JEFF RIBACK, AND I AM A NATIVE NEW YORKER, A MANHATTAN RESIDENT, A RETIRED LAWYER, AND NOW A LICENSED NEW YORK CITY SIGHTSEEING GUIDE AND A MEMBER OF THE GUIDES ASSOCIATION OF NEW YORK CITY.

I'M HERE TODAY TO PERSONALLY URGE THE COMMITTEE TO VOTE FOR APPROVAL OF INT. No. 289-A, AND TO SUPPORT ITS PASSAGE BY THE FULL CITY COUNCIL. MANY SPEAKERS HERE THIS AFTERNOON HAVE OFFERED, OR WILL OFFER, TESTIMONY ON THE POTENTIAL SAFETY BENEFITS ACCRUING TO DOUBLE-DECKER BUS PASSENGERS, PEDESTRIANS, AND VEHICULAR TRAFFIC, WHEN AN OBSERVANT AND ENGAGED LICENSED TOUR GUIDE IS PRESENT ON THE UPPER DECK OF THE BUS.

WHEN COMPANIES ELECT TO USE ONLY CANNED RECORDINGS AS BUSES RAPIDLY PASS BY TOURIST SITES, OR INSTEAD, ASSIGN POORLY PAID "SAFETY MONITORS" TO SIT ON THE UPPER DECK OF BUSES IN LIEU OF A LICENSED GUIDE, THE POTENTIAL FOR SERIOUS INJURY TO RIDERS AND NEARBY PEDESTRIANS, AND DAMAGE TO PASSING VEHICLES CAN INCREASE SIGNIFICANTLY.

AND WHILE SAFETY IS THE MAIN CONCERN ADDRESSED HERE TODAY REGARDING INT. No. 289-A, THERE IS ALSO A COLLATERAL BENEFIT TO HAVING LICENSED GUIDES PRESENT ON THESE BUSES — NAMELY, THAT A LICENSED GUIDE, KNOWLEDGEABLE AND FAMILIAR WITH THE CITY, IS ABLE TO INTERACT WITH PASSENGERS, RESPOND TO THEIR QUESTIONS, AND OFFER RESTAURANT, SHOPPING, AND ENTERTAINMENT SUGGESTIONS TO RIDERS DURING THE TOUR OR AT ITS END, GREATLY ENHANCING BOTH THE QUALITY

[OVER--]

OF THE TOUR AND THE RIDER'S EXPERIENCE OF THE CITY, NOT ONLY TO THE BENEFIT OF THE BUS COMPANY, BUT ALSO TO THE BENEFIT OF THE LOCAL ECONOMY.

LAST YEAR, THE COUNCIL MISSED AN OPPORTUNITY TO PASS SIMILAR LEGISLATION, CO-SPONSORED BY CHAIRMAN ESPINAL, TO REQUIRE LICENSED GUIDES TO BE PRESENT ON THE UPPER DECK OF BUSES, WHEN TOURISTS ARE ALSO PRESENT. I URGE YOU TO NOT MISS THAT OPPORTUNITY AGAIN.

THANK YOU FOR YOUR CONSIDERATION.

To Councilmember Espinal and members of the Committee on Consumer Affairs and Business Licensing:

At the committee's hearing of April 24, I submitted testimony regarding Intro 289 A.

The following are supplemental observations:

1. Evidence that a safety monitor is necessary atop double deckers.

Throughout the decades quick thinking and action on the part of licensed guides have averted many accidents, some which might have been fatal.

a. Guides have consistently admonished overly enthusiastic passengers to sit while the bus was in motion, and when verbal warnings were not heeded, guides have pulled passengers back into

their seats just before they would have collided with low hanging street lights or signs.

- b. Sometimes a passenger's risky behavior puts the public as well as himself in jeopardy. To illustrate: a tour guide prevented a passenger from hurling a large package or backpack to the street below. It almost certainly would have hit a cab passing by. Tour guides make certain that rain ponchos are collected, lest they blow off and land on windshields of moving vehicles – a clear recipe for disaster.

There is precedence for requiring employers to hire staff for the purpose of protecting public safety and well-being. For example, NYC law mandates

that residential buildings must be serviced by supers who live in or nearby the building. Some states have legislated that hospitals maintain a certain minimum nurse-to-patient ratio. And secular, as well as religious, law oversees kosher certification, meaning that the state would require a rabbi to be employed by any food concern seeking the official kosher seal.

2. Why the safety monitor must be a licensed tour guide:

- a.** It is inevitable that any bus company employee who is not driving and on board the double decker is going to engage with customers, that is, engage with them beyond the purpose of protecting safety. And it is equally

inevitable that the engagement can shade into a tour. **Only a licensed guide may give tours in New York City.**

Therefore, it is sensible to have the person responsible for safety be a licensed guide.

- b. Tour guides on double deckers generally regard their employment there as part of a serious career path, either preparing them for freelance work or establishing and/or maintaining a long-term relationship with the company. Because the guide has a professional investment in her work, she takes particular care to safeguard her customers.**
- c. As outlined in the text above, guides on double deckers have a decades-long track record in protecting both customers and the public from harm.**

Judy Richheimer
Chair/Government Relations Committee
Guides Association of New York City

Executive Vice President
Chelsea Reform Democratic Club

The following is testimony from two guides who could not make it to the hearing:

My name is John Semlak. I am tour guide for Gray Line New York Citysightseeing. . I ask your support for 289-A .

While double decker buses are a great way to see the city, there are constant dangers. Last week I had a family with young children aboard, enjoying their first visit to the city. While the parents were taking pictures, the children were climbing on the railings on the side of the bus and could have easily gotten into a precarious situation. I quickly responded and asked the parents to see

to their children. I make warnings of this nature every day that I work on a double decker bus.

It is my overwhelming experience on the buses that one-time warnings, especially of a recorded or written nature, are not enough to keep people from standing on top of a moving bus and exposing themselves to danger.

During a typical 2-hour bus tour I make a safety announcement at least 5-10 times but many riders don't listen, are unable to, or these simply forget and stand up spontaneously. To keep visitors from standing I have to intervene directly. While I am a multi-lingual guide I still have to use hand gestures to instruct people to remain seated.

Our buses have been most dangerous in bad weather. Once, when conditions were slippery, a rider fell running up the stairs, hit her head and broke her glasses. After that, I did not allow passengers to use the stairs while the bus was in motion.

Double decker buses provide mass transportation for many visitors who are unable or unwilling to use our subway. They provide a great view of our city's landmarks. And a guided tour provides a wonderful introduction to our city. But there are constant dangers in low hanging traffic lights, signs, and tree branches. Sudden stops while passengers are standing can cause serious injuries. Having a licensed tour guide aboard the bus who can deal with

safety issues is the best way to ensure that visitors safely experience the city.

John Semlak

Tour Guide

Gray Line New York City

Testimony given on video by double decker guide Austin Kuras:

About eight months ago I was giving a night tour, my favorite tour -- we get to take people throughout the whole city -- and right at the beginning of the tour I hear some commotion behind me. I turn and see a mother, a little bit panicky, and that her daughter had found a way to get her head stuck between two bars. The daughter was crying and the mother was freaking out as she was

trying to pry her loose. Luckily, I had the mic, yelled down to Carlos, “hey, stop the bus.” He stopped the bus in front of Bryant Park and he helped me pry the bars just a quarter of an inch, which was enough to release the girl. I was so relieved. I just changed the seats, having the girl sit away from the outside, and the tour went on.

My commentary: That story illustrates why safe touring takes two responsible people on board the bus -- the driver *and* the guide. Without the guide on board, it would have been impossible for the driver to know what was happening on top. To avert accidents, you need a guide with a mic who can communicate with the driver.

Dan Brown: In the past I have come close myself to getting hit by a traffic light on the upper level, and at least once or twice I grabbed people and pulled them down from the path of a traffic light, but this was back when I was working for CitySights, whose buses are taller than ours.

To all concerned:

I support Int. 289-A, the double decker bus safety bill heard Tuesday, April 24 at City Hall by the Consumer Affairs Committee.

Daniel Brown
District 9

City Hall: in Support of Int. 289-A

My name is Brien Milesi and I have been a tour guide in the double-decker bus industry for nearly 8 years. I am also one of the shop stewards for the New York City branch of the TWU 100 while employed at Big Bus. Of all of the jobs I have performed in my life, tour guiding is my favorite. I meet people every day from all around the world, I lend my advice, insights and recommendations for those less informed, and as I am driven throughout this grand city every day I am reminded how great a place NYC truly is. Giving an informative, exciting and vibrant tour on a gorgeous day just like today is one of the reasons why I do this job. In what has become one of the most lucrative industries in New York City, Sightseeing will not be going away anytime soon. That is why it is CRUCIAL that we maintain, as city ambassadors, a standard that will keep people returning year after year, generation after generation, and climate after climate. This standard, besides employing awesome tour guides such as me, also includes a culture of safety. Having a DCA-licensed physical presence on the 2nd floor of double-decker buses not only ensures that visitors have the best time of their lives, but also preserves the very existence of those lives. Answering questions while reminding persons to please sit while they ride our buses, reviewing maps while having that intrepid photographer not lean over the rails and reminding tourists to remain seated until the bus comes to a complete stop. These simple tasks, while out of context may seem obvious, need to be reinforced as the lure, energy and bustle of New York City may cause our visitors quite absent-mindedly to temporarily forget. Having a licensed sightseeing guide on top of all double-decker buses is paramount in the business model of ongoing bus operations here in our fine city. I invite you to please become a part of this group that will bring the proposed initiative 289-A into law. Thank you for your time and have a great day.

April 25, 2018

New York City Council:

I am writing in support of Int. 289-A. City Council, heard April 24, 2018, at the Consumer Affairs Committee.

Summary: Sight-seeing tour buses can be challenging to operate for drivers who are expected to narrate tours and otherwise interact with, entertain and attend to their passengers. The distractions associated with these competing duties could lead to traffic violations, accidents and even injuries to passengers, other vehicles and pedestrians alike. Moreover, these distractions and safety concerns may be more pronounced for double-decker tour buses because they accommodate twice as many passengers on separate levels. This law would require double-decker sight-seeing tour buses to always have at least one licensed employee present on the upper level of the bus in addition to the driver when passengers are present on the upper level. This requirement could help to alleviate distractions to drivers, thereby creating a safer environment on NYC streets.



Thomas Cloutier
2462 Valentine Ave
Apt. 42
Bronx, NY 10458
718-295-9987
tcloutier7@verizon.net
Council District 15

Please support Int. 289-A

Dear Consumer Affairs Committee,

Please support Int. 289-A for the safety of all New Yorkers. This bill requires double-decker tour buses to have a guide on the upper level.

Sincerely,

Sheila Hamanaka

West 94th St.

NY, NY 10025

Sheila

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Terricude

Address: _____

I represent: CB2 M

Address: 302th St Hill

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289-A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Adon Tebackman

Address: 39-25 27th Street FL2 LIC, NY

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/29

(PLEASE PRINT)

Name: Lionelle Hamanaka

Address: _____

I represent: _____

Address: TWC 100

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Brian Millesi

Address: 287 McGuinness Blvd #2B Brooklyn NY

I represent: RTWU Local 100

Address: Monique St, Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: MICHAEL DILLINGER

Address: _____

I represent: GANYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289-A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Sidor

Address: 24-32 21st Street #B4 Astoria NY 11102

I represent: GANYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 289 A
 in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Matthew Baker

Address: 31-75 29th St, #65 Astoria NY

I represent: GANYC

Address: _____

*289 A
in support*

**THE COUNCIL
THE CITY OF NEW YORK**

April 24

Appearance Card

I intend to appear and speak on Int. No. 289-A Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cristy Lavade-Harbo

Address: 331 East 88 St

I represent: Gaylords Assoc

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 725 Res. No. _____
 in favor in opposition

Date: 4/24/2018

(PLEASE PRINT)

Name: Manhattan BP Gale Brewer, rep by Shulamit Warren

Address: Centre St. 19th fl. Policy Director

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 723, 725, 289-A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Laura Rothrock

Address: _____

I represent: Gray Line NY City Sightseeing

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 309 Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Christina...

Address: _____

I represent: Proprietary...

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Dwaine Bogle

Address: 109 E 153rd St #31F

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289-A 723, 725, 727 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Gideon Orion Oliver

Address: 277 Broadway, Suite 1501, NY, NY 10007

I represent: TopView Sightscreening

Address: 2 E 42nd St. NY NY 10017

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brendan Rothman-Hicks

Address: 220 East 36 Street # 64 NY, NY 10016

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Paul Stewart

Address: 10 N. Fulton Ave,

I represent: Big Bus NYC, ~~10000~~ TWU Local 100

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: 4/24

(PLEASE PRINT)

Name: Lionelle Hamanaka

Address: 64W 94 ST

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 291 Res. No. _____

in favor in opposition

Date: 5/1/91

(PLEASE PRINT)

Name: Armando J. Lopez

Address: 255 West 111th Street New York NY 10025

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lynel Laverde-Hansen

Address: 331 East 88 Street

I represent: Tour guides

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Keating
Address: Dir of Special Projects for Transportation
I represent: Planning and Management
Address: NYC DOT

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. All H bills Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Chapman
Address: 2515 Glenwood Road, Brooklyn, NY 11210
I represent: Brooklyn Chamber of Commerce
Address: 335 Adams Street, Brooklyn NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cathy Adams
Address: 42 Broadway
I represent: NYC Dept of Education
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARY COLEY, Assistant Commissioner

Address: _____

I represent: NYC Dept of Correction

Address: 42 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KEVIN MARY MURPHY

Address: _____

I represent: NYC Dept of Correction

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 727 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DEVAN SIPHER

Address: _____

I represent: Families for 1st Street

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 725 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK CONDREN

Address: 345 E. 10th NY NY 10075

I represent: TAXI TOURS INC DBA Big Bus TOURS NY

Address: 723 7th Ave NY NY 10019

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0725-2018 Res. No. _____

in favor in opposition

Date: 4/25/18

(PLEASE PRINT)

Name: PETER DAVIES

Address: 548 BROADWAY CA NY 10012

I represent: BROADWAY RESIDENTS COALITION

Address: SAME AS ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

April 24

~~IN FAVOR~~
IN FAVOR

Appearance Card

I intend to appear and speak on Int. No. 289A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Judy Richheime

Address: 415 W. 23 St.

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 723/727 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTINE BERTHEU

Address: 348 W 38th

I represent: CHAPELS -

Address: Law

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ric Stoneback

Address: 359 Fort Washington Ave. Apt. 1D NYC

I represent: Tour Guides

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289-A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Leo Goodman

Address: 3168 12th St, apt 3, Astoria, NY 11102

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 289-A Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: JEFFREY L. KIBACK

Address: 510 East 86th St NY 10028

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/24/18

(PLEASE PRINT)

Name: Linda DAKOSA

Address: 47 JORALEMAN ST

I represent: BROOKLYN NY 11201

Address: _____

Please complete this card and return to the Sergeant-at-Arms

1W
Support
289

THE COUNCIL THE CITY OF NEW YORK

April
24

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John Senlak

Address: _____

I represent: Food Assoc.

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 289 723 ⁷²⁵⁻⁷²⁷ Res. No. _____

in favor in opposition

Date: 4/23/18

(PLEASE PRINT)

Name: Jane Witting

Address: 120 Broadway Suite 3340

I represent: Jessica Lappin (Downtown Alliance)

Address: 120 Broadway Suite 3740

▶ Please complete this card and return to the Sergeant-at-Arms ◀

(Circular stamp)