

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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October 6, 2011

Start: 1:15pm

Recess: 2:50pm

HELD AT: Committee Room - 16th Floor
250 Broadway

B E F O R E:

JAMES VACCA
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Margaret S. Chin
Daniel R. Garodnick
Vincent J. Gentile
David G. Greenfield
G. Oliver Koppell
Jessica S. Lappin
Ydanis A. Rodriguez
Deborah L. Rose
Eric A. Ulrich
James G. Van Bramer

A P P E A R A N C E S

Wellington Chen
Executive Director
Chinatown Partnership LDC

Christine Berthet
1st Vice Chair
Manhattan Community Board #4

Ernest Matarelli
Resident
Hell's Kitchen

Ellen Peterson Lewis
Transportation Chair
Our Streets Our Lives

Joe Azumah
Representative
Azumah Transport

Allison Tupper
Secretary
West 46th Street Block Assn.

Daniel L. Squadron
Senator 25th Senate District
New York State Senate

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2 CHAIRPERSON VACCA: Today is
3 October 6th, and I'm James Vacca, I'm Chair of the
4 City Council Committee on Transportation, and
5 we're calling this hearing today concerning safety
6 on our intercity buses, and we have three
7 resolutions we're considering today, and
8 hopefully, after your testimony, we will know even
9 more about the extent of the problem, and how our
10 country should address it. These resolutions call
11 upon the city ... call upon the state and Federal
12 government to take action. Unfortunately I must
13 tell you, this is an area where the City Council
14 has limited jurisdiction. These are interstate
15 buses, and therefore they are mostly regulated by
16 the Federal government, and to some degree the
17 state can also assist, and I think they have. I
18 want to particularly thank Council Member Margaret
19 Chin for her tireless work on this issue, and two
20 of the resolutions we are considering were put
21 forth by Council Member Chin. I must say I'm
22 extremely disappointed today that representatives
23 of the Federal government have chosen not to
24 attend this hearing. This is a Federal issue, and
25 their not attending was rationalized by them as

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2 policy. They do not attend local governmental
3 hearings in the nation, they only go to the House
4 of Representatives or the Senate. We are not
5 Duluth, we are not Kalamazoo, we are the City of
6 New York. We have nine million people here and
7 their refusing to come here, I feel, is outrageous
8 and insulting, they belong here, not only to give
9 testimony, but to answer questions. They, and the
10 Congress, have not acted as they should in an
11 appropriate and expeditious manner, to address the
12 issues that have been raised, the safety issues,
13 that affect people's lives. Now, I'm sure all of
14 you know we had a series of accidents, the first
15 one occurred in March, in my district in fact, was
16 traveling from Connecticut to Chinatown, a crash
17 happened in the north Bronx, in my district, on
18 I95, fifteen lives were lost. The driver of the
19 bus, who had previously served prison for
20 manslaughter and larceny, allegedly lied about his
21 identity to get another driver's license. He was
22 indicted this summer on manslaughter charges for
23 his role crash, when he said he had fallen asleep
24 at the wheel. Within two days of that horrific
25 crash, we learned about another incident. A bus

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2 traveling from Chinatown veered off the road on
3 the New Jersey Turnpike, killing two people,
4 including the driver, and injuring an additional
5 five passengers. And there was a third accident
6 in May, when a bus traveling from Charlotte, North
7 Carolina to New York City veered off Interstate 95
8 in Virginia. All of these crashes involved motor
9 ... involved bus companies that were already under
10 scrutiny by the Federal Motor Carrier Safety
11 Administration, which is part of the United States
12 Department of Transportation, and all three of the
13 bus companies were placed out of service by the
14 Federal government shortly after both crashes.
15 Unfortunately, the passengers involved in these
16 accidents lost their lives or injured, and their
17 families feel that what was done was too little
18 and too late. In addition to the tragic loss of
19 life, I have to say that there are other facts
20 that I find, and I'm sure my colleagues agree,
21 outrageous. New York State needs to have a
22 procedure in place for verifying the criminal
23 history of those who drive these buses, and
24 Council Member Jim Gennaro has proposed
25 legislation, has proposed a resolution, Resolution

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2 1000, which would require background checks on all
3 drivers licensed in New York State. The state now
4 requires background checks for school bus drivers,
5 but we should also require background checks for
6 anyone else who wants the privilege of busing
7 people into and out of our city, it just makes
8 sense. If such a law had been in place before
9 these crashes, the driver of the bus would never
10 have gotten a license, and it is possible that
11 those people would never have been killed. But
12 what's even more outrageous about these crashes is
13 the fact that one of these bus companies continues
14 to operate to this day, despite being shut down by
15 the Federal authorities. They just opened up
16 under a new name, transferred the buses and kept
17 on going. This is absolutely unconscionable and
18 something that demands immediate attention. I
19 understand that there are legal issues surrounding
20 this practice from switching from one corporation
21 to another corporation, and how do you stop people
22 from doing that. Well, that's the job now of the
23 Federal government, and it's the job of the
24 Congress. How could it be that a company that the
25 Federal government has stopped doing business with

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2 and shut down just changes its name and re-opens
3 with the same people and the same vehicles? Your
4 safety and my safety is at stake when that
5 happens. We intend to work closely with our
6 Congressional delegation, and we call upon
7 Congress and the President to act. The first
8 resolution, 892, by Council Member Chin, requests
9 that we pass HR 873 and Senate 453, which would
10 require all intercity buses to have seatbelts,
11 stronger windows and crush-resistant roofs. This
12 would also ask that all new bus companies have
13 safety inspections within the first 18 months of
14 operations. In fact, some of the good-faith bus
15 companies, like Megabus and Bolt, already have
16 this procedure in place voluntarily. Resolution
17 981 calls upon Congress to pass the Bus Uniform
18 Standards and Enhanced Safety Act of 2011, and
19 Council Member Chin is requesting that the Council
20 support the resolution, which would establish
21 minimum training requirements for drivers seeking
22 a commercial driver's license. The truth is that
23 no matter what happens in Washington or Albany, we
24 absolutely cannot continue to put the lives of
25 passengers at risk on these often-rogue bus

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2 companies. We need Congress to act, we need
3 Albany to cooperate, and we need to maximize
4 public safety. I want to introduce my colleagues
5 and then of course I'm going to call on Council
6 Member Chin to say a couple of words. To my
7 extreme left is Council Member Jimmy Van Bramer,
8 Council Member Gale Brewer to my left, to my
9 extreme right, Council Member Debby Rose, Council
10 Member Margaret Chin, Council Member Oliver
11 Koppell, this is Lyle Frank, counsel to the
12 Committee, and without further ado, I'd like to
13 introduce Council Member Chin- -

14 COUNCIL MEMBER KOPPELL:

15 (Interposing) Mr. Chairman, if I could just
16 interrupt, I unfortunately have another
17 obligation, and appreciate being here, and would I
18 like my name added to the two resolutions if my
19 name isn't on, and I apologize to my colleague,
20 Council Member Chin, and my other colleagues, but
21 I do have to leave, thank you.

22 CHAIRPERSON VACCA: Thank you,
23 Council Member. Council Member Chin?

24 COUNCIL MEMBER CHIN: Thank you,
25 good afternoon. First of all, I wanted to thank

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2 Chair Vacca for working with me and really is a
3 strong supporter on this, and we are disappointed
4 that the Federal government representatives are
5 not here today to help us with the answers to some
6 of these questions. I mean, mainly it is that
7 after all the bus accidents since last year, my
8 question to them is how many more people have to
9 die before they finally do something? The
10 resolution is calling on Congress to act quickly
11 to pass these legislations, so that we could
12 provide safer transportation for passengers, for
13 New Yorkers, but also for Americans across the
14 country, so we need them to act quickly, and also
15 give us the authority locally, so that we can work
16 with the bus companies who are the good guys. We
17 have to distinguish the good guys from the bad
18 guys. There are long term bus companies that are
19 in our communities that are working very hard, and
20 some of them are here today, they want to operate,
21 but they have no place to pick up and drop off
22 passengers, and we're waiting for state
23 legislation to give us the authority, so that we
24 can provide places that they can safely load up
25 passengers, unload their passengers, and provide

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2 safe conditions for them. So I just hope that
3 through today's hearing we can bring more
4 attention to this and get the Congress to act as
5 quickly as possible. And I want to thank all of
6 my colleagues who have signed on to the resolution
7 and thank the Speaker and Council Member Vacca and
8 the staff on the Committee for all their work on
9 this. Thank you.

10 CHAIRPERSON VACCA: Thank you,
11 Council Member Chin. I do want to take this
12 opportunity to summarize the testimony which we
13 will submit for the record from the New York State
14 Department of Transportation. Their testimony is
15 four pages, they go into what their role is, I'm
16 not going to read all that. I'm going to tell you
17 what the New York State Department of
18 Transportation has indicated to us they have done,
19 since the March horrific incident and the events
20 that have happened since then. New York State ...
21 this is a quote, I'm quoting now, but I will
22 paraphrase it as I go along. New York State DOT,
23 in partnership with the State Police and the New
24 York Police Department, has significantly
25 increased the number of motor coach operators

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2 undergoing roadside safety inspections. The data
3 obtained from these roadside inspections has been
4 uploaded to the Federal MCMIS database, to be used
5 to identify poor-performing drivers and motor
6 carriers. Between March 17th and October 5th of
7 this year, 4,600 roadside bus inspections were
8 performed, resulting in 850 drivers and/or
9 vehicles being placed out of service. This
10 compares with 615 buses inspected roadside in all
11 of 2010, a more than 600% increase in the number
12 of inspections performed. Motor carriers with OAS
13 violations must remedy these deficiencies before
14 the affected bus or driver can return to service.
15 These carriers must receive notice of violation
16 issued by New York State DOT, as well as the
17 united traffic tickets issued by law enforcement.
18 Also, these offences will trigger a future rating
19 that will mean that heightened interventions may
20 take place to assure future compliance. The
21 Department identified and took action against
22 eight motor carriers that had poor safety
23 performance. Five of these carriers were taking
24 appropriate corrective action, and three of these
25 carriers had their interstate operating authority

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2 revoked. The New York State Department of
3 Transportation is committed to keeping the
4 highways safe, but to do this they will work
5 toward insuring new passenger carriers entering
6 the business are safe, make certain that existing
7 carriers meet state and Federal safety standards,
8 and remove from the road carriers who are unsafe
9 and unwilling to comply with safety regulations.
10 Now, the Federal government did not submit
11 testimony, what the Federal government did is that
12 they sent us previous testimony they made before
13 House committees, so this is already a matter of
14 public record, and this is part of their absolute
15 unresponsiveness, not only did they not come
16 today, but then when I asked for written
17 testimony, since they can't come, they just mailed
18 me copies of what they testified before Congress
19 to on two occasions in the past. So I think that
20 tells you that we have some people with their
21 heads in the sand, and they do not think that
22 we're capable here, or they do not think that we
23 should be included in resolving something which
24 they should not have ... which they should have
25 addressed all this time. This talks about actions

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2 that they're taking, they have stepped up the
3 frequency of motor coach inspections, they've
4 doubled over the past five years, and not much
5 else. Most of it is informational. Much of this
6 also, I have to tell you before I call on the
7 first witness, much of this depends on what
8 Congress does with the re-authorization of the
9 Federal Transportation Act. We're hoping the
10 House and the Senate will move toward re-
11 authorizing that act, because there are members of
12 Congress, and even those in the Federal Department
13 of Transportation, who do want to insert into that
14 re-authorization further protection for those of
15 us - not myself, I don't go anywhere - but people
16 who use the buses. They want to insert further
17 protection, but without that re-authorization, and
18 we know what's happening in Washington, much of
19 Washington now is gridlocked on a partisan basis,
20 and we do not know when or if there will be a
21 Federal re-authorization of the Department of
22 Transportation funding. Council Member Brewer,
23 I'm sorry.

24 COUNCIL MEMBER BREWER: I have a
25 question for the Chairman, picking up on Council

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2 Member Chin, which she had something slightly
3 different, which is where do the buses park? And
4 the reason I ask is, whose jurisdiction it is,
5 because in mid-town we have a lot of complaints
6 around 34th Street, and of course I do have
7 hundreds of staff members, family members, and
8 constituents who look for the least-expensive bus
9 possible to travel. And if a bus has to park in
10 an expensive location, I don't even know if
11 there's room at the Port Authority, but if one
12 goes as a bus company to a more expensive
13 location, obviously the price of the ticket is
14 going to go up. So I'm trying to understand, is
15 there any place for these buses to park? And is
16 that something that is locally-decided or is that
17 also ... because right now of course they don't pay
18 to pick and to discharge, and I don't know whose
19 jurisdiction that is, and how we would address
20 that.

21 CHAIRPERSON VACCA: Council Member
22 Brewer, I thank you for that question. Council
23 Member Chin and I are also involved in Albany,
24 trying to get legislation passed, which I think
25 Senator Squadron will be here later, and he will

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2 address it. Right now, because these buses are
3 interstate, excuse me, we in the City of New York
4 do not have the power to tell them where they can
5 stop and where they can't stop. They can stop
6 anywhere they wish. Now there are some companies
7 that have taken it upon themselves to be good
8 neighbors, in the Port Authority area especially,
9 and they have consulted with community boards and
10 they have consulted with New York City Department
11 of Transportation, and they have abided by those
12 consultations and they try to be good neighbors.
13 There are many, many other companies who pick up
14 where they wish, and they do not have to seek city
15 permission, and we are trying to get them to seek
16 city permission, but in order for us to do that,
17 we have to go to the state. The state has to give
18 the city the right to request this, or to
19 legislate this. So this has become a difficult
20 thing to get our handle on, and as I think you can
21 see.

22 COUNCIL MEMBER BREWER: I just want
23 to add that in the midtown area, and in all these
24 many discussions with the community board, but I
25 have a lot of calls from Amtrak, and you know,

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2 some of the places that have been placed for the
3 buses are fine now, but have to do with
4 construction and different kinds of scenarios
5 going on in midtown, when the construction is
6 completed, Amtrak's worried they'll go back to
7 their old sites, and you're telling me that's
8 certainly possible, in that there's no decision
9 that we have or authorization as to where. So I'm
10 just saying, even though midtown may seem okay
11 now, I can tell you long-term the solution is
12 still in the making. Thank you, Mr. Chair.

13 CHAIRPERSON VACCA: Yeah, just to
14 clarify, we have the power to do parking, we don't
15 have the power to do pick-up and drop-off, and
16 that's what we're seeking. I'd like to mention my
17 colleague has joined us, Council Member Ydanis
18 Rodriguez of Manhattan, we welcome you. Okay,
19 we'll call a panel, Wellington Chen, oh, Christine
20 Berthet, come up, Ernest Matarelli. Council
21 Member Chin, please, first.

22 COUNCIL MEMBER CHIN: Yes, I just
23 wanted to address what Council Member Brewer was
24 saying. I know we have a representative here from
25 Speaker Silver's office, and we've been working

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2 with their office, and Speaker Silver actually has
3 legislation passed in the Assembly to give New
4 York City the authority to designate bus stops for
5 pick-up and drop-off. It's just that with Senator
6 Squadron here, he'll tell us like what's going on
7 in the State Senate when they can't come together
8 on that. So we're waiting for the state to give
9 us the authority so that we can designate an
10 appropriate area where these buses can pick up and
11 drop off passengers.

12 MR. CHEN: Okay. Thank you,
13 Chairman Vacca and distinguished members of the
14 Committee. Thank you for inviting me and thank
15 you for your staff, for giving me this opportunity
16 to speak. I'm Wellington Chen, I'm the Executive
17 Director of the Chinatown Partnership LDC, a non-
18 profit. I'm here to speak on behalf of our
19 organization in staunch support of Council Member
20 Chin's efforts to make this vital industry to
21 Chinatown more reliable, more predictable and a
22 lot safer. What I submitted for the Council this
23 afternoon is probably nothing new to you, this is
24 an article that just appeared within the last two
25 days, the title says, "Unsafe Buses Run Until

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2 Crashes: U.S. Fails to Act", and I don't have to
3 tell you much as the title suggests, there's
4 nothing new here. Much of what you alluded to
5 earlier, the rapid growth in the industry, the
6 demand in service, the cost-cutting, the razor-low
7 profit margin, more importantly, the reincarnated
8 carriers. They re-emerge as a different carrier,
9 it's a serious problem. And we ... there are plenty
10 of indicators, there are plenty of incidents, of
11 patterns, there are plenty of incidents to
12 document that. So, but on the other hand, I want
13 to emphasize that, you know, there are good
14 operators, as Council Member Chin alluded to, said
15 earlier, that are willing to comply, that are
16 willing to operate in a safe manner, that are
17 operating in good faith. And this industry is a
18 vital lifeblood to Chinatown, because the buses go
19 out to 25 cities across the United States. And as
20 the former Council Member here said earlier,
21 before, before his term was up, what it's about is
22 that this is busier than the Port Authority
23 location, so why is it that it's important to us,
24 because we want them to return home. We want the
25 people that are arriving in these buses to come

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2 back to Chinatown, but we want them to arrive
3 safely. And the last example I want to use is
4 this, you know, there are good operators that are
5 willing to comply with the location, with
6 predictable drop-off locations in a safe drop-off
7 area, but as I was confronted by a grandson, an
8 African-American who was asking me on Grant Street
9 one weekend, because we were having some event.
10 He was trying to pick up his grandmother who was
11 arriving from North Carolina, she took a bus. He
12 had absolutely no idea where she would be dropped
13 off, and that's uncalled-for, you know, and I
14 think that this, I hope, with your Committee and
15 Council Member Chin's lead, that this issue can be
16 resolved to make it more safe, more reliable and
17 more predictable for all. Thank you very much.

18 CHAIRPERSON VACCA: I thank you
19 very much. One thing that we felt strongly about,
20 and you do mention the safety issue, and one thing
21 we have felt strongly about is that when you go to
22 the Federal Department of Transportation website,
23 people cannot even find out, it's so hard to
24 navigate, it's impossible, it lacks in
25 transparency, you don't know how you could look

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2 for a company before you go on the bus, to see the
3 safety record of the company. It's not clear.

4 Have you gotten complaints about that from people?

5 MR. CHEN: Absolutely, I mean, just
6 imagine, you just read the blogs about the riders'
7 experiences. You are non-Chinese-speaking, you
8 just bought a ticket for one o'clock bus, and the
9 bus just got moved, now where do you find that
10 bus? And just as an illustration, the frustration
11 is enormous, so we really need to resolve the
12 issue. We want predictable, reliable ways to
13 operate this industry. Thank you.

14 CHAIRPERSON VACCA: I also think
15 there are language issues also, have you found
16 that?

17 MR. CHEN: Absolutely.

18 CHAIRPERSON VACCA: The Federal
19 government does not make allowances for language
20 diversity, language issues, right?

21 MR. CHEN: Yes, and there are
22 operators that are willing to provide, for
23 example, waiting rooms, that, you know, in
24 wintertime, you don't want them to be standing out
25 in the freezing rain. And so all these issues

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2 must come to a resolution somehow, and I hope with
3 this Committee's work that they will come to be.

4 CHAIRPERSON VACCA: Is there an
5 increased consciousness now in your community
6 about this?

7 MR. CHEN: Absolutely. I mean, I
8 think it's actually hurting our industry now, as
9 you know, another operator up in midtown has a
10 lower safety record, because of the height of our
11 Chinatown buses, as a result they rent an even
12 less-safe bus, and so it's not just the Chinatown
13 issue, it's actually an industry-wide issue.

14 CHAIRPERSON VACCA: Okay, we may
15 come back. I'll go to the other two, and then we
16 may come back.

17 MS. BERTHET: Thank you, Chair
18 Vacca, checking the condition of cities and
19 business institutions is grateful to this
20 Committee for organizing a hearing on the safety
21 of buses. While we support the provisions,
22 indeed, in the bills, we cannot support the bills
23 as written, because we believe that they should
24 encompass a lot more issues of safety that we are
25 confronted with today, and we ask that the balance

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2 of the safety issues be addressed by the law,
3 explicitly giving cities the right to regulate
4 rest stops, loading and unloading take place, what
5 routes the bus can use in the city, and how much
6 the private company should be charged to
7 compensate the city for the use of public space.
8 In midtown on the west side, there are over 1,000
9 daily departures and arrivals of long-distance
10 around 34th Street. There are 360 charter and tour
11 buses parked in the 40's, with 1,080 trips through
12 our residential neighborhood at peak periods,
13 which is seven months of the year. And indeed
14 there are also 6,000 bus trips to and from New
15 Jersey every day, with many of the buses using our
16 streets. These buses cause significant safety
17 issues for the residents and businesses at the bus
18 loading and unloading locations. The safety
19 issues are statistically large, because they occur
20 365 days a year, 24 hours a day, and often affect
21 the same persons repeatedly. For example, loading
22 and unloading of passengers that crowd the
23 sidewalk there by the hundreds with their luggage,
24 routinely force pedestrians to step into traffic
25 and in the road, because they have to go around.

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2 And buses idle for hours in place while loading
3 and unloading and while lining up for departure.
4 Although each bus typically would be three
5 minutes, first of all, to load and unload a bus of
6 50 people it takes more than three minutes, and
7 because at the stop you have bus behind bus behind
8 bus, essentially you have idling 24 hours a day,
9 which is terrible and we have had residents
10 complaining that they have to close their windows,
11 and businesses complaining that their employees
12 are getting sick because of the emissions. Buses
13 do double-park, while waiting for the loading
14 station to free up, and they will obstruct traffic
15 and pedestrian crossing, so the pedestrians cannot
16 get in the crossing. Buses cruise around the
17 residential streets waiting for the stop. These
18 safety issues are present daily, 365 days a year,
19 they affect a large group of residents, of
20 businesses, of workers going to work, of ladies
21 going to church, of children going to school. And
22 these people deserve the same attention to their
23 safety as the travelers who want to go and travel
24 at low cost. We have been, as you said,
25 repeatedly told that this is because of interstate

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2 commerce, so if the Federal government is going to
3 pass a new law, it would be appropriate to say
4 that the selection of stops and routes inside the
5 city is delegated to the city, and therefore we
6 wouldn't have to go around, and we could regulate
7 that for ourselves. And I really appreciate your
8 help in resolving that issue.

9 CHAIRPERSON VACCA: I appreciate
10 your statement. Let me clarify one or two things.
11 The Council previously passed a resolution in
12 support of legislation sponsored by Senator
13 Squadron in the Senate and Speaker Silver in the
14 Assembly that would give us authority in the City
15 of New York to regulate where these buses stop.
16 When it went to Albany, it passed the Assembly and
17 never passed the Senate.

18 MS. BERTHET: Right.

19 CHAIRPERSON VACCA: So we are still
20 sitting here waiting for that authority, because
21 our feeling was, and it is, that once we have that
22 authority, and a bus, an interstate bus company
23 has to register, then, when they have to register
24 with New York City, we can look at fee for
25 registration, we could look at transparency for

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2 the residents of our city as to their safety
3 records, we can then do a lot of things, once we
4 get a handle on it. Right now we are really
5 prohibited from getting a handle on it, that's our
6 frustration here, it's not fair, and for the
7 Federal government not even to come today, it's
8 contemptuous of our Council and of the City of New
9 York. They know the priority. The other thing I
10 wanted to mention to you, and that is, I did read
11 the testimony of New York State. New York State
12 seems to be doing a good job in increasing
13 inspections and stopping, but I want you to know,
14 the I95 corridor is the most dangerous corridor
15 for these type of buses. And don't think for a
16 minute that other states stop vehicles the way New
17 York State does. I don't know, I'm telling you
18 that I do know, rather, that other states don't
19 have as much of an aggressive policy as New York
20 State has. Many states are known for stopping
21 trucks, they're not known for stopping buses. So
22 our residents are on these buses, maybe the
23 accident would never occur in New York, but it's
24 going to occur as you go south on the New England,
25 or north on the New England, it's still our

1 residents. So that's why the Federal government-

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4 MS. BERTHET: (Interposing) Yes.

5 CHAIRPERSON VACCA: Your point is
6 correct. How bad do you see it on the sidewalks?
7 Do you see people just lined up with luggage?

8 MS. BERTHET: It's horrendous, it's
9 horrendous.

10 CHAIRPERSON VACCA: How long do
11 they ... how long does that situation exist before
12 the bus comes?

13 MS. BERTHET: Well, you know, what
14 happens is the buses ... the model of the bus
15 industry is that they don't have what you do with
16 an airline, where once the bus is full, you have
17 to wait for, you know, the next departure. What
18 they do is, they book as much as they can, and
19 once they are seated, there are more people than
20 what can be absorbed by one bus, they call other
21 buses to absorb the same. So what you could have
22 is for a departure of 50 people, you could have
23 200 people lined up.

24 CHAIRPERSON VACCA: Oh, I
25 understand.

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2 MS. BERTHET: And because people
3 know it, then they're going to come three hours in
4 advance, to catch the first one, because like it's
5 a standby. So what you have is, even though you
6 have one departure of an hour departure with say
7 it's an hour departure, there should be 50 people
8 here waiting for the four o'clock buses, you could
9 have really 300 people waiting for 15 buses coming
10 to absorb the four o'clock departure. So it's a
11 totally different standby business. And you know,
12 it's very similar to what you have in low-cost
13 airline companies, the difference is low-cost
14 airline companies are far away from the downtown,
15 and they have a lot of space.

16 CHAIRPERSON VACCA: Right.

17 MS. BERTHET: So those two business
18 models are incompatible. I mean, you know, it's
19 now on 34th Street, well, on 33rd Street, where Bold
20 Bus is, the businesses which are in front of that
21 cannot have business any more, because nobody can
22 get in or out, it's insane. On Megabus, they have
23 to hire ... to rent a parking lot to absorb the
24 people, and the parking lot is full, you have a
25 full parking lot. Plus we have now lane ... you

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2 know, separation, because we asked them we can go
3 through. So now they have taken half of the
4 sidewalk for their loading and unloading, and when
5 50 people want to load in a bus with their
6 luggage, well, you can't go through. And because
7 you have a departure every two minutes, you can't
8 go through anyway. So it's just not workable, it
9 doesn't make sense.

10 CHAIRPERSON VACCA: The buses you
11 alluded to on 33rd Street, are they at New York
12 City ... are they at least at a bus stop, or are
13 they just arbitrarily pulled into a curb?

14 MS. BERTHET: No, no, they are at a
15 bus stop.

16 CHAIRPERSON VACCA: So they're
17 taking away bus stop from- -

18 MS. BERTHET: (Interposing) No,
19 they are at a bus stop which has been dedicated
20 for them by the DOT.

21 CHAIRPERSON VACCA: Oh, so these
22 are buses that have done that.

23 MS. BERTHET: These are the buses
24 which are well-behaved and it is a disaster
25 anyway.

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2 CHAIRPERSON VACCA: Right, and they
3 are the well-behaved ones.

4 MS. BERTHET: Right.

5 CHAIRPERSON VACCA: Okay.

6 MS. BERTHET: Because just the
7 business model is not compatible with the
8 sidewalk, it's not.

9 CHAIRPERSON VACCA: Okay, I'm
10 sorry, thank you. Let me introduce just quickly
11 my colleague, David Greenfield from Brooklyn to my
12 right, who has arrived. Yes.

13 MR. MATARELLI: I'm Ernest
14 Matarelli, and I'm in the neighborhood of ... I'm a
15 resident of Hell's Kitchen, and I live right on
16 36th and 9th, and I would just like to first thank
17 Council Member Chin for addressing this issue and
18 these resolutions, and the Transportation
19 Committee for bringing light to these issues, and
20 Council Member Brewer for specifically emphasizing
21 the problems we're having in midtown. As you were
22 just having this discussion about Megabus, on a
23 daily basis I witness the problems that they bring
24 to the community, as far as lining up on the
25 sidewalks, blocking the sidewalks. You can no

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2 longer really walk down that side of the street,
3 on account of them loading and unloading their
4 passengers. So it's become a major issue for this
5 part of the city, and as an active member of the
6 community, I hear many concerns addressed about
7 this specific bus company, and also about Bolt
8 buses as well. And as Christine mentioned, they
9 are at a designated Department of Transportation
10 bus stop, that's simply not working for the
11 neighborhood. And so in regards to these
12 resolutions, while I think that they are a very
13 good start in addressing this issue to the Federal
14 government, I think it is extremely important that
15 we put a lot of emphasis on the need for local
16 communities and New York City City Council to have
17 input on regulating these ... not just the location,
18 but the operations of these buses while in the
19 city. Thank you.

20 CHAIRPERSON VACCA: Any questions
21 for our panel?

22 MR. CHEN: Chairman? I'm sorry.

23 CHAIRPERSON VACCA: No, I'm sorry.
24 Okay, go ahead, sure.

25 MR. CHEN: I just wanted to add a

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2 couple of points specific to what these two, the
3 lady and gentleman, just mentioned. For Chinatown
4 there's a different solution, and I firmly believe
5 it is a more long-term solution down the road, and
6 I think Speaker Silver's staff has been ... and the
7 community board are aware of it, and they've been
8 at least contemplating exploring that idea, which
9 is that we are very close to the three bridges,
10 you know, the Williamsburg Bridge, the Manhattan
11 Bridge. You're not going to be able to force them
12 not to idle the buses. You're not going to be
13 able to force them in winter days not to have the
14 heat on, not to have the air conditioning on when
15 it's 90 degrees outside or 100 degrees outside.
16 So one of the best solutions that we can think of,
17 and we've been advocating this, is that on the
18 locations that are right off the bridge, since
19 these buses are coming anyway, to pull them off
20 right off the ground and put them into a shelter,
21 you know, either where there's an underground
22 structure, and that you can mitigate the fumes.
23 In other words, if you put into ... and it's been
24 done in many cities, and so it's nothing new. We
25 have some locations that we suggested to DOT, to

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2 NYPD and to the community board, but that's a
3 longer-term solution that also requires Albany,
4 and I will not go into it today without causing,
5 you know, a lot of discussion. But I just want to
6 let you know that that is one of the viable
7 alternative solutions, to pull the buses off the
8 street right away, without having them ... and it's
9 not just the fumes, it's also the giant, what I
10 call the giant blockers circulating the streets,
11 looking for a place to drop off. So I think that
12 if you can engage the private industry and some of
13 the operators are willing to discuss it, this idea
14 is to, if they're willing to foot part of the cost
15 in helping us to have a greener and safer and more
16 environmentally-friendly transportation
17 alternative. Thank you.

18 CHAIRPERSON VACCA: Council Member
19 Chin and then Council Member Brewer.

20 COUNCIL MEMBER CHIN: Yeah, I ...
21 thank you for coming to testify. I mean, this is
22 a much more complicated problem, I mean, it's not
23 just downtown, it's midtown, it's the bus
24 situation that we have even in lower Manhattan.
25 But I guess the long-term ... or maybe short-term is

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2 to really look at how these bus companies do
3 business, that they sell tickets, they have no
4 designated seats, so if they do have a
5 reservation, if there's a way to really gauge, you
6 know, you fill up your 4:30 bus, and then your
7 five o'clock is another one. What's going on in
8 Chinatown, I think like a lot of the bus
9 companies, some of them are investing in waiting
10 rooms, they rent a storefront, and they actually
11 have people sitting in there. So I think that is
12 a great first step, and that will be at least a
13 good way for us to start to work with these
14 companies, to have a designated spot, maybe right
15 in front of their officer, you know, their waiting
16 area, the waiting room, and then works towards
17 really getting them to have assigned seats, and
18 have, you know, routes and so know how many buses
19 ... the schedule, so we know how many buses are
20 coming and picking up and dropping off. And
21 that's why we need that authority from the state.

22 CHAIRPERSON VACCA: Yes.

23 COUNCIL MEMBER CHIN: To start with
24 that, and then we could work with DOT to get it
25 organized, and get it implemented, and whoever the

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2 good guys are, who are willing to cooperate and
3 work with us, we'll publicize those, and the bad
4 guys who don't want to work that way, they can get
5 penalized. But I think that's something that we
6 have to just keep on top of it and get it working.
7 Thank you.

8 CHAIRPERSON VACCA: Okay. When you
9 said before that there are other locations where
10 buses can stay, who alluded to that, did Mr. Chen?
11 Did you allude to that?

12 MR. CHEN: Yes. Yeah, I mean, the
13 benefit for Chinatown is that we have some
14 slightly further locations that are, you know,
15 closer to the waterfront. There's some options
16 and also right off the bridge, since the 2nd Avenue
17 subway tunnel will be coming anyway, the typical
18 pattern now with MTA or anybody building a subway
19 is because of size and other concerns is that they
20 typically go deep, because you want to avoid the
21 danger to the trains. So they tend to dig deeper.
22 If you look at the Roosevelt Avenue new subway
23 line, for example, for the cost of doing one, they
24 do two, they're double tubing, you know, so it's a
25 double-decker. So when the 2nd Avenue subway will

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2 come down to the Chinatown area, it's a golden
3 opportunity for this community to explore the
4 option of some of the underground facilities,
5 because you will help to mitigate the diesel
6 fumes, you will cause a lot of ... a lot less of
7 these buses idling and circulating in the
8 neighborhood trying to find a place, doing a cat-
9 and-mouse game, and doing a hit-and-miss type of
10 pattern, and doing a very safe and
11 environmentally-friendly and in a very predictable
12 way, and it will be a win-win situation for
13 everybody, and the city can generate some revenue
14 as a result.

15 CHAIRPERSON VACCA: Let me ask, how
16 many buses do you think on an average day are in
17 Chinatown? How many buses?

18 MR. CHEN: Well, we do know for the
19 fact when it was reported in the press, that the
20 city ... they go to 22 cities, the Chinatown buses
21 go to 22 cities. One senior operator who's very
22 seasoned, he said it's far more than that. So we
23 really don't know, but we do know that it's a
24 growing industry, it serves a high-need district
25 where poor low-income ... it is a needed industry,

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2 and we just want them ... and by the way, on the
3 reverse side, Chinatown being so isolated, being
4 so, you know, (inaudible) still being closed and
5 we are not as relevant, we really need to connect
6 with other cities, so for them to return home.
7 And the analogy I like to use all the time is, I
8 need them to come home to, like, Thanksgiving, you
9 need them to come home to Chinatown. And because
10 the infusion is not only just the buses, it
11 affects our banking industry. Chinatown has \$6
12 billion on deposit, more deposits per capita than
13 Wall Street. Why? Because the take-out
14 restaurants from these 25 cities are being
15 deposited back in Chinatown's banking industry, so
16 there's a cause and correlation to a lot of vital
17 industries. And they come back for weddings, by
18 the way. They come back on weekends when they
19 have a day off, have giant banquets and wedding
20 ceremonies, so the photography, the photographers,
21 the wedding gowns, and the limousines, and all of
22 this are being affected by this industry.

23 CHAIRPERSON VACCA: So you're
24 telling me that these buses not being considered
25 safe by many could end up hurting the business

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community.

MR. CHEN: Right. It's already projecting a very negative image, which is not fair to the operators that are willing to comply in good faith and operating in a safe and reliable manner.

CHAIRPERSON VACCA: You're head of a partnership organization, is that a business organization?

MR. CHEN: No, no, we are a non-profit, we are created out of the ashes of 9/11, thanks to the leadership of Council Member Chin, and we are trying to help Chinatown come back, dealing with the blows of 9/11, and you know, we've got a lot of work to do.

CHAIRPERSON VACCA: If I asked you this question, are there hundreds of buses a day in Chinatown like this, are there thousands of buses?

MR. CHEN: I will answer it this way, it's a very complex issue, and City Planning, too bad I didn't have time to go into it, City Planning has produced a giant report, and I recommend this, the members of the Council to take

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2 a look at that, it's very comprehensive, they
3 identify the locations where they are at, and so
4 take a look at that report.

5 CHAIRPERSON VACCA: Have you ever
6 seen an inspector board a bus, board any of the
7 buses? Have you seen?

8 MR. CHEN: Well, you know, we
9 subscribe to all the newspapers in Chinatown, we
10 maintain clippings every day, and we do know of
11 the instances where, you know, the buses ... and
12 it's not fair to the riders. You are in need of
13 getting to a city on a schedule, and then all of a
14 sudden, because of the reaction to these safety,
15 you have inspectors showing up asking for a brake
16 check, and empty everybody out of the bus. And
17 it's not fair to the people who have paid, to also
18 then have a sudden inspection on your brake
19 system. And so that is really, I commend Council
20 Member Chin and your leadership in doing this
21 issue, is for from the consumer point of view,
22 from the customer point of view, this is uncalled
23 for as well.

24 CHAIRPERSON VACCA: Okay. Gale
25 Brewer.

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2 COUNCIL MEMBER BREWER: I'm not
3 going into Chinatown, but in terms of the midtown
4 area, what solutions, if any, has Community Board
5 #4 in their wisdom, come up with? Because
6 unfortunately, empty storefronts as waiting rooms
7 is not going to work, etc.

8 MS. BERTHET: We have suggested
9 that the space between 11th and 12th Avenues on 34th
10 Street would be ideal. There are no adjoining,
11 you know, residences, it's fairly large, it's
12 close to the highway, and eventually it will be at
13 the end of the 34th Street transit way, which will
14 be a fast way to get there. So this has been our
15 recommendation. It seems without being explicit,
16 it seems to DOT, it seems the companies are
17 interested in that location, they deem it to be
18 too far. You know, at a point in time there will
19 also be the subway, so it seems to us that this is
20 in the neighborhood the only location that would
21 make a lot of sense. And then we have also
22 started to explore for the buses above 42nd Street,
23 which are of a different nature, because for that
24 we need, not stops, we need parking, we are
25 exploring the possibility of using the Intrepid

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2 parking lots, and we are going to have discussions
3 with the shuttle and the Intrepid about sharing
4 that space.

5 COUNCIL MEMBER BREWER: Thank you
6 very much.

7 CHAIRPERSON VACCA: Thank you.
8 We'll now have on our next panel Ellen Peterson
9 Lewis, Joel Azumah, Allison Tupper. Ellen, would
10 you want to go first, please?

11 MS. LEWIS: Thank you ... am I on?
12 Okay, thank you. First of all, I wish to thank
13 the Transportation Committee for giving me the
14 opportunity to speak to you this afternoon. Our
15 Streets Our Lives advocates for the city
16 jurisdiction and community input on tour buses,
17 charter buses, commuter buses and hop-on/hop-off
18 double-decker buses. We have been working in
19 Manhattan with the West Side Clean Air Campaign,
20 West Side Neighborhood Association, Check Pads,
21 and in Brooklyn with Dumbo and the Fulton Landing
22 Group on new opportunities to influence issues of
23 bus traffic routing, parking noise and emissions.
24 I know I'm a little bit off-subject here, but I
25 would like to bring to the attention of the

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2 Transportation Committee, who also have members
3 who are or were members of the Consumer Affairs
4 Committee, that in July of this year 10% of the
5 hop-on and hop-off buses were to be equipped with
6 self-contained sound systems, and that's local law
7 2010/015. The Department of Consumer Affairs is
8 the enforcement agency. It appears that there is
9 no enforcement by the Department of Consumer
10 Affairs. During a five-hour stretch, 10:00 a.m.
11 to 3:00 p.m., I personally counted more than a
12 hundred double-decker tour buses and other tour
13 buses on Bleecker Street in Greenwich Village.
14 The passengers on the double-decker hop-on/hop-off
15 tour buses were not wearing ear buds, and I could
16 hear the guides speaking to the passengers.
17 Bleecker Street has become a major tourist
18 thoroughfare from west to east. Like many streets
19 in residential neighborhoods, its single lane for
20 moving traffic and a bike lane were never intended
21 to absorb this commercial overload. To this day,
22 community boards have issues with the lack of
23 enforcement of existing New York City laws
24 concerning buses double-parking and blocking
25 traffic, buses taking three parking spots and not

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2 feeding the meter, thus denying much-needed
3 revenue to the city, and layovers with idling
4 motors. Community boards do not have the ability
5 to designate routes where charter buses, tour
6 buses, and hop-on/hop-off buses in their
7 communities, as well as to designate pick-up and
8 drop-off areas for inner-city destination
9 passenger buses. The rapid increase of
10 interstate, intrastate charter tour and
11 sightseeing buses is still largely unregulated.
12 While a key component is the growth of the New
13 York City tourism industry, the increased traffic
14 safety and environmental impacts on residential
15 neighborhoods and congestion on major commercial
16 crossroads still need serious and thoughtful
17 attention by the City Council. while resos #892
18 and 981 and Council Member Gennaro's reso, which
19 is #1000, do not address the above, it is a
20 beginning, and Our Streets Our Lives supports the
21 three resolutions. Thank you.

22 CHAIRPERSON VACCA: Thank you.

23 Miss, could you introduce yourself please?

24 MS. TUPPER: Am I next? I'm

25 Allison Tupper, also a member of Chek Peds. What

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2 I have to say supports what some of the Council
3 members have said, and what prior testifiers have
4 said, so I will summarize it. We need to have the
5 authority to regulate the buses when they are in
6 the city, where they stop, where they park, where
7 they load and unload. We have a lot, all over the
8 city we have congestion where tour buses are
9 stopping with loads of luggage all over the
10 sidewalks, so that pedestrians have to walk into
11 the street. So, in addition to what the Federal
12 bills are saying about protecting the passengers,
13 which yes, we certainly must do, we also must
14 protect the pedestrians and residents. Thank you
15 for your time.

16 CHAIRPERSON VACCA: Sir?

17 MR. AZUMAH: My name is Joel
18 Azumah, I'm from Transport Azumah, we provide
19 charter and special services on a seasonal basis
20 to various resort locations. We would like to, I
21 guess, give some perspective on what the Federal
22 regulations are, and why they exist the way that
23 they do, and why the Feds are unlikely to be
24 responsive to your initiatives. Number one, there
25 is a site called safersys.org, that's

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2 safersys.org, which lists the safety records of
3 every single registered bus company in the United
4 States, and you can search it by name and by U.S.
5 DOT number. And in that system, with the
6 implementation of CSA 2010, which is a safety
7 initiative by the Federal government, they also
8 list a lot of the violations that in general
9 categories that each company has received over the
10 past year to two years. So we ... the notion that
11 the Federal government does not have a portal for
12 companies to be reviewed is incorrect. A lot of
13 people do not know the ... in fact, a lot of the
14 newspapers, when they report that a company is in
15 the 77 percentile of safety in category X or Y,
16 it's because they go to safersys.org, and they
17 look at various categories, such as hours of
18 service violations, various safety violations,
19 vehicle inspections, driver inspections, and that
20 type of data is broken down by national rank in
21 that system. And if you're in the bottom 10
22 percentile in the United States, the Feds hound
23 you and hound you and hound you until you comply,
24 or they go out of business. I also would like to
25 give you some perspective of an operator. I'm sort

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2 of an in-between, because I hire contractors, and
3 so I know exactly how they operate, I know how the
4 companies are supposed to operate, but I currently
5 do not operate my own equipment. If you have one
6 fatal accident, and they find something major that
7 your company or your driver contributed to that
8 accident, you will not get insurance again. Your
9 insurance will be canceled, your company will be
10 put on a black list, you will not be able to get
11 insurance anywhere. This is why carriers re-
12 incarnate. Now, the Feds have gotten really good
13 at that, and the insurance companies have gotten
14 really good at that, because what they would do
15 is, the husband would be on the initial
16 registration, and they would get blacklisted by
17 the insurance company, and the insurance company
18 gets there faster than the Feds in most cases.
19 And then they would try and re-incarnate that
20 company under their wife's name, and the insurance
21 companies are beginning to cross-match. So that's
22 happening a lot less frequently. In other cases,
23 some operators are using two authorities, and they
24 use two authorities for just that purpose, because
25 frankly, if you have a single fatal accident in

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2 your company's history, you should not go out of
3 business. There are a lot of people that would
4 like to say otherwise. But New York City is a
5 very difficult place to drive, and the insurance
6 companies don't like insuring buses in New York
7 City. There are two insurance carriers that will
8 insure in New York City, and they make it very
9 difficult for you to get insurance. So if you
10 have a lot of minor fender benders, they will also
11 say, you know what, your training program is not
12 up to snuff, we will not insure you. There was a
13 company in Long Island a couple of years ago, and
14 they have 30 buses, they've been around for 80
15 some odd years, and they had a lot of very minor
16 accidents, no fatalities, but you know, some minor
17 property damage, etc., but it was happening at a
18 frequency that was not to the liking of the
19 insurance company. So they quoted them a price of
20 \$77,000 per bus for insurance. It put them out of
21 business. I think that, you know, the Federal
22 regulations with regards to stops is really very
23 simple. The reason why the Feds take pre-eminence
24 in that is because they do not want each city
25 extorting carriers. They don't want a carrier

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2 that has to make five or six stops being
3 manhandled by five or six municipalities and
4 saying, "You have to pay this fee, and be
5 subjected to this", and you go here, you're
6 subjected to something different, and you go here,
7 you're subjected to something different. There's
8 a city in Massachusetts, which will remain
9 nameless, but this city, for example, has kept out
10 all alternative bus services because when a small,
11 little guy went in there and started to build up
12 the market, Peter Pan and Greyhound sent in buses
13 after him, and as a result, the community said,
14 "Wait a minute, there are too many buses here".
15 So that town now, in agreement with certain
16 people, decided not to let any buses there.
17 That's actually illegal, it's against Federal law,
18 because those buses were going to other states,
19 that's a restriction of interstate commerce, and
20 if the Feds wanted to be really mean about it,
21 they'd just hang on to all the Federal money until
22 you comply. You cannot have a national
23 transportation system regulated by everybody on
24 the local levels. Now I've had experience with
25 the New York City Department of Transportation bus

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2 stop management. I'm not going to get into the
3 lawsuit I have ... I'm actually involved in with the
4 New York City Department of Transportation, that's
5 tangential, but bus stop management is not that
6 easy to deal with, especially if you're a carrier
7 where you don't run the buses physically yourself,
8 you hire people. They said, "No, we're not going
9 to give you a stop, because you have to provide us
10 with the authority of your sub-contractor". But
11 you use different sub-contractors in different
12 periods. No, they're not going to give you a
13 stop. I used to have a stop with my name on it,
14 where I bring my buses, I load my people up, and
15 I'd go. And of course you don't hear my name
16 bantered about with some of the other carriers,
17 because I bring my bus three or four minutes
18 before the pick-up time, I load my people up, and
19 I'm off the curb in six or seven minutes, tops.
20 And there's enough space to park just outside of
21 the bus stop, I load my people by a fire hydrant
22 and go. So there's a lot of sort of talk about
23 regulating buses. Buses, we have to do background
24 checks on the drivers, we're inspected every six
25 months in New York State, New Jersey is every

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2 twelve months. New York State and New Jersey are
3 two of the hardest states for inspection in the
4 country. The only place that's probably harder is
5 California. California's Highway Patrol, they're
6 known for going through buses with a fine-tooth
7 comb. So the question is, how do we fix some of
8 these safety issues. I think one of the first
9 things that we should do is have consistent
10 enforcement. All of this enforcement by New York
11 State DOT, guess who's paying for it, the Feds.
12 It's part of their Federal strikeforce program,
13 where they want to do more regular checks. Now,
14 the Federal Motor Carrier Safety Administration,
15 they're not that big, they don't have very many
16 inspectors, so in states with strong DOT's, they
17 said, "Here's the money", that's why New York
18 State DOT can afford to go out and do more
19 inspections. They have a regular checkpoint that
20 they run at the Manhattan Bridge on the Brooklyn
21 side. When they are going through their quarterly
22 blitzes, they have six, seven, eight buses lined
23 up. Most of those buses are going to Chinatown,
24 by the way, and there is a pecking order of buses,
25 they triage, and they'll stop older buses first,

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2 then they stop Chinatown buses, then everybody
3 else. They're not going to say that officially on
4 the record, that is the pecking order, that is
5 what inspectors are telling carriers. Chinatown
6 is a very interesting place, and the reason it's
7 interesting is because, in transportation you want
8 to bring the service to where the demand is
9 generated. Chinatown is one of the few places in
10 New York City where they actually receive the bus
11 service for which they generate the demand for.
12 The reason that midtown has a problem is because,
13 if you want to go from the Bronx to Washington,
14 DC, you go through midtown; Brooklyn, you go
15 through midtown; Queens, you go through midtown;
16 Staten Island, you go through midtown; other parts
17 of Manhattan other than Chinatown, you go through
18 midtown; northern New Jersey, you'll go through
19 midtown; central New Jersey, you go through
20 midtown. You see my point? It's all of this bus
21 service, to serve this entire region, is clustered
22 in one place. And when you go to the Port
23 Authority and you ask for berths, they say, "We
24 have no space". They said this for seven or eight
25 years now, no space. There's an area called Area

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CHAIRPERSON VACCA: (Interposing)

One second.

MR. AZUMAH: Sure.

CHAIRPERSON VACCA: Can you clarify where you're from?

MR. AZUMAH: Transport Azumah.

CHAIRPERSON VACCA: So you represent bus companies, that's the knowledge you have?

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: Do you represent the interstate bus companies, or just- -

MR. AZUMAH: (Interposing) Interstate, that's correct.

CHAIRPERSON VACCA: How many clients do you ... or how many people in your organization? Is this an organization, or is this a- -

MR. AZUMAH: (Interposing) It is an organization, it's a company, I'm the president of it. We're pretty small.

CHAIRPERSON VACCA: Small?

MR. AZUMAH: Yes, that's why we use

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mainly contractors as opposed to our own equipment.

CHAIRPERSON VACCA: So you sub-contract.

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: To many smaller companies, but then you have big companies that are also members too?

MR. AZUMAH: What we do is we sub-contract to various bus companies that provide the services that we need.

CHAIRPERSON VACCA: Do you do special events? Council Member Brewer is asking, do you do special events?

MR. AZUMAH: Yes.

CHAIRPERSON VACCA: Do you make trips, interstate trips?

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: Okay, and these are social trips, you say here.

MR. AZUMAH: Yes.

CHAIRPERSON VACCA: I think I should say social trips.

MR. AZUMAH: Mainly social, and

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2 then we also, during the summer we do a run to the
3 Jersey shore. So we do seasonal-type work.

4 CHAIRPERSON VACCA: Okay.

5 MR. AZUMAH: I think, people say,
6 one of the things that people have said in the
7 past is, "Make everyone go to the Port Authority".
8 Well, the Port Authority has been turning away
9 people for years, and there are certain bus
10 companies there that hoard space, so the
11 competition can't get in. Then there's also
12 construction at the Port Authority, so at various
13 times certain gates are out of service, and you
14 have to move companies around. And they're afraid
15 of renting that space out because then they're
16 going to spill over on the street.

17 CHAIRPERSON VACCA: Let me ask you,
18 besides going into that, what percentage of these
19 buses do you think are truly unsafe?

20 MR. AZUMAH: I'd say probably five
21 to ten percent.

22 CHAIRPERSON VACCA: Really?

23 MR. AZUMAH: Yes. If you have an
24 accident with injuries and it's your fault, you're
25 going to lose your insurance. No one even has to

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2 die, someone just has to get injured. See, people
3 getting injured are very ... it's very expensive to
4 an insurance company. If you take someone's
5 mirror off by accident, that's one thing. if
6 someone is on your bus, three or four people get
7 hurt, the extent of their injuries can go into the
8 hundreds of thousands of dollars. So if they look
9 at you and they say you had an accident with
10 injuries, and your safety and training program is
11 not responsive to prevent these things, you will
12 lose your insurance. And that's the truth. No
13 one is afraid of the Feds. I mean, the Feds come
14 in and they check, but the real impetus is the
15 fact that if ... no one bothers you until you have a
16 problem or they figure out you're about to have a
17 problem. And that's when you can lose your
18 insurance. And once you lose your insurance, it's
19 not just your company, it's the management of the
20 company that gets blacklisted. If Transport
21 Azumah has a bus and we had a fatality on the
22 highway, Transport Azumah would like get
23 blacklisted, we would not be able to get insurance
24 in New York, in New Jersey, or in Connecticut. We
25 may have to go all the way to South Carolina,

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2 maybe. And then we have to prove that we're doing
3 work in South Carolina, because they're going to
4 come and check and look for the bus there. They
5 don't see it, you lose your insurance. That's
6 also happening to people. There are a lot of
7 companies that have out-of-town plates, because
8 they can't get insurance locally, and then the
9 insurance companies go around and they check, and
10 when they find that those companies don't have
11 local work where they're registered, they lose
12 their insurance. And I think that the Federal
13 regulations right now are adequate, as far as I'm
14 concerned. The issue is, is that the enforcement
15 will have to be a little bit more regular, I think
16 it will have to be fairer. I've had incidents,
17 for example, where I've competed against large bus
18 companies with 70, 80 buses, and they call up
19 their buddy at the Feds, and all of a sudden my
20 sub-contractors are getting stopped all over the
21 place. Things like this are causing the issue you
22 see on the street. We haven't even talked about
23 the MTA buses that are subject to the Federal
24 regulations, and no one checks them, as if MTA
25 buses don't crash, they don't burn, and people

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2 don't get injured. That's the next portion of
3 this, are you going to just assume that only
4 private intercity buses crash, or do MTA buses
5 that operate in interstate commerce crash too?

6 CHAIRPERSON VACCA: Well, let me
7 say this. I want to stick to the topic, so can
8 you conclude?

9 MR. AZUMAH: Sure.

10 CHAIRPERSON VACCA: I haven't
11 enforced the three-minute rule, but if you can
12 conclude, so I can have some people question what
13 they wish.

14 MR. AZUMAH: No problem. So
15 concluding, the Federal regulations are adequate.
16 I think that more regular enforcement, I think
17 that local knowledge of the Federal and state
18 regulations would allow more cooperation up and
19 down the chain, so that enforcement can be done on
20 an integrated basis without any loss. Thank you.

21 CHAIRPERSON VACCA: Thank you. Any
22 questions? Council Member Brewer, any questions?

23 COUNCIL MEMBER BREWER: Back to the
24 issue of parking, how do you when you do your sub-
25 contracting figure out where you're going to do

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2 your pick-up and drop-off? Do you have different
3 places, or do you have one place? How do you
4 decide?

5 MR. AZUMAH: We have a main place
6 that is within walking distance of a subway
7 station. Part of the reason why carriers don't
8 want to go to 34th between 11th and 12th is that no
9 one wants to pull their heavy suitcases, their
10 bags, all the way over there. There's not a lot
11 in terms of retail, so if you have people waiting
12 at night, it could be a concern, there's nothing
13 around there for them to wait or to patronize, and
14 parking is a very funny issue. Typically I handle
15 it this way, I will send my buses over 45th Street,
16 between 11th and 12th, which is a designated bus
17 parking area. If they come early, they sit there
18 until it's probably about ten minutes before, and
19 then they come around the block and pick up. I do
20 not have buses sit at the bus stop, the bus stop
21 is much too busy, and much too crazy, we don't
22 need to sit there. We go, we pick up, and we
23 leave.

24 COUNCIL MEMBER BREWER: If you were
25 the DOT person whom you have made mention of, how

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2 would you handle some of these parking issues? In
3 other words, put your foot in the other place,
4 because you have a certain number of people pre-
5 registered, so to speak, whereas these other buses
6 seem to have this overflow issue. So do you think
7 that there is a solution to this parking problem,
8 if you were the DOT person?

9 MR. AZUMAH: Yes, I think that, in
10 terms of Bolt Bus and Megabus, I think they're
11 loading too many destinations at a single point.
12 So what's happening is, is that if their buses get
13 stuck in traffic, and they come in late from other
14 cities, they're having late turnarounds, so they
15 may schedule buses to be 15 minutes apart, but
16 they're running into each other. And the Megabus
17 buses have 81 seats each, so having that kind of
18 crush at one place causes problems. I think the
19 best way to do it would be to have Baltimore load
20 at one stop, and then have, you know, you'll have
21 Boston load at another stop, maybe a block or two
22 away, to spread out the impact. It makes it a
23 little bit harder to manage, but in terms of
24 street space and the volume of people, it will
25 allow one area not to be crushed with 300 people.

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2 Because it's not really their intention to have
3 that many people at one place, it's the fact that,
4 if you're running holiday sections you can get
5 into the overflow. But Bolt Bus and Megabus, I
6 know for a fact they cap on most weekends, so when
7 you have 200, 300 people, it's because of late
8 equipment, and if they would distribute their bus
9 stops in sort of an area, but not all at the same
10 site, you would lessen the local impact.

11 COUNCIL MEMBER BREWER: That may
12 not work for the community, but it's an idea.
13 Thank you very much.

14 CHAIRPERSON VACCA: In your
15 estimation, how many bus companies are closed down
16 and then re-opened under a different corporate
17 name? Is that a very common practice in the
18 industry?

19 MR. AZUMAH: It used to be more
20 common when the insurance companies didn't cross-
21 match. And often it wouldn't be done for safety
22 reasons, it would be done strictly to get
23 insurance. Most companies did it because a
24 particular ... for example, if- -

25 CHAIRPERSON VACCA: (Interposing)

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But you saw the article in yesterday's Times?

MR. AZUMAH: I saw the article about Worldwide.

CHAIRPERSON VACCA: How did that happen, in your opinion? The insurance company must have gone along with this company re-designating itself under a different LLC.

MR. AZUMAH: No, the company Great Escapes existed for three, four, five years. That's not a new company, it wasn't created because of the Worldwide accident, they were actually running the two companies in tandem.

CHAIRPERSON VACCA: Oh, so they just closed the other company and combined them with the pre-existing one?

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: And the drivers and the buses are the same.

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: How do we condone something like that, when it comes to passenger safety, how do we condone something like that?

MR. AZUMAH: Because if you make

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one mistake, I don't expect you to get fired. I think, this is- -

CHAIRPERSON VACCA: (Interposing)

The only mistake was in this case in the Bronx, where I can look it up, but I think fourteen people lost their lives.

MR. AZUMAH: That's correct. This driver- -

CHAIRPERSON VACCA: (Interposing)

That's a significant mistake, wouldn't you- -

MR. AZUMAH: (Interposing) It's a significant- -

CHAIRPERSON VACCA: (Interposing) ... think so?

MR. AZUMAH: It's a significant mistake, but let's take a look at this analytically. You have a driver, which gave the bus company an alias. Now, I run his alias in the background check system, it's going to come up clean, we don't know his history. So what this means is that since he gave the bus company an alias, his prior driving record did not come up and he could not be screened out. Remember, humans are the weak link in these systems.

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2 CHAIRPERSON VACCA: But doesn't it
3 say something to you that New York State increased
4 their enforcement since the March accident on the
5 New England Thruway 600% in one year.

6 MR. AZUMAH: Sure.

7 CHAIRPERSON VACCA: And that's paid
8 for- -

9 MR. AZUMAH: (Interposing) Because
10 they- -

11 CHAIRPERSON VACCA: (Interposing)
12 That was paid for by the Federal government, as
13 you indicated.

14 MR. AZUMAH: That's correct.

15 CHAIRPERSON VACCA: Doesn't that
16 indicate to you that prior to that accident, if
17 you then had an increase in enforcement of 600% in
18 one year, that something was not being enforced
19 before the date of that accident that should have
20 been enforced, that there was not the diligence
21 that should have existed?

22 MR. AZUMAH: The agencies cry
23 funding, they're always crying funding.

24 CHAIRPERSON VACCA: I'm a New York
25 City Councilman, every agency cries funding.

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MR. AZUMAH: Okay, so- -

CHAIRPERSON VACCA: (Interposing)

That's all I hear, and that's all I'm going to hear.

MR. AZUMAH: Right.

CHAIRPERSON VACCA: That's not an

excuse for jeopardizing public safety, I don't accept it as an excuse.

MR. AZUMAH: It is a- -

CHAIRPERSON VACCA: (Interposing)

All of a sudden, after those people lost their lives, funding just flowed?

MR. AZUMAH: That's how it works.

CHAIRPERSON VACCA: Well, how do

we- -

MR. AZUMAH: (Interposing) The

regulations- -

CHAIRPERSON VACCA: (Interposing)

How do we tell those families that we were negligent for so long, but now somebody woke us up? Rip Van Winkle was awoken.

MR. AZUMAH: We tell people that every day. I mean, for example, at Great Adventure New Jersey, they have a regular

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2 checkpoint for buses. At Great Adventure and in
3 Atlantic City, and those regular checkpoints came
4 about because of a series of accidents in the mid-
5 90's. They had a cluster of accidents on the
6 parkway, and they decided that they were going to
7 go to those locations and run checkpoints. So as
8 a result, bus safety at those locations has
9 improved. The flip side of that card is, is that
10 patronage of those locations has also gone down.
11 Now what we have to deal with is what the
12 realities are. The reality is, it's not legal
13 under Federal law to drive a bus 15 miles an hour
14 above the speed limit and weave through lanes.
15 It's not legal to falsify logs, it's not legal for
16 behavior that caused that accident to take place,
17 and at some point bus companies can only do so
18 much to protect themselves from drivers that want
19 to behave in this manner. This bus had a GPS
20 system on it. Some buses have a drive-cam on it;
21 drive-cam helps with driver behavior- -

22 CHAIRPERSON VACCA: (Interposing)

23 If bus companies cannot do enough to protect
24 themselves from the drivers they hire, they
25 shouldn't be in the business. I don't understand

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2 a remark like that, sir, I'm sorry. Drivers have
3 to protect themselves, businesses have to protect
4 themselves from their own drivers? What does the
5 passenger say? We have to protect ourselves from
6 the owners and the drivers.

7 MR. AZUMAH: If you only- -

8 CHAIRPERSON VACCA: (Interposing) I
9 don't understand the concept- -

10 MR. AZUMAH: (Interposing) If you
11 only- -

12 CHAIRPERSON VACCA: (Interposing) I
13 don't understand the dimensions of your answer, or
14 your statement.

15 MR. AZUMAH: I mean, I'm being very
16 honest with you.

17 CHAIRPERSON VACCA: No, I know
18 you're being very honest, it's frightening.

19 MR. AZUMAH: Of course it's
20 frightening. What do you think if on the other
21 end you find out that your driver, for example,
22 when he's supposed to be off for eight hours
23 resting, he only got three hours sleep in that
24 rest period, and then he goes out on the highway-

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CHAIRPERSON VACCA: (Interposing)

What do you do? You fire him? That's against the Federal guidelines.

MR. AZUMAH: No it's not.

CHAIRPERSON VACCA: The Federal guidelines- -

MR. AZUMAH: (Interposing) No, no, no, no, see, this is- -

CHAIRPERSON VACCA: (Interposing)

Two days ago, a bus was stopped coming from Boston into Manhattan in Van Cortlandt Park in the Bronx, because ... it wasn't stopped, I take it back. The driver voluntarily stopped because he thought he had exceeded the maximum number of hours allowed for him to drive by the Federal government.

MR. AZUMAH: That's correct.

CHAIRPERSON VACCA: There is a standard and a guideline as to the maximum number of hours. So if you're a bus company and you find one of your drivers exceeding the maximum number of hours that the Federal government allows, you take disciplinary action.

MR. AZUMAH: You didn't hear what I said, so I'll repeat it. Okay? I ... when I said

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2 that this ... that you cannot control what the
3 drivers ... I can give a driver eight hours off for
4 his rest period, and the driver not rest. This is
5 the point I'm making, when you hear about a driver
6 on the road that was pulled off the road for
7 fatigued driving, you can be well within your
8 hours and be fatigued.

9 CHAIRPERSON VACCA: Yes, of course.

10 MR. AZUMAH: So the bottom line is,
11 is that at some point, drivers have to be held to
12 a certain standard as well. It's not just the bus
13 company is negligent because we sent someone out
14 tired. If a driver does not ... and it happens a
15 lot. The drivers may have an hour drive back
16 home, and they may only get four or five hours of
17 sleep, and they know they've got four or five of
18 sleep, they will never tell the dispatcher they
19 got four or five hours of sleep.

20 CHAIRPERSON VACCA: Okay.

21 MR. AZUMAH: So it's important that
22 that is not a reflection of the bus company's
23 safety protocol, it's a reflection of the reality
24 that after a driver leaves work, we do not control
25 how much rest they get on their rest period.

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2 CHAIRPERSON VACCA: I want to thank
3 ... I kept you a long time, thank you very much.

4 COUNCIL MEMBER BREWER: I just want
5 to say, I think this is a really great speaker, we
6 don't always have to agree, but I haven't seen
7 such honesty in a long time.

8 CHAIRPERSON VACCA: I agree. I
9 appreciate honesty and I disagree with you
10 respectfully.

11 MR. AZUMAH: Sure. Well, we sit on
12 different sides of the table, but I mean, I want
13 you ... we have to work together, because if you
14 fight me, I call Washington, and I say, "This guy
15 is trying to bury me", you understand. This is
16 what bus ... if we fight each other, this is what's
17 going to happen. This guy is trying to bury me,
18 I'm a small businessman, I pay taxes, I'm trying
19 to follow the rules, and all I get is regulations
20 and no help to follow them. If we work together,
21 then the Feds will come along, and we won't have
22 to go through the process of passing the bills.

23 CHAIRPERSON VACCA: All right,
24 thank you. Thank you, thank you, ladies. Now,
25 I'm told Senator Squadron ... oh yes, okay, Senator

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Squadron is here, he is our last witness- -

COUNCIL MEMBER BREWER:

(Interposing) We won't be through with him.

SENATOR SQUADRON: Yes, thank you.

COUNCIL MEMBER BREWER: You're welcome. He wants that.

SENATOR SQUADRON: I will not be as good as the last witness, I'd like the record to show ahead of time.

CHAIRPERSON VACCA: I take you at your word.

SENATOR SQUADRON: I'd like to keep expectations as low as possible, with the help of Council Member Brewer. Thank you, Mr. Chairman, for holding this hearing, it's very important, and thank you for your understanding of a personal matter that has forced me to be last, rather than earlier. We are clearly not building to me, as we already spoke about, but I still think it's very important. I'm submitting testimony as well, so I'm not going to read it verbatim, I am going to refer to it a little bit. The resolution that is under consideration today talks about two Federal bills and a state bill, and we think that it's

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2 important to talk about all of them, because we
3 all know just how severe the bus problem is right
4 now, and it's severe because of what's gotten
5 headlines, which have been the terrible tragedies
6 that we've seen again and again in the last months
7 and over the years. And it's also a problem
8 because in communities across New York, the way
9 that buses operate right now is a major quality-
10 of-life concern. That's true in my local area, I
11 represent the Chinatown area, which has had a
12 profusion of so-called Chinatown buses, which are
13 low-cost carriers that when they're working, make
14 it a better market for everyone, they provide
15 cheap intercity bus travel. When they're not
16 working, there are major safety concerns and
17 enormous quality-of-life concerns in the
18 community. And dealing with that at the city,
19 state and Federal level is absolutely critical.
20 The two pieces of Federal legislation in the
21 resolution would both be an improvement over the
22 status quo. I do want to point out that the Motor
23 Coach Enhanced Safety Act of 2011 is the one
24 that's earned the support of Senator Schumer and
25 Gillibrand, it's the one that has mandatory rather

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2 than suggested standards, and it's the one that
3 would go into effect more quickly, so I would
4 really highlight that. Look, both bills would be
5 an improvement, both HR 1390, the Bus Uniform
6 Standards and Enhanced Safety Act, and the Motor
7 Coach Enhanced Safety Act, but the Motor Coach
8 Enhanced Safety Act is the one that our
9 representatives in DC have been pushing for and
10 taking the lead on, and is really the one that I
11 would urge focusing on. In addition, the
12 resolution talks about a bill that I had the
13 privilege to vote for this previous session,
14 Senate Bill 5171B, which would strengthen the
15 requirements for bus drivers, including mandatory
16 background checks. I do support the bill, I think
17 it's a good bill. However, none of those bills,
18 neither the bill I voted for in the Senate nor
19 either of the Federal bills, deal with one of the
20 biggest problems that we have, which is how do we
21 in New York City and New York State take control
22 of a problem where there is frankly venue
23 shopping? We saw it recently reported in the New
24 York Times just this week that the bus company
25 that had one of the worst tragedies, the one in

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2 the Bronx, is now operating under a different name
3 from a different location. Again and again we see
4 that problem, and especially at the state and city
5 level. Even the state bill that I voted for, it's
6 great for drivers who are registered here in New
7 York State, but it does nothing about drivers who
8 decide to go and register in New Jersey or
9 Connecticut or any one of the other 49 states.
10 The legislation, I carry a piece of legislation
11 that I authored along with Speaker Silver and
12 Council Member Chin, the legislation was just put
13 in my left hand as we speak, that would create a
14 bus permit system on the streets of New York. It
15 would actually allow the City Council to create a
16 bus permit system on the City of New York, and it
17 would be very simple. Any bus that picked up and
18 dropped off, picked up and dropped off anywhere in
19 the city, in order to have that curb space, would
20 need to get a permit from the City Department of
21 Transportation, need to fill out an application,
22 you would need to know who the principals of that
23 company were, you would need to know where that
24 company was based, you would need to know how many
25 vehicles they had, and what vehicles they had, and

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2 that would be the only way to allow pick-ups and
3 drop-offs in the City of New York. This is a
4 major quality-of-life piece of legislation, for
5 obvious reasons. We could, rather than have
6 random patches of sidewalk throughout Chinatown
7 and many other communities turn into bus depots,
8 we could decide where they are, based on a logical
9 thought process that includes the community board,
10 that includes the MTA. But it is also a major
11 safety measure, and that can't be lost. If New
12 York City had a bus permit system, New York City
13 would know every bus company that served New
14 Yorkers. It would know who the principals were,
15 it would know what vehicles they had, it would
16 know where they were based. You would be able to
17 use that information at the local level, at the
18 state level and at the Federal level, to cross
19 check with the Federal Motor Carrier Safety
20 Administration. A lot of that data is public,
21 even more of that data is available to state and
22 local governments if they're interested. It's not
23 useful unless you know who the bus companies are.
24 New York City could become the canary in the coal
25 mine, could signal the problems just as the canary

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2 in the coal mine does, if we knew what bus
3 companies were operating here, and if city DOT and
4 the other oversight agencies at the state and city
5 level, used that information to highlight which
6 companies were having problems before tragedies
7 occurred. We know the Federal government is under
8 enormous pressures right now with spending, we
9 know that the Federal oversight has not been what
10 it should be. The bill that Senators Schumer and
11 Gillibrand support is one solution, the bill that
12 I had the privilege of voting for is another
13 solution, but neither will work as well as having
14 a layer ... for New York City government to have
15 that database and be searching first, focusing on
16 those folks who operate here and serve our
17 constituents, the citizens of this city, and
18 that's why I really urge this Committee and either
19 in this resolution or a future resolution, in
20 addition to the meritorious bills that are already
21 being supported, to please support the bill that
22 myself and Speaker Silver carry and wrote along
23 with your colleague, Council Member Chin.

24 CHAIRPERSON VACCA: Thank you,
25 Senator. Senator, we have already supported that

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bill.

SENATOR SQUADRON: Excellent.

CHAIRPERSON VACCA: Your bill and Speaker Silver's bill has the support of this body, of your resolution. Let me ask you the status of the bill, it was passed in the Assembly but it did not ... did it fail in the Senate or did not pass yet in the Senate? Where do we stand with this bill?

SENATOR SQUADRON: Well, let me very briefly give you a picture of the joys of a bi-cameral legislature. It passed the Assembly, in the Senate an additional bill I carry, a very, very similar bill with just a couple of tweaks, including one relevant to the City Council's role, is carried by a colleague of mine, Senator Golden of Brooklyn. And unfortunately neither that bill nor my bill moved out of the Senate. Look, the difference between the bill that the Speaker and I carry, and the bill that Senator Golden carries, is details, technical details in almost every way. In fact, in both cases the Council does have a role, as it should. The problem is, that I don't think that everyone has gotten together and said,

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2 "Let's put those details aside, this is a quality-
3 of-life issue, but also ... this is a quality-of-
4 life issue, but also a critical safety issue that
5 has to be solved now." So I do appreciate it's
6 important to pass and in fact the Home Rule that
7 passed for the bill, the bill that Speaker Silver
8 and I carried, we need to keep pushing, because we
9 only got it out of one house, and now we have
10 competing bills, and you know what sometimes
11 happens up there, is you get a bill out of both
12 houses, and you still don't get the law, and we
13 can't let that happen.

14 CHAIRPERSON VACCA: Just on a
15 process issue, Albany has adjourned and you're not
16 expected to go back until January, is that true?

17 SENATOR SQUADRON: That is true.
18 You know, I found that in Albany, you know,
19 January 1st is basically tomorrow, in terms of
20 getting everything in line to get this bill
21 passed. This bill should have passed a year ago,
22 we continue to see tragedies. I'd like to see it
23 one of the first pieces of business when we go
24 back.

25 CHAIRPERSON VACCA: Does the

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Assembly have to vote again, or they have to re-
vote?

SENATOR SQUADRON: They do.

CHAIRPERSON VACCA: So we're
starting over, basically.

SENATOR SQUADRON: That's right.

As you know, they, you know, supported it
strongly, the Speaker obviously has supported it
strongly and pushed for it, so the question is,
can we get to a so-called same-as, can we get two
similar bills, two identical bills out of both
houses, and do it early in the session.

CHAIRPERSON VACCA: Well, I want to
thank you and the Speaker, and of course we want
to be supportive, in any way we can. And we do
consider it a priority, insomuch as this is ...
insomuch as this Committee is concerned, we
focused on this issue a lot. Margaret Chin has
been in the lead of this, the original bus
accident in March occurred in my district, in the
Bronx, so both of us are very concerned that we
don't have a handle on this right now. Here in
the city we don't have any jurisdiction at all,
and unless we have some vehicle to assert

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2 ourselves and then engage in that process of
3 asserting ourselves even further, we are dependent
4 on people that are not here in the city, that are
5 hard to reach, and who have other priorities and
6 it just has not worked in the past that the
7 Federal government, I feel, has exerted power
8 where they should have. Since the accident, the
9 state has been fantastic, the state has really
10 come to our rescue in a way, because their
11 enforcement has gone up 600%, but a lot of things
12 should have been done before that accident by the
13 Federal government, and they were not.

14 SENATOR SQUADRON: Mr. Chairman,
15 you could not have said it any better, and you
16 know, sometimes when that happens on the local
17 level, we need to gather the tools ourselves, and
18 then show the Federal government what to do. And
19 just the one final point that I should have made,
20 and it's apropos of the previous testifier, one
21 great thing about this, most of the bus companies
22 support this permit legislation too. The ones who
23 aren't fly-by-night, they don't want to be
24 competing for sidewalk space, they don't want to
25 be hiding their basic information. The serious

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2 bus companies actually would prefer we had bus
3 permit legislation in New York City, as opposed to
4 not having it.

5 CHAIRPERSON VACCA: Gale Brewer.

6 COUNCIL MEMBER BREWER: Thank you.

7 I think it's a great bill, but how would it ... sure
8 it would help on the safety front. Would it help
9 some way in drop-off and pick-up, because I am
10 more familiar with the midtown area than the
11 Chinatown area, and I think we all want to keep,
12 definitely Wellington spoke articulately about the
13 need to keep the transportation, you agree, and
14 certainly the low cost is great for consumers. So
15 how does this bill assist with the location?
16 Wellington has some suggestions long-term in terms
17 of under the bridges, and some great ideas, but
18 that's not tomorrow. Are there some ways that
19 this could help with pick-up, drop-off locations
20 and having some say over that?

21 SENATOR SQUADRON: Well in fact,
22 you know, and interestingly, the inspiration for
23 this bill had to do with what we see as a wild-
24 west lack of regulation on exactly that, on simple
25 pick-up and drop-off on sidewalks. I'm sure

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2 Wellington talked about it and you know it's true
3 in the Chinatown area, the simple quality-of-life
4 costs on sidewalks, the way the folks wait for
5 these buses, the way they pick up and drop off,
6 the way they double park, the way they idle.

7 MALE VOICE: The MTA buses.

8 SENATOR SQUADRON: The bus permit
9 legislation at its core is very simple, it says
10 you can only pick up and drop off in locations
11 you're permitted to do it, at times that you're
12 permitted to do it. That's not just true in
13 Chinatown, that's true citywide. Now in midtown,
14 in some of the cases, there have actually sort of
15 been voluntary agreements between some of the
16 companies, the DOT and the community, and in some
17 cases they work better and in some cases they've
18 worked less well. In no case did they have teeth
19 or force of law. With this permit legislation,
20 they certainly would. You know, it's funny, I
21 actually think of the permit legislation the other
22 way. What it does most obviously is it fixes the
23 problem on the sidewalks with the pick-ups and
24 drop-offs. What is a little less obvious, but has
25 become so clearly important, as the Chairman

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2 talked about eloquently, is the need to also have
3 some local mechanism, some vehicle, as he put it,
4 on safety. And so what this legislation would do
5 is both, and I don't think we can forget either.

6 CHAIRPERSON VACCA: One thing I do
7 want to mention, Senator, is that when it comes to
8 establishing bus routes in the City of New York,
9 non-MTA bus routes, we don't have that authority,
10 the state has that authority, and it's something
11 that I'd like to look at. Is that something
12 Albany is looking at, granting New York City a
13 little more authority insomuch as establishing bus
14 routes for non-city MTA buses are concerned?

15 SENATOR SQUADRON: Well, you know,
16 there's an issue, and this is an issue with our
17 legislation too, I would ... it's akin to a bus
18 trying to negotiate some of the narrower streets
19 in the Financial District. There's a lot of
20 Federal pre-emption here, not so much the state
21 saying we can't do this, but actually the Federal
22 government preventing what we can do. So the bus
23 permit legislation is very clearly based just on
24 the time and matter of sidewalks, because we
25 can't, we can't locally, either at the state or

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2 the city level. For example, any route that is a
3 truck, any route that has the same weight and
4 other regulations, we can't then say a bus isn't
5 allowed to go on it. Any route that an MTA bus is
6 allowed to go on, you're not allowed, under
7 Federal guidelines, say you can't have another bus
8 go. And it's even true, there's, you know, you
9 can be cute about it, but it's true sort of in the
10 broadest sense, even on truck routes and a bunch
11 of other sort of broad streets that aren't
12 restricted. It's not so much a state regulation
13 as a Federal pre-emption, which is, you know,
14 which is one reason, you know, as you ... you know,
15 we're trying to find that vehicle, it's got to be
16 a nimble vehicle, because it's got to be
17 appropriate relative to the Federal guidelines.
18 This bus permit legislation in the Speaker's, your
19 and my view, and Council Member Chin's view, is
20 about as aggressive as you can get and still be on
21 the correct side of Federal pre-emption.

22 CHAIRPERSON VACCA: I appreciate
23 your coming and I know that you described in
24 appropriate detail the conundrum for the city,
25 state and Federal. I appreciate you doing what

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you can for us on the state level, and we look forward to passage of Speaker Silver's and your bill.

SENATOR SQUADRON: Thank you so much.

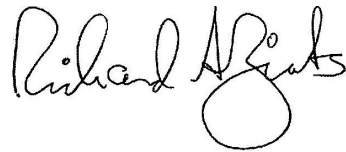
CHAIRPERSON VACCA: Thank you.

SENATOR SQUADRON: Thank you for highlighting this issue.

CHAIRPERSON VACCA: Thank you, Senator. Are there any other witnesses? There being none, it is ten to 3:00, and this hearing is now adjourned.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date _____ October 19, 2011 _____